

# **SESSION LAWS OF MISSOURI**

**Passed during the**

## **NINETY-NINTH GENERAL ASSEMBLY**

Second Regular Session, which convened at the City of Jefferson,  
Wednesday, January 3, 2018, and adjourned Wednesday, May 30, 2018.  
and

First Special Session, which convened at the City of Jefferson,  
Friday, May 18, 2018, and adjourned Monday, June 11, 2018.  
and

First Extraordinary Session (2018), which convened at the City of Jefferson,  
Monday, September 10, 2018, and adjourned Wednesday, September 19, 2018.

Veto Session held September 12, 2018



**Published by the**

**MISSOURI JOINT  
COMMITTEE ON  
LEGISLATIVE RESEARCH**

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

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## HOW TO USE THE SESSION LAWS

The first pages contain the *Table of Sections Affected by 2018 Legislation* from the Second Regular Session of the 99th General Assembly, followed by the First Extraordinary Session (2018) of the 99th General Assembly.

The text of all 2018 House and Senate Bills and the Concurrent Resolutions from the Second Regular Session appears next. The appropriation bills are presented first, with all others following in numerical order.

After the text from the Second Regular Session, the text of the 2018 House Bill 2 and House Bill 3 from the First Extraordinary Session (2018) of the 99th General Assembly follows.

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

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

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## AUTHORITY FOR PUBLISHING SESSION LAWS AND RESOLUTIONS

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

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

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The Joint Committee on Legislative Research is pleased to state that the 2018 Session Laws of Missouri is printed with soy-based ink.

**ATTESTATION**

STATE OF MISSOURI        )  
  ) ss.  
City of Jefferson         )

I, Russ Hembree, Revisor of Statutes, hereby certify that I have collated carefully the laws and resolutions passed by the Ninety-ninth General Assembly of the State of Missouri, convened in second regular session and first extraordinary session (2018), as they are contained in the following pages, and have compared them with the original rolls and have corrected them thereby. Headnotes are used for the convenience of the reader and are not part of the laws they precede.

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

RUSS HEMBREE  
REVISOR OF STATUTES

**EFFECTIVE DATE OF LAWS**

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

**Section 29, Article III of the Constitution provides:**

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

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

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

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

The Ninety-ninth General Assembly, Second Regular Session, convened Wednesday, January 3, 2018, and adjourned Wednesday, May 30, 2018. All laws passed by it (other than appropriation acts, those having emergency clauses or different effective dates) became effective ninety days thereafter on August 28, 2018.

The Ninety-ninth General Assembly, First Extraordinary Session (2018), convened Monday, September 10, 2018, and adjourned Wednesday, September 19, 2018. The bills passed by it became effective ninety days thereafter on December 18, 2018.

## JOINT RESOLUTIONS AND INITIATIVE PETITIONS

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

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

The Ninety-ninth General Assembly (Second Regular Session and First Extraordinary Session (2018)) passed one Joint Resolution. Resolutions are to be published as provided in Section 116.340, RSMo 2016, which reads:

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

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

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The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2018 Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

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**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
99TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
8.003	Amended	SB 843	32.315	New	HB 1446
8.007	Amended	SB 843	33.295	Repealed	SRB 975
8.010	Amended	SB 843	33.700	Repealed	SRB 975
8.012	Amended	SB 573	33.710	Repealed	SRB 975
8.015	Amended	SB 843	33.720	Repealed	SRB 975
8.017	Amended	SB 843	33.730	Repealed	SRB 975
8.800	Amended	SRB 975	34.010	Amended	SB 807
8.805	Amended	SRB 975	34.010	Amended	HB 1879
8.830	Amended	SRB 975	34.165	Amended	HB 1879
8.843	Amended	SRB 975	34.378	Amended	HB 1531
9.158	New	SB 718	36.020	Amended	SB 1007
9.158	New	SB 951	36.025	New	SB 1007
9.192	New	SB 718	36.030	Amended	SB 1007
9.192	New	SB 951	36.031	Amended	SB 1007
9.270	New	SB 660	36.040	Amended	SB 1007
9.277	New	SB 891	36.050	Amended	SB 1007
21.795	Amended	SB 881	36.060	Amended	SB 1007
21.851	New	HB 1355	36.070	Amended	SB 1007
30.270	Amended	SB 769	36.080	Amended	SB 1007
30.270	Amended	HB 1879	36.090	Amended	SB 1007
30.750	Amended	SB 573	36.100	Amended	SB 1007
30.750	Amended	HB 1503	36.110	Amended	SB 1007
30.756	Amended	SB 573	36.120	Amended	SB 1007
30.756	Amended	HB 1503	36.130	Amended	SB 1007
32.069	Amended	HB 1858	36.140	Amended	SB 1007
32.087	Amended	SB 773	36.150	Amended	SB 1007
32.200	Amended	SB 884	36.170	Amended	SB 1007
32.310	New	HB 1858	36.180	Amended	SB 1007
32.315	New	SB 773	36.190	Amended	SB 1007

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
99TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
36.200	Amended	SB 1007	41.080	Amended	HB 1503
36.210	Repealed	SB 1007	41.110	Amended	HB 1469
36.220	Amended	SB 1007	41.110	Amended	HB 1503
36.225	Amended	SB 1007	41.260	Amended	HB 1469
36.240	Amended	SB 1007	41.260	Amended	HB 1503
36.250	Amended	SB 1007	41.450	Amended	HB 1469
36.260	Repealed	SB 1007	41.450	Amended	HB 1503
36.270	Repealed	SB 1007	41.460	Amended	HB 1469
36.280	Amended	SB 1007	41.460	Amended	HB 1503
36.290	Repealed	SB 1007	41.490	Amended	HB 1469
36.300	Repealed	SB 1007	41.490	Amended	HB 1503
36.310	Repealed	SB 1007	41.500	Amended	HB 1469
36.320	Amended	SB 1007	41.500	Amended	HB 1503
36.340	Amended	SB 1007	41.657	New	HB 1291
36.360	Repealed	SB 1007	41.657	New	HB 1504
36.380	Amended	SB 1007	41.1010	Amended	SB 573
36.390	Amended	SB 1007	41.1010	Amended	SB 843
36.400	Amended	SB 1007	42.300	Amended	SRB 975
36.440	Amended	SB 1007	42.380	New	SB 573
36.470	Repealed	SB 1007	43.401	Amended	HB 1456
36.510	Amended	SB 1007	43.500	Amended	HB 1350
37.010	Amended	SB 1007	43.503	Amended	HB 1350
37.020	Amended	SB 802	43.504	Amended	HB 1350
37.940	New	SB 819	43.505	Amended	HB 1355
41.050	Amended	HB 1469	43.506	Amended	HB 1350
41.050	Amended	HB 1503	43.507	Amended	HB 1355
41.070	Amended	HB 1469	43.509	Amended	HB 1350
41.070	Amended	HB 1503	43.527	Amended	HB 1350
41.080	Amended	HB 1469	43.530	Amended	HB 1350

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
99TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
43.535	Amended	HB 1350	57.117	Amended	HB 1355
43.540	Amended	HB 1350	57.450	Amended	SB 652
43.543	Amended	HB 1350	57.450	Amended	HB 1355
43.546	Amended	HB 1350	59.800	Amended	HB 1291
43.547	Amended	HB 1350	61.081	Repealed	SRB 975
43.650	Amended	SB 655	65.610	Amended	SB 592
44.091	New	HB 1355	65.610	Amended	HB 1291
44.098	New	SB 870	65.620	Amended	SB 592
44.098	New	HB 1355	65.620	Amended	HB 1291
44.105	Amended	SRB 975	67.085	Amended	SB 769
49.060	Amended	HB 1428	67.085	Amended	HB 1879
50.327	Amended	SB 568	67.398	Vetoed	HB 2562
50.333	Amended	SB 568	67.410	Vetoed	HB 2562
50.660	Amended	HB 1879	67.1830	Amended	HB 1991
50.783	Amended	HB 1879	67.1846	Amended	HB 1991
51.165	Amended	SRB 975	67.3000	Amended	SB 773
56.363	Amended	SB 892	67.3000	Amended	HB 1388
56.363	Amended	HB 1291	67.3005	Amended	SB 773
56.805	Amended	SB 892	67.3005	Amended	HB 1388
56.805	Amended	HB 1291	67.5016	Amended	SRB 975
56.807	Amended	SB 892	67.5110	New	HB 1991
56.807	Amended	HB 1291	67.5111	New	HB 1991
56.814	Amended	SB 892	67.5112	New	HB 1991
56.814	Amended	HB 1291	67.5113	New	HB 1991
56.833	Amended	SB 892	67.5114	New	HB 1991
56.833	Amended	HB 1291	67.5115	New	HB 1991
56.840	Amended	SB 892	67.5116	New	HB 1991
56.840	Amended	HB 1291	67.5117	New	HB 1991
57.117	Amended	SB 652	67.5118	New	HB 1991

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
99TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
67.5119	New	HB 1991	99.848	Amended	HB 1355
67.5120	New	HB 1991	100.050	Amended	SB 870
67.5121	New	HB 1991	100.059	Amended	SB 870
67.5122	New	HB 1991	100.710	Amended	SRB 975
67.5125	New	HB 1991	103.008	Amended	SB 843
68.075	Amended	SB 881	104.342	Amended	SRB 975
70.210	Amended	HB 1456	104.620	Amended	SRB 975
70.227	New	SB 892	104.1024	Amended	SRB 975
70.370	Amended	SB 881	104.1042	Amended	SRB 975
70.370	Amended	HB 1809	104.1054	Amended	SRB 975
71.005	Repealed	SRB 975	105.030	Amended	HB 1428
71.012	Amended	SB 881	105.055	Amended	SB 1007
71.015	Amended	SB 881	105.300	Amended	SRB 975
82.462	Vetoed	HB 2562	105.310	Amended	SRB 975
82.1025	Vetoed	HB 2562	105.330	Amended	SRB 975
82.1027	Vetoed	HB 2562	105.340	Amended	SRB 975
82.1028	Vetoed	HB 2562	105.350	Amended	SRB 975
84.510	Amended	HB 1355	105.353	Amended	SRB 975
84.510	Vetoed	HB 2562	105.370	Amended	SRB 975
87.135	Amended	HB 1291	105.375	Amended	SRB 975
87.135	Amended	HB 1355	105.380	Repealed	SRB 975
88.770	Amended	SB 592	105.385	Repealed	SRB 975
91.640	Amended	SB 843	105.390	Amended	SRB 975
94.900	Amended	SB 592	105.400	Amended	SRB 975
94.900	Amended	HB 1291	105.420	Amended	SRB 975
95.530	Amended	SB 769	105.430	Amended	SRB 975
95.530	Amended	HB 1879	105.440	Repealed	SRB 975
99.845	Amended	SB 629	105.445	Repealed	SRB 975
99.848	Amended	SB 870	105.456	Repealed	SRB 975

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
99TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
105.463	Repealed	SRB 975	105.961	Repealed	SRB 975
105.473	Repealed	SRB 975	105.963	Repealed	SRB 975
105.485	Repealed	SRB 975	105.966	Repealed	SRB 975
105.500	Amended	HB 1413	105.1073	Amended	SB 708
105.503	New	HB 1413	108.120	Amended	HB 1291
105.505	New	HB 1413	109.221	Amended	SB 843
105.520	Repealed	HB 1413	109.225	Amended	SB 843
105.525	Amended	HB 1413	109.255	Amended	SB 843
105.530	Amended	HB 1413	110.010	Amended	SB 769
105.533	New	HB 1413	110.010	Amended	HB 1879
105.535	New	HB 1413	110.080	Amended	SB 769
105.537	New	HB 1413	110.080	Amended	HB 1879
105.540	New	HB 1413	110.140	Amended	SB 769
105.545	New	HB 1413	110.140	Amended	HB 1879
105.550	New	HB 1413	115.001	Repealed	SB 592
105.555	New	HB 1413	115.001	Repealed	SRB 975
105.570	New	HB 1413	115.002	Repealed	SB 592
105.575	New	HB 1413	115.002	Repealed	SRB 975
105.580	New	HB 1413	115.003	Amended	SB 592
105.583	New	HB 1413	115.003	Amended	SRB 975
105.585	New	HB 1413	115.005	Amended	SB 592
105.590	New	HB 1413	115.005	Amended	SRB 975
105.595	New	HB 1413	115.007	Amended	SB 592
105.598	New	HB 1413	115.007	Amended	SRB 975
105.666	Amended	SB 870	115.009	Repealed	SB 592
105.713	New	HB 1517	115.009	Repealed	SRB 975
105.725	New	SB 1007	115.013	Amended	SB 592
105.957	Repealed	SRB 975	115.013	Amended	HB 1469
105.959	Repealed	SRB 975	115.013	Amended	HB 1503

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
99TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
115.023	Amended	SB 592	115.287	Amended	SRB 975
115.023	Amended	SRB 975	115.299	Amended	SB 592
115.049	Amended	SB 592	115.329	Amended	SB 592
115.049	Amended	SRB 975	115.335	Amended	SB 592
115.061	Repealed	SB 592	115.359	Amended	SB 592
115.063	Amended	SB 592	115.361	Amended	SB 592
115.065	Amended	SB 592	115.363	Amended	SB 592
115.077	Amended	SB 592	115.373	Amended	SB 592
115.078	Amended	SB 592	115.379	Amended	SB 592
115.124	Amended	SB 592	115.421	Amended	SB 592
115.124	Amended	HB 1446	115.421	Amended	SRB 975
115.125	Amended	SB 592	115.429	Amended	SB 592
115.127	Amended	SB 592	115.429	Amended	SRB 975
115.155	Amended	SB 592	115.453	Amended	SB 592
115.155	Amended	SRB 975	115.453	Amended	SRB 975
115.157	Amended	SB 592	115.507	Amended	SB 592
115.157	Amended	HB 1446	115.507	Amended	SRB 975
115.177	Amended	SB 592	115.515	Amended	SB 592
115.177	Amended	SRB 975	115.515	Amended	SRB 975
115.225	Amended	SB 592	115.629	Amended	SB 592
115.227	Amended	SB 592	115.629	Amended	SRB 975
115.227	Amended	SRB 975	115.631	Amended	SB 592
115.243	Amended	SB 592	115.631	Amended	SRB 975
115.243	Amended	SRB 975	115.637	Amended	SB 592
115.247	Amended	SB 592	115.641	Amended	SB 592
115.247	Amended	SRB 975	115.641	Amended	SRB 975
115.279	Amended	SB 592	115.642	Amended	SB 592
115.284	Amended	SB 592	115.910	Amended	SB 592
115.287	Amended	SB 592	130.011	Repealed	SRB 975

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
99TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
130.021	Repealed	SRB 975	137.106	Repealed	SRB 975
130.026	Repealed	SRB 975	137.115	Amended	SB 627
130.041	Repealed	SRB 975	137.225	Amended	HB 1879
130.044	Repealed	SRB 975	137.555	Amended	HB 1291
130.046	Repealed	SRB 975	137.556	Amended	HB 1291
130.057	Repealed	SRB 975	138.445	Amended	SB 768
130.071	Repealed	SRB 975	140.230	Amended	SB 623
135.090	Amended	SB 870	141.540	Amended	SRB 975
135.090	Amended	HB 1355	142.803	Defeated	HB 1460
135.210	Amended	SRB 975	143.011	Amended	SB 884
135.311	Amended	SRB 975	143.011	Amended	HB 2540
135.341	Amended	HB 1288	143.022	Amended	HB 2540
135.575	Repealed	SRB 975	143.071	Amended	SB 884
135.600	Amended	HB 1288	143.105	Repealed	SRB 975
135.621	New	HB 1288	143.106	Repealed	SRB 975
135.630	Amended	HB 1288	143.107	Repealed	SRB 975
135.647	Amended	HB 1288	143.121	Defeated	HB 1460
135.800	Amended	HB 1288	143.151	Amended	HB 2540
135.900	Repealed	SRB 975	143.161	Amended	HB 2540
135.903	Repealed	SRB 975	143.171	Amended	HB 2540
135.906	Repealed	SRB 975	143.175	New	SB 573
135.909	Repealed	SRB 975	143.183	Amended	SB 773
135.950	Amended	SRB 975	143.431	Amended	SB 884
135.1125	New	HB 1288	143.433	New	SB 769
137.010	Amended	SB 881	143.451	Amended	SB 773
137.016	Amended	SB 627	143.451	Amended	SB 884
137.016	Amended	SB 881	143.455	New	SB 884
137.017	Amended	SB 881	143.461	Amended	SB 884
137.021	Amended	SB 627	143.471	Amended	SB 884

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
99TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
143.811	Amended	SRB 975	160.572	New	SB 743
143.811	Amended	HB 1858	160.572	New	HB 1415
143.1007	Repealed	SRB 975	160.572	New	HB 1606
143.1015	Amended	SB 843	160.2100	Repealed	SB 843
143.1150	New	HB 1796	160.2110	Repealed	SB 843
144.010	Amended	SB 627	161.026	New	SB 743
144.011	Amended	HB 1831	161.026	New	HB 1606
144.026	Repealed	SB 768	161.072	Amended	SB 743
144.030	Amended	SB 768	161.072	Amended	HB 1606
144.030	Amended	SRB 975	161.094	Amended	HB 1606
144.049	Amended	HB 1831	161.095	Amended	HB 1606
144.054	Amended	SB 768	161.106	Amended	SB 743
144.087	Amended	SB 884	161.106	Vetoed	SB 894
144.810	Amended	SRB 975	161.106	Amended	HB 1606
147.020	Amended	SRB 975	161.215	Amended	SRB 975
147.050	Amended	SRB 975	161.217	Amended	SB 743
148.720	New	SB 769	161.261	Vetoed	SB 894
153.030	Amended	SB 768	161.670	Amended	SB 603
160.011	Amended	SB 743	161.670	Amended	HB 1606
160.011	Amended	HB 1606	162.064	Amended	HB 1606
160.041	Amended	SB 743	162.401	Amended	SB 743
160.041	Amended	HB 1606	162.401	Amended	HB 1606
160.066	New	HB 1606	162.441	Amended	SB 592
160.410	Amended	SB 743	162.441	Amended	SB 807
160.459	Repealed	SRB 975	162.441	Amended	SB 990
160.530	Amended	SB 687	162.441	Amended	HB 1291
160.530	Amended	HB 1606	162.441	Amended	HB 1744
160.545	Amended	SB 807	162.720	Amended	SB 743
160.545	Amended	HB 1744	162.720	Amended	HB 1606

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
162.722	New	SB 743	166.435	Amended	SB 882
162.722	New	HB 1606	166.435	Amended	HB 1744
162.1115	Vetoed	SB 894	166.456	Amended	SB 882
162.1115	Amended	HB 1415	166.501	Amended	SB 882
162.1475	New	HB 1606	166.502	Amended	SB 882
163.018	Amended	SB 743	166.505	Amended	SB 882
163.018	Amended	HB 1606	167.121	Amended	SB 603
163.021	Amended	SB 743	167.121	Amended	HB 1606
163.021	Amended	HB 1606	167.125	New	HB 1606
163.073	Amended	SB 743	167.128	New	SB 743
163.073	Amended	HB 1606	167.194	Repealed	SRB 975
163.191	Amended	SB 807	167.225	Amended	SB 743
163.191	Amended	HB 1465	167.225	Amended	HB 1606
164.011	Amended	SB 743	167.266	New	HB 1606
165.011	Amended	SRB 975	167.637	New	HB 1606
165.221	Amended	SB 769	167.902	New	SB 743
165.221	Amended	HB 1879	167.902	New	HB 1606
165.231	Amended	SB 769	167.910	Vetoed	SB 894
165.231	Amended	HB 1879	167.910	New	HB 1415
165.241	Amended	SB 769	167.910	New	HB 1606
165.241	Amended	HB 1879	168.021	Amended	HB 1665
165.271	Amended	SB 769	168.024	New	SB 743
165.271	Amended	HB 1879	168.024	New	HB 1415
166.400	Amended	SB 882	168.024	New	HB 1606
166.410	Amended	SB 882	168.700	Repealed	SRB 975
166.415	Amended	SB 882	168.702	Repealed	SRB 975
166.420	Amended	SB 882	168.770	New	SB 743
166.425	Amended	SB 882	169.291	Amended	SB 892
166.430	Amended	SB 882	169.324	Amended	SB 892

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
169.350	Amended	SB 892	173.005	Amended	SB 807
169.360	Amended	SB 892	173.005	Amended	HB 1465
169.560	Amended	SB 892	173.197	Repealed	SRB 975
170.013	New	SB 807	173.234	Amended	SB 603
170.015	Amended	HB 1606	173.260	Amended	SB 807
170.018	Vetoed	SB 894	173.260	Amended	SB 870
170.028	Vetoed	SB 894	173.616	Amended	SB 603
170.028	New	HB 1415	173.670	Vetoed	SB 894
170.051	Amended	SRB 975	173.1003	Amended	SB 807
170.055	Repealed	SRB 975	173.1004	Amended	HB 1606
170.061	Repealed	SRB 975	173.1101	Amended	SB 603
170.071	Repealed	SRB 975	173.1101	Amended	SB 807
170.081	Repealed	SRB 975	173.1101	Amended	HB 1744
170.091	Repealed	SRB 975	173.1102	Amended	SB 603
170.101	Repealed	SRB 975	173.1102	Amended	SB 807
170.111	Repealed	SRB 975	173.1102	Amended	HB 1744
170.131	Repealed	SRB 975	173.1104	Amended	SB 603
170.141	Repealed	SRB 975	173.1104	Amended	SB 807
170.151	Repealed	SRB 975	173.1104	Amended	HB 1744
170.161	Repealed	SRB 975	173.1105	Amended	SB 603
170.311	New	HB 2129	173.1105	Amended	SB 807
171.029	Repealed	SB 743	173.1105	Amended	HB 1744
171.029	Repealed	HB 1606	173.1107	Amended	SB 603
171.031	Amended	SB 743	173.1107	Amended	SB 807
171.031	Amended	HB 1606	173.1107	Amended	HB 1744
171.033	Amended	SB 743	173.1150	Amended	SB 603
171.033	Amended	HB 1606	173.1153	Amended	SB 603
172.280	Amended	SB 807	173.1450	New	SB 807
172.280	Amended	HB 1465	173.1592	New	HB 1744

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
173.2530	New	SB 807	189.030	Amended	SB 843
174.160	Amended	SB 807	189.035	Amended	SB 843
174.160	Amended	HB 1465	190.094	Amended	SB 870
174.225	Amended	SB 807	190.094	Amended	HB 1355
174.225	Amended	HB 1465	190.100	Amended	SB 870
174.231	Amended	SB 807	190.100	Amended	HB 1355
174.231	Amended	HB 1465	190.101	Amended	SB 870
174.251	Amended	SB 807	190.103	Amended	SB 870
174.251	Amended	HB 1465	190.103	Amended	HB 1355
174.324	Repealed	SB 807	190.105	Amended	SB 870
174.324	Repealed	HB 1465	190.105	Amended	HB 1355
174.500	Amended	SB 807	190.131	Amended	SB 870
174.500	Amended	HB 1465	190.131	Amended	HB 1355
178.550	Vetoed	SB 894	190.142	Amended	SB 870
178.550	Amended	HB 1415	190.142	Amended	HB 1355
178.636	Amended	SB 807	190.143	Amended	SB 870
178.636	Amended	HB 1465	190.143	Amended	HB 1355
178.930	Repealed	SB 743	190.147	New	SB 870
178.930	Amended	SRB 975	190.147	New	HB 1355
178.930	Repealed	HB 1415	190.165	Amended	SB 870
178.931	New	SB 743	190.165	Amended	HB 1355
178.931	New	HB 1415	190.173	Amended	SB 870
181.022	Amended	SB 843	190.173	Amended	HB 1355
181.100	Amended	SRB 975	190.196	Amended	SB 870
181.110	Amended	SRB 975	190.196	Amended	HB 1355
181.130	Repealed	SRB 975	190.246	Amended	SB 870
186.007	Amended	SB 843	190.246	Amended	HB 1355
189.015	Amended	SB 843	190.300	Amended	HB 1456
189.025	Amended	SB 843	190.308	Amended	HB 1456

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
190.325	Amended	HB 1456	190.915	New	HB 1355
190.327	Amended	HB 1456	190.918	New	SB 870
190.328	Amended	HB 1456	190.918	New	HB 1355
190.329	Amended	HB 1456	190.921	New	SB 870
190.334	Amended	HB 1456	190.921	New	HB 1355
190.335	Amended	HB 1355	190.924	New	SB 870
190.335	Amended	HB 1456	190.924	New	HB 1355
190.400	Amended	HB 1456	190.927	New	SB 870
190.410	Repealed	HB 1456	190.927	New	HB 1355
190.420	Amended	HB 1456	190.930	New	SB 870
190.430	Repealed	HB 1456	190.930	New	HB 1355
190.440	Repealed	HB 1456	190.933	New	SB 870
190.455	New	HB 1456	190.933	New	HB 1355
190.460	New	HB 1456	190.936	New	SB 870
190.465	New	HB 1456	190.936	New	HB 1355
190.470	New	HB 1456	190.939	New	SB 870
190.475	New	HB 1456	190.939	New	HB 1355
190.839	Amended	SB 775	191.227	Amended	SB 718
190.900	New	SB 870	191.227	Amended	SB 826
190.900	New	HB 1355	191.227	Amended	SB 951
190.903	New	SB 870	191.400	Amended	SB 843
190.903	New	HB 1355	191.630	Amended	SB 870
190.906	New	SB 870	191.630	Amended	HB 1355
190.906	New	HB 1355	191.737	Amended	SB 819
190.909	New	SB 870	191.739	Amended	SB 819
190.909	New	HB 1355	191.756	Transferred To	SB 843
190.912	New	SB 870	191.980	Amended	SB 843
190.912	New	HB 1355	191.1145	Amended	SB 951
190.915	New	SB 870	191.1145	Amended	HB 1617

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
191.1150	New	SB 718	195.746	New	HB 2034
192.005	Amended	SB 843	195.749	New	HB 2034
192.014	Amended	SB 843	195.752	New	HB 2034
192.230	Amended	SB 843	195.755	New	HB 2034
192.240	Repealed	SB 843	195.756	New	HB 2034
192.707	Amended	SB 843	195.758	New	HB 2034
192.710	Amended	SB 843	195.764	New	HB 2034
192.947	Amended	SB 718	195.767	New	HB 2034
192.1120	New	HB 1953	195.770	New	HB 2034
192.2030	Repealed	SB 843	195.773	New	HB 2034
192.2495	Amended	HB 1350	196.070	Amended	HB 2034
193.128	Amended	HB 1713	196.973	Amended	SRB 975
193.265	Amended	SB 819	196.1129	Transfer From	SB 843
194.400	Amended	SB 843	197.052	Amended	SB 951
194.408	Amended	SB 843	197.052	Amended	HB 2183
194.409	Repealed	SB 843	197.305	Amended	SB 951
195.010	Amended	SB 826	197.305	Amended	HB 2183
195.010	Amended	HB 2034	198.070	Amended	HB 1635
195.017	Amended	HB 2034	198.439	Amended	SB 775
195.070	Amended	SB 718	205.580	Repealed	SRB 975
195.070	Amended	SB 826	205.590	Repealed	SRB 975
195.070	Amended	SB 951	205.600	Repealed	SRB 975
195.080	Amended	SB 826	205.610	Repealed	SRB 975
195.203	New	HB 2034	205.620	Repealed	SRB 975
195.265	New	SB 718	205.630	Repealed	SRB 975
195.265	New	SB 826	205.640	Repealed	SRB 975
195.265	New	SB 951	205.650	Repealed	SRB 975
195.740	New	HB 2034	205.660	Repealed	SRB 975
195.743	New	HB 2034	205.670	Repealed	SRB 975

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
205.680	Repealed	SRB 975	208.671	Repealed	HB 1617
205.690	Repealed	SRB 975	208.673	Repealed	SB 951
205.700	Repealed	SRB 975	208.673	Repealed	HB 1617
205.710	Repealed	SRB 975	208.675	Repealed	SB 951
205.720	Repealed	SRB 975	208.675	Repealed	HB 1617
205.730	Repealed	SRB 975	208.677	Amended	SB 951
205.740	Repealed	SRB 975	208.677	Amended	HB 1617
205.750	Repealed	SRB 975	208.862	Amended	HB 1413
205.760	Repealed	SRB 975	208.909	Amended	HB 1350
207.085	Amended	SB 1007	208.955	Amended	SB 843
208.151	Amended	HB 2280	208.975	Repealed	SRB 975
208.151	Vetoed	HB 2562	208.993	Repealed	SRB 975
208.152	Amended	HB 1516	208.1070	New	SB 826
208.156	Amended	SRB 975	209.015	Amended	SRB 975
208.178	Repealed	SRB 975	209.030	Amended	HB 2171
208.183	New	SB 718	209.040	Amended	HB 2171
208.183	New	SB 826	209.287	Amended	SB 843
208.183	New	HB 1953	209.307	Amended	SB 843
208.197	Repealed	SB 843	209.610	Amended	SB 882
208.217	Amended	SB 660	210.003	Amended	SB 819
208.217	Amended	SB 951	210.025	Amended	HB 1350
208.285	New	HB 1625	210.027	Amended	SRB 975
208.437	Amended	SB 775	210.070	Amended	SB 718
208.471	Amended	SB 775	210.070	Amended	SB 826
208.480	Amended	SB 775	210.070	Amended	SB 951
208.630	Repealed	SRB 975	210.101	Repealed	SB 819
208.670	Amended	SB 951	210.102	Amended	SB 819
208.670	Amended	HB 1617	210.103	Repealed	SB 819
208.671	Repealed	SB 951	210.105	Repealed	SRB 975

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
210.110	Amended	SB 819	211.071	Amended	SB 793
210.112	Amended	SB 819	211.071	Amended	SB 800
210.114	Amended	SRB 975	211.073	Amended	SB 793
210.115	Amended	SB 819	211.073	Amended	SB 800
210.145	Amended	SB 819	211.081	Amended	SB 793
210.152	Amended	SB 819	211.081	Amended	SB 800
210.170	Amended	SB 843	211.091	Amended	SB 793
210.254	Amended	HB 1350	211.091	Amended	SB 800
210.258	Amended	HB 1350	211.093	Amended	SB 800
210.482	Amended	HB 1350	211.101	Amended	SB 793
210.487	Amended	SB 819	211.101	Amended	SB 800
210.487	Amended	HB 1350	211.161	Amended	SB 793
210.498	Amended	SB 819	211.161	Amended	SB 800
210.1030	New	SB 819	211.181	Amended	SB 793
210.1080	New	HB 1350	211.181	Amended	SB 800
210.1200	New	SB 843	211.321	Amended	SB 793
210.1210	New	SB 843	211.321	Amended	SB 800
211.021	Amended	SB 793	211.421	Amended	SB 793
211.021	Amended	SB 800	211.421	Amended	SB 800
211.031	Amended	SB 793	211.425	Amended	SB 793
211.031	Amended	SB 800	211.425	Amended	SB 800
211.032	Amended	SB 793	211.431	Amended	SB 793
211.032	Amended	SB 800	211.431	Amended	SB 800
211.033	Amended	SB 793	211.435	New	SB 793
211.033	Amended	SB 800	211.435	New	SB 800
211.041	Amended	SB 793	211.444	Amended	SB 800
211.041	Amended	SB 800	211.447	Amended	SB 800
211.061	Amended	SB 793	211.447	Amended	SB 819
211.061	Amended	SB 800	211.447	Amended	SRB 975

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
217.015	Amended	HB 1355	221.050	Amended	HB 1355
217.021	New	HB 1355	221.105	Amended	HB 1355
217.030	Amended	HB 1355	226.145	Defeated	HB 1460
217.075	Amended	HB 1355	226.770	Amended	SB 881
217.151	New	SB 870	226.780	Amended	SB 881
217.361	New	HB 1355	226.805	Amended	SRB 975
217.655	Amended	HB 1355	227.240	Amended	SB 598
217.665	Amended	HB 1355	227.240	Amended	SB 881
217.670	Amended	HB 1355	227.538	New	HB 2347
217.690	Amended	HB 1355	227.539	New	HB 2330
217.703	Amended	HB 1355	227.539	New	HB 2347
217.703	Vetoed	HB 2562	227.540	New	HB 2347
217.705	Amended	HB 1355	227.541	New	SB 999
217.720	Amended	HB 1355	227.541	New	HB 2347
217.722	Amended	HB 1355	227.542	New	SB 999
217.735	Amended	HB 1355	227.542	New	HB 2347
217.750	Amended	HB 1355	227.544	New	HB 2347
217.755	Amended	HB 1355	227.600	Amended	HB 1291
217.760	Amended	HB 1355	227.601	New	SB 881
217.762	Amended	HB 1355	227.601	New	HB 1291
217.777	Amended	HB 1355	253.048	Amended	SB 573
217.810	Amended	HB 1355	253.147	New	SB 659
217.900	Repealed	SB 843	253.175	New	SB 782
217.903	Repealed	SB 843	253.408	Amended	SB 843
217.905	Repealed	SB 843	253.412	Repealed	SB 843
217.907	Repealed	SB 843	253.545	Amended	SB 590
217.910	Repealed	SB 843	253.545	Amended	SB 773
221.044	Amended	SB 793	253.550	Amended	SB 590
221.044	Amended	SB 800	253.550	Amended	SB 773

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
253.559	Amended	SB 590	265.494	Amended	SB 627
253.559	Amended	SB 773	266.600	New	SB 627
254.075	Amended	SB 627	267.565	Amended	SB 627
254.150	Repealed	SB 627	276.606	Amended	SB 627
254.160	Repealed	SB 627	277.020	Amended	SB 627
254.170	Repealed	SB 627	278.157	New	SB 892
254.180	Repealed	SB 627	285.250	New	SB 573
254.210	Amended	SB 627	285.700	New	HB 1719
256.462	Amended	SB 840	285.705	New	HB 1719
256.468	Amended	SB 840	285.710	New	HB 1719
260.242	Amended	SB 659	285.715	New	HB 1719
260.242	Amended	SB 782	285.720	New	HB 1719
260.242	Amended	SB 917	285.725	New	HB 1719
260.262	Amended	SB 659	285.730	New	HB 1719
260.262	Amended	SB 782	285.740	New	HB 1719
260.380	Amended	SB 782	285.750	New	HB 1719
260.391	Amended	SB 659	287.127	Amended	SB 981
260.391	Amended	SB 782	287.243	Amended	SB 870
260.391	Amended	HB 1355	287.690	Amended	SB 981
260.475	Amended	SB 782	287.715	Amended	SB 981
260.558	New	SB 659	288.121	Amended	SRB 975
260.558	New	SB 782	288.128	Amended	SRB 975
260.558	New	HB 1355	288.131	Repealed	SRB 975
260.1150	New	SB 659	288.475	Repealed	SB 843
261.295	Amended	SRB 975	290.095	Amended	HB 1729
262.900	Amended	SB 627	290.210	Amended	HB 1729
263.245	Amended	HB 1646	290.220	Amended	HB 1729
265.300	Amended	SB 627	290.230	Amended	HB 1729
265.490	Amended	SB 627	290.235	New	HB 1729

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
290.240	Amended	HB 1729	301.213	Amended	SB 707
290.250	Amended	HB 1729	301.350	Amended	SB 881
290.257	New	HB 1729	301.550	Amended	SB 707
290.262	Amended	HB 1729	301.553	Amended	SB 707
290.263	Amended	HB 1729	301.557	Amended	SB 707
290.265	Amended	HB 1729	301.559	Amended	SB 707
290.270	Amended	HB 1729	301.560	Amended	SB 707
290.290	Amended	HB 1729	301.562	Amended	SB 707
290.300	Amended	HB 1729	301.562	Amended	SRB 975
290.305	Amended	HB 1729	301.563	Amended	SB 707
290.315	Amended	HB 1729	301.564	Amended	SB 707
290.320	Amended	HB 1729	301.566	Amended	SB 707
290.325	Amended	HB 1729	301.568	Amended	SB 707
290.330	Amended	HB 1729	301.570	Amended	SB 707
292.606	Amended	HB 1355	302.025	New	HB 1355
292.606	Amended	HB 1364	302.060	Amended	HB 1350
301.010	Amended	SB 881	302.170	Amended	SB 881
301.020	Amended	SB 881	302.173	Amended	SB 881
301.030	Amended	SB 881	302.174	Amended	SB 814
301.055	Amended	SB 881	302.176	Amended	HB 1355
301.074	Amended	SB 881	302.272	Amended	SB 687
301.074	Amended	HB 1503	302.272	Amended	HB 1606
301.075	Amended	SB 881	302.700	Amended	SRB 975
301.075	Amended	HB 1503	303.020	Amended	SB 708
301.130	Amended	SB 881	303.022	New	SB 708
301.140	Amended	SB 881	303.030	Amended	SB 708
301.142	Amended	SB 881	303.120	Amended	SB 708
301.145	Amended	SB 881	303.190	Amended	SB 708
301.145	Amended	HB 1503	303.240	Amended	SB 708

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
304.005	Amended	SB 881	319.140	New	SB 782
304.060	Amended	SB 687	319.140	New	HB 1364
304.060	Amended	SB 743	319.318	Amended	HB 1286
304.060	Amended	SB 881	320.086	Amended	SB 870
304.060	Amended	HB 1606	321.320	Amended	HB 1446
304.180	Amended	SB 683	324.001	Amended	HB 1719
304.180	Amended	SB 881	324.006	New	HB 1503
304.232	Amended	SB 881	324.009	New	SB 840
306.030	Amended	HB 1355	324.013	New	HB 1719
306.100	Amended	HB 2116	324.015	New	SB 843
306.125	Amended	HB 2116	324.028	Amended	SRB 975
306.126	Amended	HB 1355	324.046	New	HB 1719
306.126	Amended	HB 2116	324.047	New	HB 1500
307.175	Amended	SB 881	324.047	New	HB 1719
307.350	Amended	SB 707	324.071	Amended	SB 840
307.350	Amended	SB 881	324.159	Amended	SRB 975
313.040	Amended	HB 1484	324.177	Amended	SB 843
313.810	Amended	HB 1350	324.180	Amended	SB 843
313.940	Amended	HB 1388	324.200	Amended	SB 840
317.006	Amended	HB 1388	324.200	Amended	HB 1719
317.011	Amended	HB 1388	324.205	Amended	SB 840
317.013	Amended	HB 1388	324.205	Amended	HB 1719
317.014	Amended	HB 1388	324.210	Amended	SB 840
317.017	New	HB 1388	324.210	Amended	HB 1719
317.019	Amended	HB 1388	324.215	Amended	SB 840
319.129	Amended	SB 659	324.406	Amended	SB 843
319.129	Amended	SB 782	324.406	Amended	SRB 975
319.129	Amended	HB 1364	324.406	Amended	HB 1719
319.140	New	SB 659	324.409	Amended	SB 843

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
324.409	Amended	HB 1719	327.321	Amended	SB 843
324.412	Amended	SB 843	327.321	Amended	HB 1719
324.412	Amended	HB 1719	327.451	Amended	SRB 975
324.415	Amended	SB 843	328.025	New	HB 1500
324.415	Amended	HB 1719	328.025	New	HB 1719
324.421	Amended	SB 840	328.080	Amended	HB 1500
324.421	Amended	SB 843	328.080	Amended	HB 1719
324.421	Amended	HB 1719	328.085	Amended	SB 840
324.424	Amended	SB 843	328.100	Repealed	HB 1500
324.424	Amended	HB 1719	328.100	Repealed	HB 1719
324.427	Amended	SB 843	329.010	Amended	HB 1500
324.427	Amended	HB 1719	329.010	Amended	HB 1719
324.430	Amended	SB 843	329.025	Amended	SRB 975
324.430	Amended	HB 1719	329.032	New	HB 1500
324.436	Amended	SB 843	329.032	New	HB 1719
324.436	Amended	HB 1719	329.033	New	HB 1500
324.478	Amended	SB 843	329.033	New	HB 1719
324.487	Amended	SB 840	329.040	Amended	HB 1500
324.920	Amended	SB 840	329.040	Amended	HB 1719
324.920	Amended	SB 862	329.050	Amended	HB 1500
324.920	Amended	HB 1719	329.050	Amended	HB 1719
324.925	Amended	SB 862	329.060	Amended	HB 1500
324.925	Amended	HB 1719	329.060	Amended	HB 1719
324.1108	Amended	HB 1719	329.070	Amended	HB 1500
324.1110	Amended	SB 840	329.070	Amended	HB 1719
327.221	Amended	HB 1719	329.080	Amended	HB 1500
327.312	Amended	HB 1719	329.080	Amended	HB 1719
327.313	Amended	SB 843	329.085	Amended	SB 840
327.313	Amended	HB 1719	329.085	Amended	HB 1500

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
329.085	Amended	HB 1719	334.570	Amended	SRB 975
329.130	Amended	SB 840	334.610	Amended	SRB 975
329.130	Amended	HB 1500	334.613	Amended	SRB 975
329.130	Amended	HB 1719	334.618	Amended	SRB 975
329.275	New	HB 1500	334.625	Amended	SB 843
329.275	New	HB 1719	334.655	Amended	HB 1719
330.030	Amended	SB 840	334.686	Amended	SRB 975
330.030	Amended	HB 1719	334.735	Amended	SB 718
330.190	Amended	SRB 975	334.735	Amended	SB 951
331.030	Amended	SB 840	334.747	Amended	SB 718
331.030	Amended	HB 1719	334.747	Amended	SB 951
332.041	Amended	SRB 975	334.749	Amended	SB 843
332.081	Amended	HB 1268	335.021	Amended	SB 843
332.086	Amended	SB 843	335.036	Amended	SRB 975
332.131	Amended	HB 1719	335.036	Amended	HB 1719
332.183	New	HB 1268	335.066	Amended	HB 1719
332.321	Amended	HB 1719	335.067	Amended	HB 1719
333.041	Amended	SB 840	336.030	Amended	HB 1719
333.042	Amended	SB 840	336.160	Amended	SRB 975
333.051	Amended	SB 840	337.020	Amended	HB 1719
334.036	Amended	SB 718	337.025	Amended	SB 660
334.036	Amended	SB 951	337.025	Amended	SB 718
334.037	Amended	SB 718	337.025	Amended	SB 951
334.037	Amended	SB 951	337.025	Amended	HB 1719
334.100	Amended	SRB 975	337.029	Amended	SB 660
334.104	Amended	SB 718	337.029	Amended	SB 718
334.104	Amended	SB 951	337.029	Amended	SB 951
334.430	Amended	SB 843	337.029	Amended	HB 1719
334.530	Amended	HB 1719	337.030	Amended	SRB 975

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
337.033	Amended	SB 660	337.160	New	HB 1719
337.033	Amended	SB 718	337.165	New	SB 660
337.033	Amended	SB 951	337.165	New	HB 1719
337.033	Amended	HB 1719	337.315	Amended	HB 1719
337.100	New	SB 660	337.320	Amended	HB 1719
337.100	New	HB 1719	337.347	Amended	SRB 975
337.105	New	SB 660	337.507	Amended	SRB 975
337.105	New	HB 1719	337.507	Amended	HB 1719
337.110	New	SB 660	337.510	Amended	SB 840
337.110	New	HB 1719	337.510	Amended	HB 1719
337.115	New	SB 660	337.520	Amended	SB 840
337.115	New	HB 1719	337.612	Amended	SRB 975
337.120	New	SB 660	337.612	Amended	HB 1719
337.120	New	HB 1719	337.615	Amended	SB 840
337.125	New	SB 660	337.618	Amended	HB 1719
337.125	New	HB 1719	337.627	Amended	SB 840
337.130	New	SB 660	337.644	Amended	SB 840
337.130	New	HB 1719	337.662	Amended	SRB 975
337.135	New	SB 660	337.662	Amended	HB 1719
337.135	New	HB 1719	337.665	Amended	SB 840
337.140	New	SB 660	337.712	Amended	SRB 975
337.140	New	HB 1719	337.712	Amended	HB 1719
337.145	New	SB 660	337.718	Amended	HB 1719
337.145	New	HB 1719	337.727	Amended	SB 840
337.150	New	SB 660	338.010	Amended	SB 826
337.150	New	HB 1719	338.056	Amended	SB 826
337.155	New	SB 660	338.130	Amended	SRB 975
337.155	New	HB 1719	338.202	Amended	SB 718
337.160	New	SB 660	338.202	Amended	SB 826

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
338.315	Amended	HB 1719	375.1053	Amended	SB 593
338.330	Amended	HB 1719	375.1056	Amended	SB 593
338.333	Amended	HB 1719	375.1058	New	SB 593
338.337	Amended	HB 1719	375.1218	Amended	HB 1690
338.340	Amended	HB 1719	376.387	New	SB 826
338.550	Amended	SB 775	376.427	Amended	SB 982
339.120	Amended	SRB 975	376.690	New	SB 982
339.521	Repealed	SB 840	376.715	Amended	HB 1690
339.523	Amended	SB 840	376.717	Amended	HB 1690
344.030	Amended	SB 840	376.718	Amended	HB 1690
344.030	Amended	HB 1719	376.720	Amended	HB 1690
345.035	Amended	SRB 975	376.722	Amended	HB 1690
345.050	Amended	SB 840	376.724	Amended	HB 1690
346.055	Amended	SB 840	376.725	Amended	HB 1690
353.110	Amended	SB 870	376.726	Amended	HB 1690
354.150	Amended	SB 982	376.733	Amended	HB 1690
354.495	Amended	SB 982	376.734	Amended	HB 1690
354.603	Amended	SB 982	376.735	Amended	HB 1690
374.115	Repealed	SB 982	376.737	Amended	HB 1690
374.150	Amended	SB 982	376.738	Amended	HB 1690
374.230	Amended	SB 982	376.742	Amended	HB 1690
374.426	Amended	SB 718	376.743	Amended	HB 1690
374.426	Amended	SB 951	376.746	Amended	HB 1690
374.715	Amended	HB 1719	376.747	Amended	HB 1690
374.735	Repealed	SB 840	376.748	Amended	HB 1690
374.784	Amended	HB 1719	376.755	Amended	HB 1690
374.785	Amended	SB 840	376.756	Amended	HB 1690
375.1025	Amended	SB 593	376.758	Amended	HB 1690
375.1052	Amended	SB 593	376.782	Amended	HB 1252

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
376.811	Amended	SB 718	386.890	Amended	SRB 975
376.811	Amended	SB 951	393.137	New	SB 564
376.1065	New	SB 982	393.170	Amended	SB 564
376.1192	Repealed	SRB 975	393.358	New	SB 705
376.1237	Amended	SB 718	393.1025	Amended	SRB 975
376.1237	Amended	SB 826	393.1030	Amended	SRB 975
376.1350	Amended	SB 982	393.1400	New	SB 564
376.1367	Amended	SB 982	393.1610	New	SB 564
376.1550	Amended	SB 718	393.1640	New	SB 564
376.1550	Amended	SB 951	393.1650	New	SB 564
379.110	Amended	SB 708	393.1655	New	SB 564
379.118	Amended	SB 708	393.1665	New	SB 564
379.321	Amended	SB 594	393.1670	New	SB 564
379.1545	Amended	SB 982	394.080	Amended	HB 1880
382.277	Amended	SRB 975	394.085	New	HB 1880
382.278	Repealed	SB 593	400.9-501	Amended	HB 1769
382.600	New	SB 593	407.300	Amended	HB 1832
382.605	New	SB 593	407.315	New	HB 1832
382.610	New	SB 593	407.431	New	HB 1832
382.615	New	SB 593	407.432	Amended	HB 1832
382.620	New	SB 593	407.433	Amended	HB 1832
382.625	New	SB 593	407.435	New	HB 1832
382.630	New	SB 593	407.436	Amended	HB 1832
382.635	New	SB 593	407.485	Amended	SRB 975
382.640	New	SB 593	414.032	Amended	SB 627
386.145	Amended	SRB 975	414.032	Amended	SB 659
386.266	Amended	SB 564	414.032	Amended	HB 1355
386.266	Amended	SB 705	414.032	Amended	HB 1364
386.390	Amended	SB 564	414.350	Repealed	SRB 975

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
99TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
414.353	Repealed	SRB 975	453.030	Amended	SB 819
414.356	Repealed	SRB 975	453.080	Amended	SB 819
414.359	Repealed	SRB 975	453.121	Amended	SB 819
414.400	Amended	SRB 975	453.600	Amended	SB 843
414.406	Amended	SRB 975	455.095	New	HB 1355
414.412	Amended	SRB 975	455.513	Amended	SB 871
414.417	Amended	SRB 975	455.560	New	HB 1355
414.510	Amended	SRB 975	456.006	New	HB 1250
431.056	Amended	SB 819	456.985	Amended	HB 1250
442.018	Repealed	SRB 975	456.1035	Amended	HB 1250
442.055	New	HB 1796	456.1080	Amended	HB 1250
442.404	New	HB 1887	456.1-103	Amended	HB 1250
443.1001	New	HB 1796	456.4-414	Amended	HB 1250
443.1003	New	HB 1796	456.8-808	Amended	HB 1250
443.1004	New	HB 1796	472.400	New	HB 1250
443.1005	New	HB 1796	472.405	New	HB 1250
443.1006	New	HB 1796	472.410	New	HB 1250
443.1007	New	HB 1796	472.415	New	HB 1250
444.768	Amended	SB 782	472.420	New	HB 1250
444.772	Amended	SB 782	472.425	New	HB 1250
447.200	New	SB 769	472.430	New	HB 1250
447.200	New	HB 1879	472.435	New	HB 1250
447.562	Amended	SB 644	472.440	New	HB 1250
447.581	Amended	SB 644	472.445	New	HB 1250
451.090	Amended	SB 655	472.450	New	HB 1250
452.375	Amended	HB 1461	472.455	New	HB 1250
452.377	Amended	HB 1461	472.460	New	HB 1250
452.430	Vetoed	HB 2562	472.465	New	HB 1250
453.015	Amended	SB 819	472.470	New	HB 1250

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
472.475	New	HB 1250	475.145	Amended	SB 806
472.480	New	HB 1250	475.230	Amended	SB 806
472.485	New	HB 1250	475.270	Amended	SB 806
472.490	New	HB 1250	475.276	Amended	SB 806
473.397	Amended	SB 806	475.290	Amended	SB 806
473.398	Amended	SB 806	475.320	Amended	SB 806
473.730	Amended	SB 806	475.341	New	SB 806
473.770	Amended	SB 806	475.342	New	SB 806
473.771	Amended	SB 806	475.343	New	SB 806
474.150	Amended	HB 1250	475.355	Amended	SB 806
475.010	Amended	SB 806	475.357	New	SB 806
475.016	Amended	SB 806	475.361	New	SB 806
475.024	Repealed	SB 819	475.600	New	SB 819
475.050	Amended	SB 806	475.602	New	SB 819
475.060	Amended	SB 806	475.604	New	SB 819
475.061	Amended	SB 806	476.521	Vetoed	HB 2562
475.062	Amended	SB 806	478.001	Vetoed	HB 2562
475.070	Amended	SB 806	478.003	Vetoed	HB 2562
475.075	Amended	SB 806	478.004	Vetoed	HB 2562
475.078	Amended	SB 806	478.005	Vetoed	HB 2562
475.079	Amended	SB 806	478.006	Vetoed	HB 2562
475.080	Amended	SB 806	478.007	Vetoed	HB 2562
475.082	Amended	SB 806	478.008	Vetoed	HB 2562
475.083	Amended	SB 806	478.009	Vetoed	HB 2562
475.084	New	SB 806	478.375	Repealed	SB 793
475.094	Amended	SB 806	478.375	Repealed	SB 871
475.120	Amended	SB 806	478.466	Vetoed	HB 2562
475.125	Amended	SB 806	478.550	Vetoed	HB 2562
475.130	Amended	SB 806	478.551	Vetoed	HB 2562

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
478.600	Amended	SB 871	535.110	Amended	SB 581
478.600	Vetoed	HB 2562	535.170	Amended	SB 581
478.625	Amended	SB 793	535.200	Amended	SB 581
478.625	Amended	SB 871	535.210	Amended	SB 581
478.716	Vetoed	HB 2562	535.300	Amended	SB 581
479.020	Vetoed	HB 2562	536.031	Amended	SB 951
479.190	Vetoed	HB 2562	536.031	Amended	HB 2183
479.353	Vetoed	HB 2562	537.100	Amended	SB 871
479.354	Vetoed	HB 2562	537.100	Vetoed	HB 2562
479.360	Vetoed	HB 2562	537.349	Amended	SB 608
483.075	Amended	SB 871	537.785	New	SB 608
483.075	Vetoed	HB 2562	537.787	New	SB 608
488.315	New	SB 793	552.020	Amended	SB 660
488.315	New	SB 800	556.036	Amended	SB 819
488.2230	Vetoed	HB 2562	556.037	Amended	SB 655
488.2250	Amended	SB 871	556.037	Amended	SB 819
488.2250	Vetoed	HB 2562	558.003	New	SB 793
488.5320	Amended	HB 1355	558.003	New	SB 800
488.5358	Vetoed	HB 2562	559.600	Amended	HB 1355
507.060	Amended	HB 1531	559.600	Vetoed	HB 2562
512.180	Amended	SB 581	563.011	Amended	HB 1797
513.653	Amended	HB 1355	563.041	Amended	HB 1797
514.040	Amended	HB 2101	566.147	Amended	HB 1355
514.040	Vetoed	HB 2562	567.020	Amended	SB 793
515.575	Amended	HB 1250	567.030	Amended	SB 793
515.635	Amended	HB 1250	567.050	Amended	SB 793
516.105	Amended	SB 871	567.060	Amended	SB 793
516.105	Vetoed	HB 2562	569.010	Amended	HB 1797
535.030	Amended	SB 581	569.140	Amended	HB 1797

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
570.095	New	HB 1769	595.025	Amended	HB 1355
573.110	New	HB 1558	595.030	Amended	HB 1355
573.112	New	HB 1558	595.035	Amended	HB 1355
577.001	Vetoed	HB 2562	595.055	Amended	HB 1355
577.029	Amended	SB 870	595.120	New	HB 1246
577.029	Amended	SB 951	595.220	Amended	HB 1355
589.303	Repealed	HB 1355	610.021	Amended	SB 819
589.400	Amended	SB 655	610.120	Amended	HB 1350
589.400	Amended	SB 793	610.131	New	SB 793
589.401	New	SB 655	610.140	Amended	SB 793
589.402	Amended	SB 655	610.140	Amended	SB 954
589.403	Amended	SB 655	610.140	Amended	HB 1355
589.404	New	SB 655	610.210	New	HB 1355
589.405	Amended	SB 655	620.035	Transferred To	SRB 975
589.407	Amended	SB 655	620.050	Repealed	SRB 975
589.414	Amended	SB 655	620.511	Amended	SRB 975
589.660	Amended	HB 1461	620.512	Amended	SRB 975
589.663	Amended	HB 1461	620.513	Amended	SRB 975
589.664	Amended	HB 1461	620.515	Amended	SB 573
589.666	Amended	HB 1461	620.515	Amended	HB 1492
589.669	Amended	HB 1461	620.809	Amended	HB 1415
589.672	Amended	HB 1461	620.1200	Amended	SB 843
589.678	Amended	HB 1461	620.1350	Amended	SB 884
590.210	New	HB 1355	620.1900	Amended	SB 590
590.1040	New	SB 870	620.1900	Amended	SB 773
590.1040	New	HB 1355	620.2020	Amended	HB 1415
595.010	Amended	HB 1355	620.2200	New	SB 843
595.015	Amended	HB 1355	620.2450	New	HB 1456
595.020	Amended	HB 1355	620.2450	New	HB 1872

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
620.2451	New	HB 1456	632.005	Amended	SB 951
620.2451	New	HB 1872	632.005	Amended	HB 1719
620.2452	New	HB 1456	633.200	Amended	SB 843
620.2452	New	HB 1872	633.401	Amended	SB 775
620.2453	New	HB 1456	640.150	Transfer From	SRB 975
620.2453	New	HB 1872	640.153	Amended	SRB 975
620.2454	New	HB 1456	640.155	Amended	SRB 975
620.2454	New	HB 1872	640.157	Amended	SRB 975
620.2455	New	HB 1456	640.160	Amended	SRB 975
620.2455	New	HB 1872	640.219	Repealed	SRB 975
620.2456	New	HB 1456	640.620	Amended	SB 659
620.2456	New	HB 1872	640.620	Amended	SB 782
620.2457	New	HB 1456	640.648	Amended	SB 782
620.2457	New	HB 1872	640.651	Amended	SRB 975
620.2458	New	HB 1456	640.653	Amended	SRB 975
620.2458	New	HB 1872	643.228	Amended	SB 840
620.3250	New	SB 573	644.054	Amended	SB 782
620.3250	New	HB 1503	644.057	Amended	SB 782
620.3300	New	SB 573	644.059	New	SB 782
621.075	Amended	SB 1007	650.035	New	HB 1355
630.005	Amended	SB 806	650.330	Amended	HB 1456
630.167	Amended	SB 1007	650.335	New	HB 1456
630.546	Amended	HB 1729	650.340	Amended	HB 1456
630.745	Amended	SB 660	660.135	Amended	SRB 975
630.875	New	SB 718	700.662	Repealed	SB 840
630.875	New	SB 951	701.040	Amended	SB 843
630.945	Amended	SB 660	701.312	Amended	SB 840
632.005	Amended	SB 660	701.314	Amended	SB 840
632.005	Amended	SB 718	701.353	Amended	SB 843

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
701.500	Amended	SRB 975	Section B	New	SB 708
701.509	Amended	SRB 975	Section B	New	SB 718
Section 1	New	SB 564	Section B	New	SB 743
Section 1	New	SB 793	Section B	New	SB 793
Section 1	New	SB 800	Section B	New	SB 800
Section 1	New	SB 907	Section B	New	SB 826
Section 1	New	HB 1838	Section B	New	SB 982
Section 1	Vetoed	HB 2562	Section B	New	HB 1415
Section 2	New	SB 907	Section B	New	HB 1446
Section 2	New	HB 1838	Section B	New	HB 1456
Section 3	New	SB 907	Section B	Defeated	HB 1460
Section 3	New	HB 1838	Section B	New	HB 1484
Section 4	New	SB 907	Section B	New	HB 1558
Section 4	New	HB 1838	Section B	New	HB 1606
Section 5	New	SB 907	Section B	New	HB 1719
Section 5	New	HB 1838	Section B	New	HB 1744
Section 6	New	SB 907	Section B	New	HB 1858
Section 6	New	HB 1838	Section B	New	HB 1872
Section 7	New	SB 907	Section B	New	HB 1991
Section 8	New	SB 907	Section B	New	HB 2540
Section B	New	SB 564	Section C	New	SB 592
Section B	New	SB 592	Section C	Defeated	HB 1460
Section B	New	SB 593	Section C	New	HB 1991
Section B	New	SB 660	Section D	Defeated	HB 1460

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

**TABLE OF SECTIONS AFFECTED BY 2018 LEGISLATION,  
99TH GENERAL ASSEMBLY, FIRST EXTRAORDINARY SESSION (2018)**

SECTION	ACTION	BILL
161.261	New	HB 3
170.018	New	HB 3
208.151	Amended	HB 2
217.703	Amended	HB 2
478.001	Amended	HB 2
478.003	Amended	HB 2
478.004	Amended	HB 2
478.005	Amended	HB 2
478.006	Repealed	HB 2
478.007	Amended	HB 2
478.008	Repealed	HB 2
478.009	Amended	HB 2
478.466	Amended	HB 2
478.550	Amended	HB 2
478.551	Repealed	HB 2
478.600	Amended	HB 2
478.716	Amended	HB 2
488.2230	Amended	HB 2
488.5358	Amended	HB 2
577.001	Amended	HB 2

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HCS HB 2001

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

AN ACT to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019 as follows:

**SECTION 1.005.** — To the Board of Fund Commissioners  
For annual fees, arbitrage rebate, refunding, defeasance, and related expenses  
From General Revenue Fund (0101) ..... \$20,002

**SECTION 1.010.** — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Fourth State Building Bond and Interest Fund for currently outstanding general obligations  
From General Revenue Fund (0101) ..... \$9,875,375

**SECTION 1.015.** — To the Board of Fund Commissioners  
For payment of interest and sinking fund requirements on fourth state building bonds currently outstanding as provided by law  
From Fourth State Building Bond and Interest Fund (Various) ..... \$25,927,525

**SECTION 1.020.** — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Water Pollution Control Bond and Interest Fund for currently outstanding general obligations  
From General Revenue Fund (0101) ..... \$11,104,344

There is transferred out of the State Treasury, chargeable to the Water and Wastewater Loan Revolving Fund pursuant to Title 33, Chapter 26, Subchapter VI, Section 1383, U.S. Code, to the Water Pollution Control Bond and Interest Fund for currently outstanding general obligations  
From Water and Wastewater Loan Revolving Fund (0602)..... 1,275,213  
Total..... \$12,379,557

**SECTION 1.025.** — To the Board of Fund Commissioners  
For payment of issuance costs, interest, and sinking fund requirements on water pollution control bonds currently outstanding as provided by law  
From Water Pollution Control Bond and Interest Fund (Various) ..... \$14,576,632

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

**SECTION 1.030.** — There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Stormwater Control Bond and Interest Fund for currently outstanding general obligations  
 From General Revenue Fund (0101) .....\$1,780,125

**SECTION 1.035.** — To the Board of Fund Commissioners  
 For payment of issuance costs, interest, and sinking fund requirements on stormwater control bonds currently outstanding as provided by law  
 From Stormwater Control Bond and Interest Fund (Various) .....\$1,783,125

**Bill Totals**  
 General Revenue Fund.....\$22,779,846  
 Other Funds..... 1,275,213  
 Total.....\$24,055,059

Approved June 29, 2018

CCS SCS HCS HB 2002

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**SECTION 2.005.** — To the Department of Elementary and Secondary Education  
 For the Division of Financial and Administrative Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.285

Personal Service.....\$1,817,966  
 Expense and Equipment..... 115,600  
 From General Revenue Fund (0101) ..... 1,933,566

Personal Service..... 1,962,050  
 Expense and Equipment..... 691,084  
 From Elementary and Secondary Education - Federal Fund (0105)..... 2,653,134  
 Total (Not to exceed 71.80 F.T.E.) .....\$4,586,700

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

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

For refunds

From Elementary and Secondary Education - Federal Fund (0105).....	\$50,000
From Vocational Rehabilitation Fund (0104) .....	<u>20,000</u>
Total.....	\$70,000

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

For distributions to the free public schools of \$3,854,011,921 under the School Foundation Program as provided in Chapter 163, RSMo, provided that no funds are used to support the distribution or sharing of any individually identifiable student data for non-educational purposes, marketing or advertising, as follows:

For the Foundation Formula, provided that the State Adequacy Target pursuant to Section 163.011 RSMo shall not exceed \$6,308.....	\$3,491,827,921
For Transportation .....	102,547,713
For Early Childhood Special Education .....	191,567,259
For Vocational Education, provided that no funds are used for advertising.....	50,069,028
For Early Childhood Development .....	17,500,000
For Early Childhood Development in unaccredited or provisionally accredited districts.....	500,000
From General Revenue Fund (0101) .....	2,294,250,202
From Outstanding Schools Trust Fund (0287).....	836,604,980
From State School Moneys Fund (0616).....	197,887,751
From Lottery Proceeds Fund (0291).....	151,256,813
From Classroom Trust Fund (0784) .....	351,702,205
From Early Childhood Development, Education and Care Fund (0859) .....	22,309,970

For the Small Schools Program

From General Revenue Fund (0101) .....	15,000,000
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For State Board of Education operated school programs Personal Service and/or Expense and Equipment, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.285

Personal Service.....	26,404,153
Expense and Equipment.....	<u>18,133,039</u>
From General Revenue Fund (0101) .....	44,537,192

Personal Service.....	729,799
Expense and Equipment.....	<u>7,001,668</u>
From Elementary and Secondary Education - Federal Fund (0105).....	7,731,467

Expense and Equipment	
From Bingo Proceeds for Education Fund (0289).....	<u>1,876,355</u>
Total (Not to exceed 680.92 F.T.E.) .....	\$3,923,156,935

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<b>SECTION 2.020.</b> — To the Department of Elementary and Secondary Education For the School Nutrition Services Program to reimburse schools for school food programs	
From General Revenue Fund (0101) .....	\$3,412,151
From Elementary and Secondary Education - Federal Fund (0105) .....	<u>318,031,026</u>
Total .....	\$321,443,177
<b>SECTION 2.025.</b> — To the Department of Elementary and Secondary Education For a program to recruit, train, and/or develop teachers to teach in academically struggling school districts	
From General Revenue Fund (0101) .....	\$1,500,000
<b>SECTION 2.026.</b> — To the Department of Elementary and Secondary Education For planning, design, procurement, and implementation of a K-3 reading assessment system for preliminary identification of students at risk for dyslexia and related disorders including analysis of phonological and phonemic awareness, rapid automatic naming, alphabetic principle, phonics, reading fluency, spelling, reading accuracy, vocabulary, and reading comprehension	
From General Revenue Fund (0101) .....	\$250,000
<b>SECTION 2.027.</b> — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the STEM Career Awareness Program Fund	
From General Revenue Fund (0101) .....	\$250,000
<b>SECTION 2.028.</b> — To the Department of Elementary and Secondary Education For the STEM Career Awareness Program pursuant to House Bill 1623 (2018) and Senate Bill 894 (2018)	
From STEM Career Awareness Program Fund (0997) .....	\$250,000
<b>SECTION 2.030.</b> — To the Department of Elementary and Secondary Education For distributions to the public elementary and secondary schools in this state, pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School District Trust Fund	
From School District Trust Fund (0688) .....	\$917,500,000
<b>SECTION 2.031.</b> — To the Department of Elementary and Secondary Education For the Missouri Scholars and Fine Arts Academies	
From General Revenue Fund (0101) .....	\$125,000
<b>SECTION 2.032.</b> — To the Department of Elementary and Secondary Education For grants to establish safe schools programs addressing active shooter response training, school safety coordinators, school bus safety, crisis management, and other similar school safety measures, grants to be distributed by a statewide education organization whose directors consists entirely of public school board members	
From General Revenue Fund (0101) .....	\$300,000

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**SECTION 2.033.** — To the Department of Elementary and Secondary Education  
 For a statewide association organized for the purpose of supporting rural schools  
 and their boards of education to provide school board member training  
 From General Revenue Fund (0101) ..... \$25,000

**SECTION 2.034.** — To the Department of Elementary and Secondary Education  
 For disaster relief for a school district with a weighted average daily attendance  
 greater than 7,900 but less than 8,500 located in a home rule city with more than  
 forty-seven thousand but fewer than fifty-two thousand inhabitants and partially  
 located in any county of the first classification with more than one hundred  
 fifteen thousand but fewer than one hundred fifty thousand inhabitants  
 From General Revenue Fund (0101) ..... \$1,500,000

**SECTION 2.035.** — To the Department of Elementary and Secondary Education  
 For the Virtual Schools Program  
 From General Revenue Fund (0101) ..... \$200,000  
 From Lottery Proceeds Fund (0291) ..... 389,778  
 Total..... \$589,778

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

**SECTION 2.045.** — To the Department of Elementary and Secondary Education  
 For receiving and expending grants, donations, contracts, and payments from  
 private, federal, and other governmental agencies which may become  
 available between sessions of the General Assembly provided that the  
 General Assembly shall be notified of the source of any new funds and the  
 purpose for which they shall be expended, in writing, prior to the use of said  
 funds and further provided that no funds shall be used to implement or  
 support the Common Core Standards  
 Personal Service..... \$3,500  
 Expense and Equipment..... 46,500  
 From Vocational Rehabilitation Fund (0104) ..... 50,000

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

**SECTION 2.050.** — To the Department of Elementary and Secondary Education  
 Funds are to be transferred out of the State Treasury to the School Broadband  
 Fund  
 From General Revenue Fund (0101) ..... \$1

**SECTION 2.055.** — To the Department of Elementary and Secondary Education  
 For the Commissioner of Education to provide funds to public schools, eligible  
 for Federal E-rate reimbursement, to be used as a state match of up to ten  
 percent (10%) of E-rate eligible special construction costs under the Federal

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

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

**SECTION 2.060.** — To the Department of Elementary and Secondary Education For the Division of Learning Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.285, and further provided that no funds are used to support the collection, distribution, or sharing of any individually identifiable student data with the federal government; with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.095, the Vocational Rehabilitation funds in Section 2.150, and the Disability Determination funds in Section 2.155

Personal Service.....\$3,645,893  
 Expense and Equipment..... 264,224  
 From General Revenue Fund (0101) .....3,910,117

Personal Service.....6,787,212  
 Expense and Equipment..... 3,679,393  
 From Elementary and Secondary Education - Federal Fund (0105).....10,466,605

Personal Service.....643,935  
 Expense and Equipment..... 2,308,067  
 From Excellence in Education Fund (0651).....2,952,002

Personal Service  
 From Early Childhood Development, Education and Care Fund (0859) .....62,458

For the Office of Adult Learning and Rehabilitative Services  
 Personal Service.....29,177,673  
 Expense and Equipment..... 4,076,644  
 From Vocational Rehabilitation Fund (0104) .....33,254,317  
 Total (Not to exceed 887.06 F.T.E.) .....\$50,645,499

**SECTION 2.065.** — To the Department of Elementary and Secondary Education For reimbursements to school districts for the Early Childhood Program, Hard to Reach Incentives, and Parent Education in conjunction with the Early

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Childhood Education and Screening Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.285	
From General Revenue Fund (0101) .....	\$198,200
From Elementary and Secondary Education - Federal Fund (0105).....	500,000
For development of a voluntary early learning quality assurance report	
From General Revenue Fund (0101) .....	59,713
For grants to higher education institutions or area vocational technical schools for the Child Development Associate Certificate Program in collaboration with the Coordinating Board for Higher Education	
From Elementary and Secondary Education - Federal Fund (0105).....	399,500
For the Missouri Preschool Program and Early Childhood Program administration and assessment, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.285, and further provided that no annual grant award under the Missouri Preschool Program exceed \$350,000	
From Early Childhood Development, Education and Care Fund (0859) .....	<u>5,797,071</u>
Total.....	\$6,954,484
<b>SECTION 2.070.</b> — To the Department of Elementary and Secondary Education For the Right From the Start grant program	
From Elementary and Secondary Education - Federal Fund (0105).....	\$900,000
<b>SECTION 2.075.</b> — To the Department of Elementary and Secondary Education For the School Age Afterschool Program	
From Elementary and Secondary Education - Federal Fund (0105).....	\$21,908,383
<b>SECTION 2.080.</b> — To the Department of Elementary and Secondary Education For the Performance Based Assessment Program, provided that no funds are used to support the collection, distribution, or sharing of any individually identifiable student data with the federal government; with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.095, the Vocational Rehabilitation funds in Section 2.150, and the Disability Determination funds in Section 2.155, and further provided that no funds from this section shall be used for license fees or membership dues for the Smarter Balanced Assessment Consortium	
From General Revenue Fund (0101) .....	\$9,472,213
From Elementary and Secondary Education - Federal Fund (0105).....	7,800,000
From Lottery Proceeds Fund (0291).....	<u>4,311,255</u>
Total.....	\$21,583,468
<b>SECTION 2.085.</b> — To the Department of Elementary and Secondary Education For distributions to providers of vocational education programs	
From Elementary and Secondary Education - Federal Fund (0105).....	\$22,000,000

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Matter in bold-face type is proposed language.

<b>SECTION 2.090.</b> — To the Department of Elementary and Secondary Education For dyslexia programs, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.285 From General Revenue Fund (0101).....	\$250,000
<b>SECTION 2.095.</b> — To the Department of Elementary and Secondary Education For improving the academic achievement of the disadvantaged programs operated by local education agencies under Title I of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015 From Elementary and Secondary Education - Federal Fund (0105).....	\$260,000,000
<b>SECTION 2.100.</b> — To the Department of Elementary and Secondary Education For the homeless children and youth program under Title IX, Part A of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015 From Elementary and Secondary Education - Federal Fund (0105).....	\$1,500,000
<b>SECTION 2.105.</b> — To the Department of Elementary and Secondary Education For programs for the gifted from interest earnings accruing in the Stephen Morgan Ferman Memorial for Education of the Gifted From State School Moneys Fund (0616).....	\$9,027
<b>SECTION 2.110.</b> — To the Department of Elementary and Secondary Education For the Supporting Effective Instruction Grants Program pursuant to Title II of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015 From Elementary and Secondary Education - Federal Fund (0105).....	\$44,000,000
<b>SECTION 2.115.</b> — To the Department of Elementary and Secondary Education For the Expanding Opportunity Thru Quality Charter Schools Program pursuant to Title IV, Part C of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015 From Elementary and Secondary Education - Federal Fund (0105).....	\$2,432,000
<b>SECTION 2.120.</b> — To the Department of Elementary and Secondary Education For the Rural Education Initiative grants pursuant to Title V, Part B of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015 From Elementary and Secondary Education - Federal Fund (0105).....	\$3,500,000
<b>SECTION 2.125.</b> — To the Department of Elementary and Secondary Education For language acquisition pursuant to Title III of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015 From Elementary and Secondary Education - Federal Fund (0105).....	\$5,800,000

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<b>SECTION 2.130.</b> — To the Department of Elementary and Secondary Education For Student Support and Enrichment grants pursuant to Title IV, Part A of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015	
From Elementary and Secondary Education - Federal Fund (0105).....	\$8,000,000
<b>SECTION 2.135.</b> — To the Department of Elementary and Secondary Education For the Refugee Children School Impact Grants Program	
From Elementary and Secondary Education - Federal Fund (0105).....	\$300,000
<b>SECTION 2.140.</b> — To the Department of Elementary and Secondary Education For character education initiatives, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.285	
From General Revenue Fund (0101) .....	\$10,000
<b>SECTION 2.145.</b> — To the Department of Elementary and Secondary Education For the Teacher of the Year Program	
From Elementary and Secondary Education - Federal Fund (0105).....	\$40,000
<b>SECTION 2.150.</b> — To the Department of Elementary and Secondary Education For the Vocational Rehabilitation Program	
From General Revenue Fund (0101) .....	\$14,191,795
From Vocational Rehabilitation Fund (0104) .....	51,395,734
From Payments by the Department of Mental Health (0104).....	1,000,000
From Lottery Proceeds Fund (0291).....	<u>1,400,000</u>
Total.....	\$67,987,529
<b>SECTION 2.155.</b> — To the Department of Elementary and Secondary Education For the Disability Determination Program	
From Vocational Rehabilitation Fund (0104) .....	\$24,162,577
<b>SECTION 2.160.</b> — To the Department of Elementary and Secondary Education For Independent Living Centers, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.285	
From General Revenue Fund (0101) .....	\$1,360,000
From Vocational Rehabilitation Fund (0104) .....	1,292,546
From Independent Living Center Fund (0284).....	390,556
For an equal increase on a percentage basis for Independent Living Centers that receive additional funding directly from the federal government	
From General Revenue Fund (0101) .....	160,555
For equalization of state funding to Independent Living Centers that do not receive additional funding directly from the federal government	
From General Revenue Fund (0101) .....	<u>1,339,446</u>
Total.....	\$4,543,103

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

**SECTION 2.165.**— To the Department of Elementary and Secondary Education  
For distributions to educational institutions for the Adult Basic Education  
Program, provided that not more than three percent (3%) flexibility is  
allowed from this section to Section 2.285

From General Revenue Fund (0101) .....	\$5,014,868
From Elementary and Secondary Education - Federal Fund (0105) .....	<u>9,999,155</u>
Total .....	\$15,014,023

**SECTION 2.170.**— To the Department of Elementary and Secondary Education  
For the Special Education Program

From Elementary and Secondary Education - Federal Fund (0105) .....	\$244,873,391
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**SECTION 2.175.**— To the Department of Elementary and Secondary Education  
For special education excess costs

From General Revenue Fund (0101) .....	\$39,946,351
From Lottery Proceeds Fund (0291) .....	<u>19,590,000</u>
Total .....	\$59,536,351

**SECTION 2.180.**— To the Department of Elementary and Secondary Education  
For the First Steps Program, provided that not more than three percent (3%)  
flexibility is allowed from this section to Section 2.285

From General Revenue Fund (0101) .....	\$37,240,309
From Elementary and Secondary Education - Federal Fund (0105) .....	10,993,757
From Early Childhood Development, Education and Care Fund (0859) .....	578,644
From Part C Early Intervention Fund (0788) .....	<u>13,000,000</u>
Total .....	\$61,812,710

**SECTION 2.185.**— To the Department of Elementary and Secondary Education  
For payments to school districts for children in residential placements through  
the Department of Mental Health or the Department of Social Services  
pursuant to Section 167.126, RSMo

From General Revenue Fund (0101) .....	\$625,000
From Lottery Proceeds Fund (0291) .....	4,750,000

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

From Lottery Proceeds Fund (0291) .....	<u>250,000</u>
Total .....	\$5,625,000

**SECTION 2.190.**— To the Department of Elementary and Secondary Education  
For the Sheltered Workshops Program, provided that not more than three percent  
(3%) flexibility is allowed from this section to Section 2.285

From General Revenue Fund (0101) .....	\$26,041,961
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Matter in bold-face type is proposed language.

**SECTION 2.195.** — To the Department of Elementary and Secondary Education  
 For payments to readers for blind or visually disabled students in elementary and  
 secondary schools, provided that not more than three percent (3%) flexibility  
 is allowed from this section to Section 2.285  
 From General Revenue Fund (0101) ..... \$25,000

**SECTION 2.200.** — To the Department of Elementary and Secondary Education  
 For a task force on blind student academic and vocational performance, provided  
 that not more than three percent (3%) flexibility is allowed from this section  
 to Section 2.285  
 From General Revenue Fund (0101) ..... \$231,953

**SECTION 2.205.** — To the Department of Elementary and Secondary Education  
 For the Missouri School for the Deaf  
 From School for the Deaf Trust Fund (0922)..... \$49,500

**SECTION 2.210.** — To the Department of Elementary and Secondary Education  
 For the Missouri School for the Blind  
 From School for the Blind Trust Fund (0920) ..... \$1,500,000

**SECTION 2.215.** — To the Department of Elementary and Secondary Education  
 For the Missouri Special Olympics Program, provided that not more than three  
 percent (3%) flexibility is allowed from this section to Section 2.285  
 From General Revenue Fund (0101) ..... \$100,000

**SECTION 2.220.** — To the Department of Elementary and Secondary Education  
 For the Missouri Schools for the Severely Disabled  
 From Handicapped Children's Trust Fund (0618) ..... \$200,000

**SECTION 2.225.** — To the Department of Elementary and Secondary Education  
 For the Missouri Charter Public School Commission, provided that not more than  
 three percent (3%) flexibility is allowed from this section to Section 2.285  
 Personal Service..... \$221,101  
 Expense and Equipment..... 55,000  
 From General Revenue Fund (0101) ..... 276,101

Expense and Equipment  
 From Charter Public School Commission Revolving Fund (0860) ..... 750,000  
 From Charter Public School Commission Federal Fund (0175) ..... 500,000  
 From Charter Public School Commission Trust Fund (0862)..... 2,000,000  
 Total (Not to exceed 2.00 F.T.E.)..... \$3,526,101

**\*SECTION 2.230.** — To the Department of Elementary and Secondary  
 Education  
 For the Missouri Commission for the Deaf and Hard of Hearing, provided that  
 not more than three percent (3%) flexibility is allowed from this section to  
 Section 2.285  
 Personal Service..... \$358,558

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Expense and Equipment.....	<u>118,071</u>
From General Revenue Fund (0101).....	476,629
For grants to organizations providing deaf blind services pursuant to Section 161.412.1, RSMo	
From General Revenue Fund (0101).....	300,000
Personal Service.....	34,437
Expense and Equipment.....	<u>119,000</u>
From Missouri Commission for the Deaf and Hard of Hearing Fund (0743).....	153,437
Expense and Equipment	
From Missouri Commission for the Deaf and Hard of Hearing Board of Certification of Interpreters Fund (0264).....	<u>150,000</u>
Total (Not to exceed 8.00 F.T.E.).....	\$1,080,066

\*I hereby veto \$45,000 general revenue for the Missouri Commission for the Deaf and Hard of Hearing.

Personal Service by \$45,000 from \$358,558 to \$313,558 from General Revenue Fund.  
 From \$476,629 to \$431,629 in total from General Revenue Fund.  
 From \$1,080,066 to \$1,035,066 in total for the section.

MICHAEL L. PARSON  
GOVERNOR

**SECTION 2.235.** — To the Department of Elementary and Secondary Education  
 For the Missouri Assistive Technology Council

Personal Service.....	\$239,916
Expense and Equipment.....	<u>570,138</u>
From Assistive Technology Federal Fund (0188).....	810,054
Personal Service.....	230,161
Expense and Equipment.....	<u>1,639,703</u>
From Deaf Relay Service and Equipment Distribution Program Fund (0559).....	1,869,864
Personal Service.....	52,805
Expense and Equipment.....	<u>575,000</u>
From Assistive Technology Loan Revolving Fund (0889).....	627,805
Expense and Equipment	
From Assistive Technology Trust Fund (0781).....	1,080,000
From Debt Offset Escrow Fund (0753).....	<u>1,000</u>
Total (Not to exceed 10.00 F.T.E.).....	\$4,388,723

**SECTION 2.240.** — To the Department of Elementary and Secondary Education  
 For the Children's Services Commission

From Missouri Children's Services Commission Fund (0601).....	\$8,000
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 Matter in bold-face type is proposed language.

<b>SECTION 2.245.</b> — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund-County Foreign Tax Distribution, to the State School Moneys Fund From General Revenue Fund (0101) .....	\$128,411,878
<b>SECTION 2.250.</b> — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the State School Moneys Fund From Fair Share Fund (0687) .....	\$19,200,000
<b>SECTION 2.255.</b> — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the Outstanding Schools Trust Fund From General Revenue Fund (0101) .....	\$836,600,000
<b>SECTION 2.260.</b> — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the Classroom Trust Fund From Gaming Proceeds for Education Fund (0285) .....	\$335,000,000
<b>SECTION 2.265.</b> — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the Classroom Trust Fund From Lottery Proceeds Fund (0291) .....	\$16,702,205
<b>SECTION 2.270.</b> — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the School District Bond Fund From Gaming Proceeds for Education Fund (0285) .....	\$492,000
<b>SECTION 2.275.</b> — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the State School Moneys Fund From School Building Revolving Fund (0279) .....	\$1,500,000
<b>SECTION 2.280.</b> — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the State School Moneys Fund From After School Retreat Reading and Assessment Grant Program Fund (0732) .....	\$2,000
<b>SECTION 2.285.</b> — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Sections 105.711 through 105.726, RSMo, to the State Legal Expense Fund From General Revenue Fund (0101) .....	\$1

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

**Bill Totals**

General Revenue Fund.....	\$3,469,525,202
Federal Funds.....	1,111,243,646
Other Funds.....	<u>1,576,487,593</u>
Total.....	\$6,157,256,441

Approved June 29, 2018

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CCS SCS HCS HB 2003

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**PART 1**

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

**SECTION 3.005.** — To the Department of Higher Education  
For Higher Education Coordination and for grant and scholarship program administration, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121

Personal Service.....	\$2,180,093
Expense and Equipment.....	<u>563,232</u>
From General Revenue Fund (0101) .....	2,743,325
For Default Prevention Activities	
Expense and Equipment	
From General Revenue Fund (0101) .....	250,000
Personal Service.....	38,989
Expense and Equipment.....	<u>16,850</u>
From Department of Higher Education Out of State Program Fund (0420) .....	55,839
For workshops and conferences sponsored by the Department of Higher Education, and for distribution of federal funds to higher education institutions, to be paid for on a cost recovery basis and for returning unspent grant funds to the original grantor organization	
From Quality Improvement Revolving Fund (0537) .....	75,000
Funds are to be transferred out of the State Treasury to the General Revenue Fund	
From Quality Improvement Revolving Fund (0537) .....	<u>50,000</u>
Total (Not to exceed 45.03 F.T.E.) .....	\$3,174,164

**SECTION 3.010.** — To the Department of Higher Education

For regulation of proprietary schools as provided in Section 173.600, RSMo

Personal Service.....	\$217,812
Expense and Equipment.....	<u>92,148</u>
From Proprietary School Certification Fund (0729)	
(Not to exceed 5.00 F.T.E.).....	\$309,960

**SECTION 3.015.** — To the Department of Higher Education

For indemnifying individuals as a result of improper actions on the part of proprietary schools as provided in Section 173.612, RSMo

From Proprietary School Bond Fund (0760).....	\$400,000
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**SECTION 3.020.** — To the Department of Higher Education

For annual membership in the Midwestern Higher Education Compact

From General Revenue Fund (0101) .....	\$115,000
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**SECTION 3.025.** — To the Department of Higher Education

For the Eisenhower Science and Mathematics Program and the Improving

Teacher Quality State Grants Program

Personal Service.....	\$39,157
Expense and Equipment.....	10,000
Federal Education Programs .....	<u>1,200,000</u>
From Department of Higher Education Federal Fund (0116)	
(Not to exceed 1.00 F.T.E.).....	\$1,249,157

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

<b>SECTION 3.030.</b> — To the Department of Higher Education	
For the State-Wide Student Web Portal	
From Guaranty Agency Operating Fund (0880).....	\$500,000
<b>SECTION 3.035.</b> — To the Department of Higher Education	
For receiving and expending donations and federal funds, provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds and further provided that no funds shall be used to implement or support the Common Core Standards	
From Department of Higher Education Federal Fund (0116).....	\$1,000,000
<b>SECTION 3.040.</b> — To the Department of Higher Education	
For receiving and expending donations and funds other than federal funds, provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds and further provided that no funds shall be used to implement or support the Common Core Standards	
From State Institutions Gift Trust Fund (0925).....	\$1,000,000
<b>SECTION 3.041.</b> — To the Department of Higher Education	
To assist public higher education institutions that do not meet performance targets in the Higher Education Performance Funding Model by assessing, planning and implementing performance improvement initiatives	
From General Revenue Fund (0101) .....	\$100,000
<b>SECTION 3.045.</b> — To the Department of Higher Education	
Funds are to be transferred out of the State Treasury to the Academic Scholarship Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121	
From General Revenue Fund (0101) .....	\$10,676,666
From Guaranty Agency Operating Fund (0880).....	10,500,000
From State Institutions Gift Trust Fund (0925).....	2,000,000
Total.....	\$23,176,666
<b>SECTION 3.050.</b> — To the Department of Higher Education	
For the Higher Education Academic Scholarship Program pursuant to Chapter 173, RSMo	
From Academic Scholarship Fund (0840) .....	\$25,676,666
<b>SECTION 3.055.</b> — To the Department of Higher Education	
Funds are to be transferred out of the State Treasury to the Access Missouri Financial Assistance fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121	
From General Revenue Fund (0101) .....	\$37,994,385
From Lottery Proceeds Fund (0291).....	11,916,667
From Guaranty Agency Operating Fund (0880).....	13,500,000
From State Institutions Gift Trust Fund (0925).....	2,000,000

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From Missouri Student Grant Program Gift Fund (0272).....	50,000
From Advantage Missouri Trust Fund (0856).....	<u>50,000</u>
Total.....	\$65,511,052

**SECTION 3.060.** — To the Department of Higher Education  
 For the Access Missouri Financial Assistance Program pursuant to Chapter 173, RSMo  
 From Access Missouri Financial Assistance Fund (0791).....\$78,500,000

**SECTION 3.065.** — To the Department of Higher Education  
 Funds are to be transferred out of the State Treasury to the A+ Schools Fund,  
 provided that not more than three percent (3%) flexibility is allowed from  
 this section to Section 3.121  
 From General Revenue Fund (0101) .....\$15,953,878  
 From Lottery Proceeds Fund (0291)..... 21,659,448  
 From State Institutions Gift Trust Fund (0925)..... 2,000,000  
 Total.....\$39,613,326

**SECTION 3.070.** — To the Department of Higher Education  
 For the A+ Schools Program  
 From A+ Schools Fund (0955) .....\$43,000,000

**SECTION 3.075.** — To the Department of Higher Education  
 Funds are to be transferred out of the State Treasury to the Marguerite Ross  
 Barnett Scholarship Fund, provided that not more than three percent (3%)  
 flexibility is allowed from this section to Section 3.121  
 From General Revenue Fund (0101) ..... \$413,375

**SECTION 3.080.** — To the Department of Higher Education  
 For Advanced Placement grants for Access Missouri Financial Assistance  
 Program and A+ Schools Program recipients, the Public Service Officer or  
 Employee Survivor Grant Program pursuant to section 173.260, RSMo, the  
 Veteran's Survivors Grant Program pursuant to section 173.234, RSMo, and  
 the Marguerite Ross Barnett Scholarship Program pursuant to section  
 173.262, RSMo, provided that the Advanced Placement grants for Access  
 Missouri Financial Assistance Program and A+ Schools Program recipients,  
 the Public Service Officer or Employee Survivor Grant Program pursuant to  
 section 173.260, RSMo, and the Veteran's Survivors Grant Program pursuant  
 to section 173.234, RSMo, are funded at a level sufficient to make awards to  
 all eligible students and that sufficient resources are reserved for students who  
 may become eligible during the school year, provided that not more than three  
 percent (3%) flexibility is allowed from this section to Section 3.121

From AP Incentive Grant Fund (0983).....	\$100,000
From General Revenue Fund (0101) .....	441,250

For the Marguerite Ross Barnett Scholarship Program pursuant to Section  
 173.262, RSMo  
 From Marguerite Ross Barnett Scholarship Fund (0131) ..... 500,000  
 Total.....\$1,041,250

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 Matter in bold-face type is proposed language.

<b>SECTION 3.085.</b> — To the Department of Higher Education	
For the Kids' Chance Scholarship Program pursuant to Chapter 173, RSMo	
From Kids' Chance Scholarship Fund (0878) .....	\$15,000
<b>SECTION 3.090.</b> — To the Department of Higher Education	
For the Minority and Underrepresented Environmental Literacy Program	
pursuant to section 640.240, RSMo, provided that not more than three	
percent (3%) flexibility is allowed from this section to Section 3.121	
From General Revenue Fund (0101) .....	\$32,964
<b>SECTION 3.095.</b> — To the Department of Higher Education	
For the Advantage Missouri Program pursuant to Chapter 173, RSMo	
From Advantage Missouri Trust Fund (0856) .....	\$15,000
<b>SECTION 3.100.</b> — To the Department of Higher Education	
For the Missouri Guaranteed Student Loan Program, provided that not more	
than twenty-five percent (25%) flexibility is allowed between personal	
service and expense and equipment	
Personal Service .....	\$597,456
Expense and Equipment .....	2,478,693
Default prevention activities .....	640,000
Payment of fees for collection of defaulted loans .....	8,000,000
Payment of penalties to the federal government associated with late deposit	
of default collections .....	<u>500,000</u>
From Guaranty Agency Operating Fund (0880)	
(Not to exceed 15.80 F.T.E.) .....	\$12,216,149
<b>SECTION 3.105.</b> — To the Department of Higher Education	
Funds are to be transferred out of the State Treasury to the Guaranty Agency	
Operating Fund	
From Federal Student Loan Reserve Fund (0881) .....	\$15,000,000
<b>SECTION 3.110.</b> — To the Department of Higher Education	
For purchase of defaulted loans, payment of default aversion fees, reimbursement	
to the federal government, and investment of funds in the Federal Student Loan	
Reserve Fund	
From Federal Student Loan Reserve Fund (0881) .....	\$120,000,000
<b>SECTION 3.115.</b> — To the Department of Higher Education	
For the transfer of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753) .....	\$750,000
<b>SECTION 3.120.</b> — To the Department of Higher Education	
Funds are to be transferred out of the State Treasury to the Federal	
Student Loan Reserve Fund	
From Guaranty Agency Operating Fund (0880) .....	\$1,000,000

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**SECTION 3.121.** — To the Department of Higher Education

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

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

**SECTION 3.127.** — To the Missouri University of Science and Technology

For phased expansion of Project Lead the Way in ten (10) southern Missouri counties. This funding will serve as state match for Federal funding, and will provide pilot support for Project Lead the Way in Houston, Missouri in affiliation with Missouri University of Science and Technology

From General Revenue Fund (0101) ..... \$200,000

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

For distribution to community colleges as provided in section 163.191, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.121 and further provided that no institution requires students to join a labor organization

From General Revenue Fund (0101) .....\$118,639,790

From Lottery Proceeds Fund (0291)..... 10,489,991

For distribution to community colleges for the purpose of equity adjustments

From General Revenue Fund (0101) ..... 10,044,016

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

From General Revenue Fund (0101) ..... 4,396,718

For workforce development federal matching program

From General Revenue Fund (0101) ..... 2,000,000

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

From Debt Offset Escrow Fund (0753)..... 2,806,000

Total.....\$148,376,515

**SECTION 3.205.** — To the State Technical College of Missouri, provided that not more than three percent (3%) flexibility is allowed from this section to section 3.121

All Expenditures

From General Revenue Fund (0101) .....\$4,994,154

From Lottery Proceeds Fund (0291)..... 536,217

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

From Debt Offset Escrow Fund (0753)..... 30,000

Total.....\$5,560,371

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

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All Expenditures  
 From General Revenue Fund (0101) .....\$48,287,398  
 From Lottery Proceeds Fund (0291).....6,050,959

For the payment of refunds set off against debt as required by section 143.786, RSMo  
 From Debt Offset Escrow Fund (0753)..... 200,000  
 Total.....\$54,538,357

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

All Expenditures  
 From General Revenue Fund (0101) .....\$39,943,712  
 From Lottery Proceeds Fund (0291).....4,935,757

For the payment of refunds set off against debt as required by section 143.786, RSMo  
 From Debt Offset Escrow Fund (0753)..... 200,000  
 Total.....\$45,079,469

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

All Expenditures  
 From General Revenue Fund (0101) .....\$74,330,941  
 From Lottery Proceeds Fund (0291).....9,670,119

For the payment of refunds set off against debt as required by section 143.786, RSMo  
 From Debt Offset Escrow Fund (0753)..... 350,000  
 Total.....\$84,351,060

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

All Expenditures  
 From General Revenue Fund (0101) .....\$14,656,121  
 From Lottery Proceeds Fund (0291).....1,814,072

For the purpose of funding the federal match requirement in the areas of agriculture extension and/or research  
 From General Revenue Fund (0101) ..... 4,000,000

For the payment of refunds set off against debt as required by Section 143.786, RSMo  
 From Debt Offset Escrow Fund (0753)..... 200,000  
 Total.....\$20,670,193

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

All Expenditures  
 From General Revenue Fund (0101) .....\$36,084,157  
 From Lottery Proceeds Fund (0291).....4,576,165

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 Matter in bold-face type is proposed language.

For the payment of refunds set off against debt as required by section 143.786, RSMo  
 From Debt Offset Escrow Fund (0753)..... 200,000  
 Total.....\$40,860,322

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

All Expenditures  
 From General Revenue Fund (0101) .....\$26,843,377  
 From Lottery Proceeds Fund (0291)..... 3,342,740

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

From Debt Offset Escrow Fund (0753)..... 200,000  
 Total.....\$30,386,117

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

All Expenditures  
 From General Revenue Fund (0101) .....\$21,799,731  
 From Lottery Proceeds Fund (0291)..... 2,431,511

For one-time supplemental financial assistance to the university

From General Revenue Fund (0101) ..... 2,000,000

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

From Debt Offset Escrow Fund (0753)..... 200,000  
 Total.....\$26,431,242

\*I hereby veto \$1,000,000 general revenue for Missouri Southern State University for one-time supplemental financial assistance to the university.

From \$2,000,000 to \$1,000,000 from General Revenue Fund.  
 From \$26,431,242 to \$25,431,242 in total for the section.

MICHAEL L. PARSON  
 GOVERNOR

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

All Expenditures  
 From General Revenue Fund (0101) .....\$18,852,428  
 From Lottery Proceeds Fund (0291)..... 2,394,327

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

From Debt Offset Escrow Fund (0753)..... 200,000  
 Total.....\$21,446,755

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 Matter in bold-face type is proposed language.

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

All Expenditures	
From General Revenue Fund (0101) .....	\$8,312,281
From Lottery Proceeds Fund (0291) .....	1,148,979
For one-time supplemental financial assistance to the university	
From General Revenue Fund (0101) .....	750,000
For the payment of refunds set off against debt as required by section 143.786, RSMo	
From Debt Offset Escrow Fund (0753) .....	200,000
Total .....	\$10,411,260

\*I hereby veto \$500,000 general revenue for Harris-Stowe State University for one-time supplemental financial assistance to the university.

From \$750,000 to \$250,000 from General Revenue Fund.  
From \$10,411,260 to \$9,911,260 in total for the section.

MICHAEL L. PARSON  
GOVERNOR

**SECTION 3.255.** — To the University of Missouri  
For operation of its various campuses and programs

All Expenditures	
From General Revenue Fund (0101) .....	\$369,994,128
From Lottery Proceeds Fund (0291) .....	46,842,748
For the Greenley Research Center for research related to the "Water Works for Agriculture in Missouri" initiative	
From General Revenue Fund (0101) .....	275,000
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753) .....	1,400,000
Total .....	\$418,511,876

**SECTION 3.260.** — To the University of Missouri  
For a program designed to increase international collaboration and economic  
opportunity located at the University of Missouri-St. Louis

From General Revenue Fund (0101) .....	\$450,000
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**SECTION 3.265.** — To the University of Missouri, provided that not more than  
three percent (3%) flexibility is allowed from this section to Section 3.121  
For the Missouri Telehealth Network

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

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For the purpose of creating and implementing up to eight (8) Extension for  
 Community Healthcare Outcomes Programs. Four of the programs shall focus  
 on Hepatitis, Diabetes, Chronic Pain Management, and Childhood Asthma

From General Revenue Fund (0101) .....	<u>1,500,000</u>
Total.....	\$1,937,640

**SECTION 3.270.** — To the University of Missouri  
 For a program of research into spinal cord injuries  
 All Expenditures  
 From Spinal Cord Injury Fund (0578) .....\$1,500,000

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

**SECTION 3.280.** — To the University of Missouri  
 For the State Historical Society, provided that not more than three percent (3%)  
 flexibility is allowed from this section to Section 3.121  
 All Expenditures  
 From General Revenue Fund (0101) .....\$2,754,367

For one-time funding to the State Historical Society for expenses related to the  
 bicentennial celebration  
 From General Revenue Fund (0101) ..... 200,000  
 Total.....\$2,954,367

**SECTION 3.285.** — To the Board of Curators of the University of Missouri  
 For investment in registered federal, state, county, municipal, or school district  
 bonds as provided by law  
 From Seminary Fund (0872) .....\$3,000,000

**SECTION 3.290.** — To the Board of Curators of the University of Missouri  
 For use by the University of Missouri pursuant to Sections 172.610 through  
 172.720, RSMo  
 From State Seminary Moneys Fund (0623) .....\$275,000

**PART 2**

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

**SECTION 3.305.** — To the Department of Higher Education and public  
 institutions of higher education

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

In reference to all sections in Part 1 of this act:  
No scholarship funds shall be expended on behalf of students with an unlawful immigration status in the United States.

**Bill Totals**

General Revenue Fund.....	\$881,779,163
Federal Funds.....	2,249,157
Other Funds.....	297,704,288
Total.....	\$1,181,732,608

Approved June 29, 2018

CCS SCS HCS HB 2004

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein, for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**PART 1**

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

**SECTION 4.005.** — To the Department of Revenue  
For the purpose of collecting highway related fees and taxes, provided that ten percent (10%) flexibility is allowed between personal service and expense

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Matter in bold-face type is proposed language.

and equipment and ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025; and further provided that three percent (3%) flexibility is allowed from this section to Section 4.163

Personal Service.....	\$7,237,833
Annual salary adjustment in accordance with section 105.005, RSMo .....	471
Expense and Equipment.....	<u>3,224,134</u>
From General Revenue Fund (0101) .....	10,462,438

Personal Service.....	7,457,086
Annual salary adjustment in accordance with section 105.005, RSMo .....	91
Expense and Equipment.....	<u>6,825,822</u>
From State Highways and Transportation Department Fund (0644) .....	14,282,999

For a new motor vehicle and driver licensing computer system, including design and procurement analysis, provided that three percent (3%) flexibility is allowed from this section to Section 4.163

Personal Service	
From General Revenue Fund (0101) .....	<u>179,550</u>
Total (Not to exceed 442.54 F.T.E.) .....	\$24,924,987

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

For the Division of Taxation, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025; and further provided that three percent (3%) flexibility is allowed from this section to Section 4.163

Personal Service.....	\$19,869,537
Expense and Equipment.....	<u>1,942,641</u>
From General Revenue Fund (0101) .....	21,812,178

Personal Service.....	28,741
Expense and Equipment.....	<u>1,071</u>
From Petroleum Storage Tank Insurance Fund (0585) .....	29,812

Personal Service.....	35,055
Expense and Equipment.....	<u>2,818</u>
From Petroleum Inspection Fund (0662).....	37,873

Personal Service.....	53,571
Expense and Equipment.....	<u>4,163</u>
From Health Initiatives Fund (0275).....	57,734

Personal Service.....	584,547
Expense and Equipment.....	<u>8,277</u>
From Conservation Commission Fund (0609) .....	592,824

For organizational dues, provided that three percent (3%) flexibility is allowed from this section to Section 4.163

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

From General Revenue Fund (0101) .....	212,401
For the integrated tax system	
Expense and Equipment	
From General Revenue Fund (0101) .....	<u>8,000,000</u>
Total (Not to exceed 564.05 F.T.E.) .....	\$30,742,822

**SECTION 4.015.** — To the Department of Revenue

For the Division of Motor Vehicle and Driver Licensing, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025; and further provided that three percent (3%) flexibility is allowed from this section to Section 4.163

Personal Service.....	\$383,946
Expense and Equipment.....	<u>380,232</u>
From General Revenue Fund (0101) .....	764,178
Personal Service.....	2,763
Expense and Equipment.....	<u>160,776</u>
From Department of Revenue - Federal Fund (0132) .....	163,539
Personal Service.....	202,251
Expense and Equipment.....	<u>245,840</u>
From Motor Vehicle Commission Fund (0588) .....	448,091
Personal Service.....	6,967
Expense and Equipment.....	<u>9,953</u>
From Department of Revenue Specialty Plate Fund (0775) .....	<u>16,920</u>
Total (Not to exceed 32.05 F.T.E.) .....	\$1,392,728

**SECTION 4.020.** — To the Department of Revenue

For the Division of Legal Services, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025; and further provided that three percent (3%) flexibility is allowed from this section to Section 4.163

Personal Service.....	\$1,546,229
Expense and Equipment.....	<u>112,833</u>
From General Revenue Fund (0101) .....	1,659,062
Personal Service.....	214,236
Expense and Equipment.....	<u>211,154</u>
From Department of Revenue - Federal Fund (0132) .....	425,390
Personal Service.....	465,720
Expense and Equipment.....	<u>28,118</u>
From Motor Vehicle Commission Fund (0588) .....	493,838
Personal Service.....	<u>42,491</u>

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Expense and Equipment.....	<u>3,323</u>
From Tobacco Control Special Fund (0984).....	<u>45,814</u>
Total (Not to exceed 54.75 F.T.E.) .....	\$2,624,104

**SECTION 4.025.** — To the Department of Revenue

For the Division of Administration, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025; and further provided that three percent (3%) flexibility is allowed from this section to Section 4.163

Personal Service.....	\$1,157,175
Annual salary adjustment in accordance with section 105.005, RSMo .....	140
Expense and Equipment.....	<u>211,326</u>
From General Revenue Fund (0101) .....	1,368,641

Personal Service.....	54,843
Expense and Equipment.....	<u>3,470,006</u>
From Department of Revenue - Federal Fund (0132) .....	3,524,849

Personal Service.....	26,372
Expense and Equipment.....	<u>2,089,841</u>
From Child Support Enforcement Fund (0169).....	2,116,213

For postage, provided that three percent (3%) flexibility is allowed from this section to Section 4.163

Expense and Equipment	
From General Revenue Fund (0101) .....	3,743,011
From Health Initiatives Fund (0275).....	5,373
From Motor Vehicle Commission Fund (0588) .....	44,029
From Conservation Commission Fund (0609) .....	<u>1,343</u>
Total (Not to exceed 38.66 F.T.E.) .....	\$10,803,459

**SECTION 4.027.** — To the Department of Revenue

For distribution to port authorities to expand, develop, and redevelop advanced industrial manufacturing zones; including the satisfaction of bonds, managerial, engineering, legal, research, promotion, and planning expenses

From Port Authority AIM Zone Fund (0583) .....	\$100,000
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**SECTION 4.030.** — To the Department of Revenue

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

From General Revenue Fund (0101) .....	\$2,900,000
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**SECTION 4.035.** — To the Department of Revenue

For payment of fees to counties for the filing of lien notices and lien releases

From General Revenue Fund (0101) .....	\$275,000
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<b>SECTION 4.040.</b> — To the Department of Revenue	
For distribution to cities and counties of all funds accruing to the Motor Fuel Tax Fund under the provisions of Sections 30(a) and 30(b), Article IV, of the Constitution of Missouri	
From Motor Fuel Tax Fund (0673).....	\$195,000,000
<b>SECTION 4.045.</b> — To the Department of Revenue	
For distribution of emblem use fee contributions collected for specialty plates	
From General Revenue Fund (0101) .....	\$1,000
<b>SECTION 4.050.</b> — To the Department of Revenue	
For refunds for overpayment or erroneous payment of any tax or any payment credited to the General Revenue Fund	
From General Revenue Fund (0101) .....	\$1,561,800,000
For refunds for overpayment or erroneous payment of any tax or any payment credited to the General Revenue Fund in excess of the consensus revenue estimate	
From General Revenue Fund (0101) .....	100,000,000
Total .....	\$1,661,800,000
<b>SECTION 4.055.</b> — To the Department of Revenue	
For refunds for overpayment or erroneous payment of any tax or any payment credited to Federal and Other Funds	
From Federal and Other Funds (Various).....	\$50,000
<b>SECTION 4.060.</b> — To the Department of Revenue	
For refunds for any overpayment or erroneous payments of any tax or fee credited to the State Highways and Transportation Department Fund	
From State Highways and Transportation Department Fund (0644) .....	\$2,290,564
<b>SECTION 4.065.</b> — To the Department of Revenue	
For refunds for any overpayment or erroneous payment of any amount credited to the Aviation Trust Fund	
From Aviation Trust Fund (0952).....	\$50,000
<b>SECTION 4.070.</b> — To the Department of Revenue	
For refunds and distributions of motor fuel taxes	
From State Highways and Transportation Department Fund (0644) .....	\$16,814,000
<b>SECTION 4.075.</b> — To the Department of Revenue	
For refunds for overpayment or erroneous payment of any tax or any payment credited to the Workers' Compensation Fund	
From Workers' Compensation Fund (0652).....	\$2,000,000
<b>SECTION 4.080.</b> — To the Department of Revenue	
For refunds for overpayment or erroneous payment of any tax or any payment for tobacco taxes	
From Health Initiatives Fund (0275).....	\$125,000
From State School Moneys Fund (0616).....	25,000

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From Fair Share Fund (0687).....	11,000
Total.....	\$161,000

**SECTION 4.085.** — To the Department of Revenue  
 For apportionments to the several counties and the City of St. Louis to offset  
 credits taken against the County Stock Insurance Tax  
 From General Revenue Fund (0101) ..... \$135,700

**SECTION 4.090.** — To the Department of Revenue  
 For the payment of tax delinquencies set off by tax credits  
 From General Revenue Fund (0101) ..... \$260,000

**SECTION 4.095.** — To the Department of Revenue  
 Funds are to be transferred out of the State Treasury to the Debt Offset  
 Escrow Fund in such amounts as may be necessary to make payments of  
 refunds set off against debts as required by Section 143.786, RSMo  
 From General Revenue Fund (0101) ..... \$13,797,384

**SECTION 4.100.** — To the Department of Revenue  
 Funds are to be transferred out of the State Treasury to the Circuit Courts  
 Escrow Fund in such amounts as may be necessary to make payments of  
 refunds set off against debts as required by Section 488.020(3), RSMo  
 From General Revenue Fund (0101) ..... \$2,518,749

**SECTION 4.105.** — To the Department of Revenue  
 For the payment of refunds set off against debts as required by Section 143.786, RSMo  
 From Debt Offset Escrow Fund (0753)..... \$1,164,119

**SECTION 4.110.** — To the Department of Revenue  
 Funds are to be transferred out of the State Treasury to the General Revenue Fund  
 From School District Trust Fund (0688) ..... \$2,500,000

**SECTION 4.115.** — To the Department of Revenue  
 Funds are to be transferred out of the State Treasury to the General Revenue  
 Fund in the amount of sixty-six hundredths percent of the funds received  
 From Parks Sales Tax Fund (0613)..... \$325,000

**SECTION 4.120.** — To the Department of Revenue  
 Funds are to be transferred out of the State Treasury to the General Revenue  
 Fund in the amount of sixty-six hundredths percent of the funds received  
 From Soil and Water Sales Tax Fund (0614)..... \$325,000

**SECTION 4.125.** — To the Department of Revenue  
 Funds are to be transferred out of the State Treasury for amounts from  
 income tax refunds designated by taxpayers for deposit in various income  
 tax check off funds  
 From General Revenue Fund (0101) ..... \$471,000

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**SECTION 4.130.** — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the General Revenue Fund for amounts from income tax refunds erroneously deposited to various funds

From Other Funds (Various) ..... \$13,669

**SECTION 4.135.** — To the Department of Revenue

For distribution from the various income tax check off charitable trust funds

From Other Funds (Various) ..... \$50,000

**SECTION 4.140.** — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the State Highways and Transportation Department Fund

From Department of Revenue Information Fund (0619) ..... \$1,250,000

**SECTION 4.145.** — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the State Highways and Transportation Department Fund

From Motor Fuel Tax Fund (0673) ..... \$560,178,001

**SECTION 4.150.** — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the State Highways and Transportation Department Fund

From Department of Revenue Specialty Plate Fund (0775) ..... \$20,000

**SECTION 4.155.** — To the Department of Revenue

For the State Tax Commission, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment; and further provided that three percent (3%) flexibility is allowed from this section to Section 4.163

Personal Service ..... \$2,049,719

Annual salary adjustment in accordance with section 105.005, RSMo ..... 1,632

Expense and Equipment ..... 166,977

From General Revenue Fund (0101) ..... 2,218,328

For the Productive Capability of Agricultural and Horticultural Land Use Study, provided that three percent (3%) flexibility is allowed from this section to Section 4.163

Expense and Equipment

From General Revenue Fund (0101) ..... 3,798

Total (Not to exceed 38.00 F.T.E.) ..... \$2,222,126

**SECTION 4.160.** — To the Department of Revenue

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

From General Revenue Fund (0101) ..... \$9,956,004

**SECTION 4.163.** — To the Department of Revenue

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

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

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

For the State Lottery Commission, provided that twenty-five percent (25%) flexibility is allowed between personal service, expense and equipment; and further provided that all moneys received by the State Lottery Commission from the sale of Missouri lottery tickets, and from all other sources, shall be deposited in the State Lottery Fund, pursuant to Article III, Section 39(b) of the Missouri Constitution

Personal Service.....\$7,129,896  
Expense and Equipment, excluding any purposes for which appropriations have been made elsewhere in this section .....8,968,290

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

For payments to vendors for costs of the design, manufacture, licensing, leasing, processing, and delivery of no more than 375 pull tab machines with a maximum of four machines per location in fraternal organizations only .....3,573,405

For advertising expenses ..... 16,000,000  
From Lottery Enterprise Fund (0657) (Not to exceed 153.50 F.T.E.) .....\$65,043,068

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

For the State Lottery Commission

For the payment of prizes

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

**SECTION 4.175.** — To the Department of Revenue

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

From State Lottery Fund (0682).....\$70,422,990

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

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

From State Lottery Fund (0682).....\$323,000,000

**SECTION 4.400.** — To the Department of Transportation

For the Highways and Transportation Commission and Highway Program Administration

Personal Service.....\$18,858,336

Expense and Equipment..... 7,347,562

From State Road Fund (0320) .....26,205,898

For costs related to license plate reissuance

Expense and Equipment

From State Road Fund (0320) .....9,000,000

For Organizational Dues

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From Multimodal Operations Federal Fund (0126) .....	5,000
From State Road Fund (0320) .....	70,000
From Railroad Expense Fund (0659).....	5,000
Total (Not to exceed 350.57 F.T.E.) .....	\$35,285,898

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

For department wide fringe expenses

For Administration fringe benefits

Personal Service.....	\$14,214,101
Expense and Equipment.....	19,089,430

From State Road Fund (0320)..... 33,303,531

For Construction Program fringe benefits

Personal Service.....	51,440,412
Expense and Equipment.....	685,000

From State Road Fund (0320)..... 52,125,412

For Maintenance Program fringe benefits

    Personal Service

From Department of Transportation - Highway Safety Fund (0149)..... 237,896

Personal Service.....	115,881,411
Expense and Equipment.....	6,653,778

From State Road Fund (0320)..... 122,535,189

For Fleet, Facilities, and Information Systems fringe benefits

Personal Service.....	10,583,755
Expense and Equipment.....	244,493

From State Road Fund (0320)..... 10,828,248

For Multimodal Operations fringe benefits

    Personal Service

From Multimodal Operations Federal Fund (0126) ..... 236,657

From State Road Fund (0320)..... 334,953

From Railroad Expense Fund (0659)..... 362,787

From State Transportation Fund (0675) ..... 119,471

From Aviation Trust Fund (0952)..... 379,037

Total.....\$220,463,181

**\*SECTION 4.407.** — To the Department of Transportation

For the accelerated replacement, or immediate repair to bridges constructed or maintained at the cost of the state that are located on state or interstate highways and are in critical disrepair

From Emergency Bridge Repair and Replacement Fund (0558)..... \$1,000,000

\*I hereby veto \$1,000,000 Emergency Bridge Repair and Replacement Fund for accelerated replacement, or immediate repair to bridges.

Said section is vetoed in its entirety from \$1,000,000 to \$0 from Emergency Bridge Repair and Replacement Fund.

From \$1,000,000 to \$0 in total for the section.

MICHAEL L. PARSON  
GOVERNOR

**SECTION 4.410.** — To the Department of Transportation

For the Construction Program

To pay the costs of reimbursing counties and other political subdivisions for the acquisition of roads and bridges taken over by the state as permanent parts of the state highway system, and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, and improving those highways, bridges, tunnels, parkways, travelways, tourways, and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the location and construction of highways and bridges; and to expend funds from the United States Government for like purposes

Personal Service.....	\$67,761,311
Expense and Equipment.....	19,558,170
Construction .....	<u>1,158,644,499</u>
From State Road Fund (0320).....	1,245,963,980

For all expenditures associated with paying outstanding state road bond debt, provided that fifty percent (50%) flexibility is allowed between the State Road Fund and State Road Bond Fund

From State Road Fund (0320).....	211,857,981
From State Road Bond Fund (0319).....	<u>201,259,881</u>
Total (Not to exceed 1,326.44 F.T.E.).....	\$1,659,081,842

**SECTION 4.415.** — To the Department of Transportation

For the Maintenance Program

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

Personal Service.....	\$322,107
Expense and Equipment.....	<u>54,393</u>
From Department of Transportation - Highway Safety Fund (0149).....	376,500

Personal Service.....	144,288,456
Expense and Equipment.....	<u>223,906,284</u>
From State Road Fund (0320).....	368,194,740

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Expense and Equipment	
From Motorcycle Safety Trust Fund (0246) .....	425,000
For allotments, grants, and contributions from grants of National Highway Safety Act moneys for vehicle checkpoints where motorists may be detained without individualized reasonable suspicion, and related administrative expenses.....	1
For allotments, grants, and contributions from grants of National Highway Safety Act moneys for highway safety education and enforcement programs and their related administrative expenses, excluding expenses related to vehicle checkpoints where motorists may be detained without individualized reasonable suspicion .....	<u>18,999,999</u>
From Department of Transportation - Highway Safety Fund (0149).....	19,000,000
For the Motor Carrier Safety Assistance Program	
From Motor Carrier Safety Assistance Program/Division of Transportation - Federal Fund (0185) .....	<u>3,299,725</u>
Total (Not to exceed 3,543.93 F.T.E.) .....	\$391,295,965

**SECTION 4.420.** — To the Department of Transportation

## For Fleet, Facilities, and Information Systems

To pay the costs of constructing, preserving, and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the construction, preservation, and maintenance of highways and bridges, provided that no more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$14,425,550
Expense and Equipment.....	<u>70,200,000</u>
From State Road Fund (0320) (Not to exceed 299.25 F.T.E.).....	\$84,625,550

**SECTION 4.425.** — To the Department of Transportation

For the purpose of refunding any tax or fee credited to the State Highways and Transportation Department Fund .....

Transportation Department Fund .....	\$1,000,000
For refunds and distributions of motor fuel taxes .....	<u>30,000,000</u>
From State Highways and Transportation Department Fund (0644) .....	\$31,000,000

**SECTION 4.430.** — To the Department of Transportation

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

From State Highways and Transportation Department Fund (0644) .....	\$510,000,000
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**SECTION 4.435.** — To the Department of Transportation

## For Multimodal Operations Administration

Personal Service.....	\$319,158
Expense and Equipment.....	<u>269,600</u>
From Multimodal Operations Federal Fund (0126) .....	588,758

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Personal Service.....	474,814
Expense and Equipment.....	<u>39,852</u>
From State Road Fund (0320).....	514,666
Personal Service.....	470,219
Expense and Equipment.....	<u>145,000</u>
From Railroad Expense Fund (0659).....	615,219
Personal Service .....	163,597
Expense and Equipment.....	<u>26,220</u>
From State Transportation Fund (0675) .....	189,817
Personal Service.....	507,443
Expense and Equipment.....	<u>24,827</u>
From Aviation Trust Fund (0952).....	<u>532,270</u>
Total (Not to exceed 35.68 F.T.E.) .....	<u>\$2,440,730</u>

**SECTION 4.440.** — To the Department of Transportation  
For Multimodal Operations

For reimbursements to the State Road Fund for providing professional and technical services and administrative support of the multimodal program

From Multimodal Operations Federal Fund (0126) .....	\$167,000
From Railroad Expense Fund (0659).....	690,000
From State Transportation Fund (0675) .....	70,000
From Aviation Trust Fund (0952).....	<u>151,134</u>
Total.....	<u>\$1,078,134</u>

**SECTION 4.445.** — To the Department of Transportation  
For Multimodal Operations

For loans from the State Transportation Assistance Revolving Fund to political subdivisions of the state or to public or private not for profit organizations or entities in accordance with Section 226.191, RSMo

From State Transportation Assistance Revolving Fund (0841).....	\$1,000,000
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**SECTION 4.450.** — To the Department of Transportation  
For the Transit Program

For distributing funds to urban, small urban, and rural transportation systems

From State Transportation Fund (0675) .....	\$1,710,875
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**SECTION 4.455.** — To the Department of Transportation  
For the Transit Program

For locally matched capital improvement grants under Sections 5310 and 5317, Title 49, United States Code to assist private, non-profit organizations in improving public transportation for the state's elderly and people with disabilities and to assist disabled persons with transportation services beyond those required by the Americans with Disabilities Act, provided that twenty-five percent (25%) flexibility is allowed between Sections 4.455, 4.465, 4.470, 4.475, and 4.480

From Multimodal Operations Federal Fund (0126) .....	\$10,600,000
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**SECTION 4.460.** — To the Department of Transportation  
For the Transit Program  
For an operating subsidy for not for profit transporters of the elderly, people with disabilities, and low income individuals, provided that three percent (3%) flexibility is allowed from this section to Section 4.530

From General Revenue Fund (0101) .....	\$1,194,129
From State Transportation Fund (0675) .....	<u>1,274,478</u>
Total.....	\$2,468,607

**SECTION 4.465.** — To the Department of Transportation  
For the Transit Program  
For locally matched grants to small urban and rural areas under Sections 5311 and 5316, Title 49, United States Code, provided that than twenty-five percent (25%) flexibility is allowed between Sections 4.455, 4.465, 4.470, 4.475, and 4.480

From Multimodal Operations Federal Fund (0126) .....	\$31,000,000
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**SECTION 4.470.** — To the Department of Transportation  
For the Transit Program  
For grants under Section 5309, Title 49, United States Code to assist private, non-profit organizations providing public transportation services, provided that twenty-five percent (25%) flexibility is allowed between Sections 4.455, 4.465, 4.470, 4.475, and 4.480

From Multimodal Operations Federal Fund (0126) .....	\$1,000,000
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**SECTION 4.475.** — To the Department of Transportation  
For the Transit Program  
For grants to metropolitan areas under Section 5303, Title 49, United States Code, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 4.455, 4.465, 4.470, 4.475, and 4.480

From Multimodal Operations Federal Fund (0126) .....	\$1,000,000
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**SECTION 4.480.** — To the Department of Transportation  
For the Transit Program  
For grants to public transit providers to replace, rehabilitate, and purchase vehicles and related equipment and to construct vehicle -related facilities, provided that twenty-five percent (25%) flexibility is allowed between Sections 4.455, 4.465, 4.470, 4.475, and 4.480

From Multimodal Operations Federal Fund (0126) .....	\$5,900,000
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**SECTION 4.485.** — To the Department of Transportation  
For the Light Rail Safety Program

From Multimodal Operations Federal Fund (0126) .....	\$505,962
From State Transportation Fund (0675) .....	<u>126,491</u>
Total.....	\$632,453

**SECTION 4.490.** — To the Department of Transportation  
For the Rail Program  
For passenger rail service in Missouri

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

**SECTION 4.495.** — To the Department of Transportation  
 For station repairs and improvements at Missouri Amtrak stations  
 From State Transportation Fund (0675) ..... \$25,000

**SECTION 4.500.** — To the Department of Transportation  
 For protection of the public against hazards existing at railroad crossings  
 pursuant to Chapter 389, RSMo  
 From Grade Crossing Safety Account (0290).....\$3,000,000

**SECTION 4.505.** — To the Department of Transportation  
 For the Aviation Program  
 For construction, capital improvements, and maintenance of publicly owned  
 airfields, including land acquisition, and for printing charts and directories  
 From Aviation Trust Fund (0952).....\$10,000,000

For the construction of a commercial terminal facility at a joint-use military and  
 civilian airport located in a county of the third classification without a  
 township form of government and with more than fifty-two thousand but  
 fewer than seventy thousand inhabitants  
 From General Revenue Fund (0101) ..... 2,000,000

For general aviation development at any home rule city with more than forty-  
 seven thousand but fewer than fifty-two thousand inhabitants and partially  
 located in any county of the first classification with more than one hundred  
 fifteen thousand but fewer than one hundred fifty thousand inhabitants  
 From Aviation Trust Fund (0952)..... 1,000,000  
 Total.....\$13,000,000

**SECTION 4.510.** — To the Department of Transportation  
 For the Aviation Program  
 For construction, capital improvements, or planning of publicly owned airfields by  
 cities or other political subdivisions, including land acquisition, pursuant to the  
 provisions of the State Block Grant Program administered through the Federal  
 Airport Improvement Program  
 From Multimodal Operations Federal Fund (0126) .....\$35,000,000

**SECTION 4.515.** — To the Department of Transportation  
 For the Waterways Program  
 For grants to port authorities for assistance in port planning, acquisition, or  
 construction within the port districts, provided that three percent (3%)  
 flexibility is allowed from this section to Section 4.530  
 From General Revenue Fund (0101) .....\$3,000,000  
 From State Transportation Fund (0675) ..... 600,000  
 Total.....\$3,600,000

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**SECTION 4.520.** — To the Department of Transportation  
 For the Federal Rail, Port and Freight Assistance Program  
 From Multimodal Operations Federal Fund (0126) .....\$26,000,000

**SECTION 4.525.** — To the Department of Transportation  
 For the Freight Enhancement Program  
 For projects to improve connectors for ports, rail, and other non-highway transportation  
 systems  
 From State Transportation Fund (0675) .....\$1,000,000

**SECTION 4.530.** — To the Department of Transportation  
 Funds are to be transferred out of the State Treasury, for the payment of  
 claims, premiums, and expenses as provided by Section 105.711 through  
 105.726, RSMo, to the State Legal Expense Fund  
 From General Revenue Fund (0101) .....\$1

**PART 2**

**SECTION 4.600.** — To the Department of Transportation  
 In reference to Section 4.400 through and including Section 4.530 of Part 1  
 of this act:  
 No funds shall be expended for the construction, maintenance, or operation  
 of toll roads on interstate highways.

**Department of Revenue Totals**  
 General Revenue Fund.....\$64,422,290  
 Federal Funds..... 4,113,778  
 Other Funds..... 452,391,149  
 Total.....\$520,927,217

**Department of Transportation Totals**  
 General Revenue Fund.....\$15,294,130  
 Federal Funds..... 134,917,498  
 Other Funds..... 2,390,096,608  
 Total.....\$2,540,308,236

Approved June 29, 2018

CCS SCS HCS HB 2005

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution

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of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**SECTION 5.005.** — To the Office of Administration

For the Commissioner's Office, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.131 and further provided that no more than five percent (5%) flexibility is allowed from personal service to expense and equipment

Personal Service.....	\$652,185
Annual salary adjustment in accordance with Section 105.005, RSMo.....	642
Expense and Equipment.....	<u>321,868</u>
From General Revenue Fund (0101) .....	974,695
From Federal Funds (Various) .....	250,000

For the Office of Equal Opportunity

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

Personal Service.....	293,176
Expense and Equipment.....	<u>83,722</u>
From General Revenue Fund (0101) .....	376,898
Total (Not to exceed 15.50 F.T.E.) .....	\$1,601,593

**SECTION 5.007.** — To the Office of Administration

For the Commissioner's Office

For the purpose of funding a pilot program that monitors individuals subject to pre-conviction or post-conviction supervision in the 12th judicial circuit through a smartphone application that has a fully automatic biometric confirmation "check-in" system that includes, but is not limited to, facial recognition, fingerprints, or questions/inputs that the supervising agency or circuit can access through a secure web-based platform; a secondary objective is to establish exclusion zones and compliance levels through the platform and generate reports with historical locations and patterns for individuals monitored through an industry standard end to end encryption and redundant back-up for data

From General Revenue Fund (0101) ..... \$500,000

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

For the Division of Accounting, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.131 and further provided

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that no more than five percent (5%) flexibility is allowed from personal service to expense and equipment

Personal Service.....	\$2,166,538
Expense and Equipment.....	<u>116,895</u>
From General Revenue Fund (0101) (Not to exceed 49.00 F.T.E.).....	\$2,283,433

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

For the Division of Budget and Planning, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.131, and further provided that no more than twenty percent (20%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,649,591
Expense and Equipment.....	<u>68,600</u>
From General Revenue Fund (0101) (Not to exceed 26.00 F.T.E.).....	\$1,718,191

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

For the Information Technology Services Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.131, and further provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment within Section 5.020, provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.020, 5.025, and 5.030 between the general revenue fund and provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.025 and 5.030 between federal funds and between other funds

For the purpose of Information Technology Services Division billings

Personal Service.....	\$7,328,287
Expense and Equipment.....	<u>38,732,518</u>
From Missouri Revolving Information Technology Trust Fund (0980).....	46,060,805

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

Personal Service.....	7,956,810
Expense and Equipment.....	<u>5,067,173</u>
From General Revenue Fund (0101).....	13,023,983

Personal Service.....	4,124,157
Expense and Equipment.....	<u>1,848,558</u>
From OA Information Technology Federal Fund (0165).....	5,972,715

For the purpose of funding information technology security enhancements

Personal Service.....	1,500,000
Expense and Equipment.....	<u>7,500,000</u>
From General Revenue Fund (0101).....	9,000,000
Total (Not to exceed 736.06 F.T.E.).....	\$74,057,503

**SECTION 5.025.** — To the Office of Administration

For the Information Technology Services Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.131, and

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further provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment within Section 5.025, provided that one hundred percent (100%) flexibility is allowed from this section to Section 5.025, and 5.030 between the general revenue fund and provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.025 and 5.030 between federal funds and between other funds

For the Department of Elementary and Secondary Education	
Personal Service.....	\$415,562
Expense and Equipment.....	<u>397,745</u>
From General Revenue Fund (0101) .....	813,307
From OA Information Technology Federal Fund (0165) .....	3,118,089
From Other Funds (Various) .....	252,209
For the Department of Higher Education	
Personal Service.....	295,092
Expense and Equipment.....	<u>287,712</u>
From General Revenue Fund (0101) .....	582,804
From OA Information Technology Federal Fund (0165) .....	2
From Other Funds (Various) .....	242,477
For the Department of Revenue	
Personal Service.....	2,402,633
Expense and Equipment.....	<u>12,111,639</u>
From General Revenue Fund (0101) .....	14,514,272
From OA Information Technology Federal Fund (0165) .....	2
From Other Funds (Various) .....	2,910,266
For the Office of Administration	
Personal Service.....	500,000
Expense and Equipment.....	<u>3,807,541</u>
From General Revenue Fund (0101) .....	4,307,541
From OA Information Technology Federal Fund (0165) .....	2
From Other Funds (Various) .....	575,210
For the Department of Agriculture	
Personal Service.....	191,822
Expense and Equipment.....	<u>267,439</u>
From General Revenue Fund (0101) .....	459,261
From OA Information Technology Federal Fund (0165) .....	2
From Other Funds (Various) .....	431,146
For the Department of Natural Resources	
Personal Service.....	75,155

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Expense and Equipment.....	13,911
From General Revenue Fund (0101).....	89,066
From OA Information Technology Federal Fund (0165).....	1,473,278
From Other Funds (Various).....	5,613,255
For the Department of Economic Development	
Personal Service.....	57,227
Expense and Equipment.....	201,891
From General Revenue Fund (0101).....	259,118
From OA Information Technology Federal Fund (0165).....	2,358,875
From Other Funds (Various).....	1,147,099
For the Department of Insurance	
From Other Funds (Various).....	2,296,701
For the Department of Labor	
Personal Service.....	1
Expense and Equipment.....	14,445
From General Revenue Fund (0101).....	14,446
From DOLIR Administrative Fund (0122).....	3,634,264
From OA Information Technology Federal Fund (0165).....	3,805,574
From Other Funds (Various).....	15,525,049
For the Department of Public Safety	
Personal Service.....	156,328
Expense and Equipment.....	238,454
From General Revenue Fund (0101).....	394,782
From OA Information Technology Federal Fund (0165).....	48,670
From Other Funds (Various).....	1,442,803
For the Department of Corrections	
Personal Service.....	792,848
Expense and Equipment.....	3,477,311
From General Revenue Fund (0101).....	4,270,159
From OA Information Technology Federal Fund (0165).....	2
From Other Funds (Various).....	200,362
For the Department of Health and Senior Services	
Personal Service.....	658,729
Expense and Equipment.....	197,536
From General Revenue Fund (0101).....	856,265
From OA Information Technology Federal Fund (0165).....	9,023,164
From Other Funds (Various).....	2,223,004

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For the Department of Mental Health	
Personal Service.....	1,039,757
Expense and Equipment.....	<u>2,866,177</u>
From General Revenue Fund (0101) .....	3,905,934
From OA Information Technology Federal Fund (0165) .....	3,706,253
For the Department of Social Services	
Personal Service.....	1,042,240
Expense and Equipment.....	<u>1,281,555</u>
From General Revenue Fund (0101) .....	2,323,795
From OA Information Technology Federal Fund (0165) .....	35,825,510
From Other Funds (Various) .....	<u>1,252,153</u>
Total (Not to exceed 245.44 F.T.E.) .....	<u>\$129,896,171</u>

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

For the Information Technology Services Division

For on-going information technology projects, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.131, and further provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment within Section 5.030, provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.025, and 5.030 between the general revenue fund and provided that one hundred percent (100%) flexibility is allowed from this section to Sections 5.025 and 5.030 between federal funds and between other funds

For the Department of Elementary and Secondary Education

Personal Service.....	\$227,624
Expense and Equipment.....	<u>3</u>
From General Revenue Fund (0101) .....	227,627
From Federal Funds or Other Funds (Various).....	423,507

For information technology projects started during the fiscal year

From Missouri Revolving Information Technology Trust Fund (0980).....	87,292
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For the Department of Higher Education

Personal Service.....	130,777
Expense and Equipment.....	<u>16,251</u>
From General Revenue Fund (0101) .....	147,028
From Federal Funds or Other Funds (Various).....	9,926

For information technology projects started during the fiscal year

From Missouri Revolving Information Technology Trust Fund (0980).....	502
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For the Department of Revenue

Personal Service.....	906,892
Expense and Equipment.....	<u>1</u>
From General Revenue Fund (0101) .....	906,893

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From Federal Funds or Other Funds (Various).....	46,965
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980).....	2
For the Office of Administration	
Personal Service.....	793,209
Expense and Equipment.....	1
From General Revenue Fund (0101).....	793,210
From Federal Funds or Other Funds (Various).....	1
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980).....	5,290
For the Department of Agriculture	
Personal Service.....	63,547
Expense and Equipment.....	1
From General Revenue Fund (0101).....	63,548
From Federal Funds or Other Funds (Various).....	503
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980).....	108,240
For the Department of Natural Resources	
Personal Service.....	74,408
Expense and Equipment.....	1
From General Revenue Fund (0101).....	74,409
From Federal Funds or Other Funds (Various).....	1,304,579
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980).....	141,030
For the Department of Economic Development	
Personal Service.....	64,737
Expense and Equipment.....	3
From General Revenue Fund (0101).....	64,740
From Federal Funds or Other Funds (Various).....	545,937
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980).....	91,877
For the Department of Insurance	
From Federal Funds or Other Funds (Various).....	369,178
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980).....	2
For the Department of Labor	
Expense and Equipment.....	

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From General Revenue Fund (0101) .....	1
From Federal Funds or Other Funds (Various).....	1,149,371
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980).....	2
For the Department of Public Safety	
Personal Service.....	211,416
Expense and Equipment.....	<u>1</u>
From General Revenue Fund (0101) .....	211,417
From Federal Funds or Other Funds (Various).....	368,046
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980).....	18,329
For the Department of Corrections	
Personal Service.....	890,065
Expense and Equipment.....	<u>1</u>
From General Revenue Fund (0101) .....	890,066
From Federal Funds or Other Funds (Various).....	45,998
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980).....	3,763,244
For the Department of Health and Senior Services	
Personal Service.....	394,683
Expense and Equipment.....	<u>1</u>
From General Revenue Fund (0101) .....	394,684
From Federal Funds or Other Funds (Various).....	1,124,115
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980).....	2
For the Department of Mental Health	
Personal Service.....	1,672,810
Expense and Equipment.....	<u>1</u>
From General Revenue Fund (0101) .....	1,672,811
From Federal Funds or Other Funds (Various).....	5,001
For information technology projects started during the fiscal year	
From Missouri Revolving Information Technology Trust Fund (0980).....	2
For the Department of Social Services	
Personal Service.....	1,219,631
Expense and Equipment.....	<u>1</u>
From General Revenue Fund (0101) .....	1,219,632
From Federal Funds or Other Funds (Various).....	3,627,397
For information technology projects started during the fiscal year	

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From Missouri Revolving Information Technology Trust Fund (0980).....	<u>2</u>
Total.....	\$19,902,406

**SECTION 5.035.** — To the Office of Administration  
For the Information Technology Services Division  
For the centralized telephone billing system

Expense and Equipment	
From Missouri Revolving Information Technology Trust Fund (0980).....	\$44,700,697

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

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

From Missouri Revolving Information Technology Trust Fund (0980).....	\$4,000,000
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For the purpose of receiving and expending funds for eProcurement activities

From eProcurement and State Technology Fund (0495) .....	<u>3,000,000</u>
Total.....	\$7,000,000

**SECTION 5.045.** — To the Office of Administration

For the Information Technology Services Division

For replacement of the statewide accounting and budgeting systems, including consulting and procurement, per a memorandum of understanding between the Missouri House of Representatives, the Missouri Senate, the Office of Administration, and the Judiciary

From General Revenue Fund (0101) .....	\$2,000,000
From Federal Funds (Various) .....	1,500,000
From Other Funds (Various) .....	<u>1,500,000</u>
Total.....	\$5,000,000

**SECTION 5.050.** — To the Office of Administration

For the Division of Personnel, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.131, and further provided that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$2,760,759
Expense and Equipment.....	<u>58,146</u>
From General Revenue Fund (0101) .....	2,818,905

Personal Service.....	180,833
Expense and Equipment.....	<u>471,489</u>
From Office of Administration Revolving Administrative Trust Fund (0505) .....	652,322

Personal Service.....	94,074
Expense and Equipment.....	<u>3,600</u>
From Missouri Revolving Information Technology Trust Fund (0980).....	<u>97,674</u>
Total (Not to exceed 71.97 F.T.E.) .....	\$3,568,901

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**SECTION 5.051.** — To the Office of Administration

For the Division of Personnel, for a Lean Six Sigma statewide coordinator,  
provided that not more than fifty percent (50%) flexibility is allowed  
between personal service and expense and equipment

Personal Service.....	\$70,350
Expense and Equipment.....	<u>30,000</u>
From General Revenue Fund (0101) .....	100,350

For the Division of Personnel, for one-time Lean Six Sigma training

From General Revenue Fund (0101) .....	<u>300,000</u>
Total (Not to exceed 1.00 F.T.E.).....	\$400,350

**SECTION 5.052.** — To the Office of Administration

For the Division of Personnel, for a performance compensation study

From General Revenue Fund (0101) .....	\$1,388,192
From Federal Funds (Various) .....	573,026
From Other Funds (Various) .....	<u>953,782</u>
Total.....	\$2,915,000

**SECTION 5.053.** — To the Office of Administration

For the Division of Personnel, for the Missouri MoRE Program

From General Revenue Fund (0101) .....	\$20,000
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**SECTION 5.055.** — To the Office of Administration

For the Division of Purchasing and Materials Management, provided that not  
more than three percent (3%) flexibility is allowed from this section to  
Section 5.131, and further provided that no more than five percent (5%)  
flexibility is allowed between personal service and expense and  
equipment

Personal Service.....	\$1,814,638
Expense and Equipment.....	<u>77,203</u>
From General Revenue Fund (0101) .....	1,891,841

For Contract Review

Personal Service	
From General Revenue Fund (0101) .....	140,582
From Department of Mental Health Federal Fund (0148) .....	9,870
From Job Development and Training Fund (0155) .....	1,259
From Department of Labor and Industrial Relations Administrative Fund (0122).....	2,563
From DNR Cost Allocation Fund (0500).....	6,029
From Department of Insurance, Financial Institutions and Professional Registration Administrative Fund (0503).....	2,059
From Department of Economic Development Administrative Fund (0547).....	1,592
From Agriculture Protection Fund (0970).....	1,572
From State Facility Maintenance and Operation Fund (0501).....	<u>6,657</u>
Total (Not to exceed 37.00 F.T.E.) .....	\$2,064,024

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**SECTION 5.060.** — To the Office of Administration  
 For the Division of Purchasing and Materials Management  
 For refunding bid and performance bonds  
 From Office of Administration Revolving Administrative Trust Fund (0505) ..... \$3,000,000

**SECTION 5.065.** — To the Office of Administration  
 For the Division of Facilities Management, Design and Construction Asset Management  
 For authority to spend donated funds to support renovations and operations of  
 the Governor's Mansion  
 From State Facility Maintenance and Operation Fund (0501)..... \$60,000

**SECTION 5.070.** — To the Office of Administration  
 For the Division of Facilities Management, Design and Construction Asset Management  
 For any and all expenditures necessary for the purpose of funding the operations  
 of the Board of Public Buildings, state owned and leased office buildings,  
 institutional facilities, laboratories, and support facilities, provided that not  
 more than five percent (5%) flexibility is allowed between personal service  
 and expense and equipment  
 Personal Service..... \$19,674,886  
 Expense and Equipment..... 34,519,436  
 From State Facility Maintenance and Operation Fund (0501)  
 (Not to exceed 515.25 F.T.E.)..... \$54,194,322

**SECTION 5.075.** — To the Office of Administration  
 For the Division of Facilities Management, Design and Construction Asset Management  
 For the purpose of funding expenditures associated with the State Capitol Commission  
 Expense and Equipment  
 From State Capitol Commission Fund (0745) ..... \$25,000

Section 5.080. To the Board of Public Buildings  
 For the Office of Administration  
 For the Division of Facilities Management, Design and Construction Asset Management  
 For modifications, replacement, repair costs, and other support services at state  
 operated facilities or institutions when recovery is obtained from a third party  
 including energy rebates or disaster recovery  
 From State Facility Maintenance and Operation Fund (0501)..... \$2,000,000

**SECTION 5.085.** — To the Office of Administration  
 For the Division of General Services, provided that not more than three percent  
 (3%) flexibility is allowed from this section to Section 5.131, and further  
 provided that no more than five percent (5%) flexibility is allowed between  
 personal service and expense and equipment  
 Personal Service..... \$896,204  
 Expense and Equipment..... 64,403  
 From General Revenue Fund (0101) ..... 960,607  
 Personal Service..... 2,935,427  
 Expense and Equipment..... 979,728

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From Office of Administration Revolving Administrative Trust Fund (0505) .....	3,915,155
Total (Not to exceed 104.00 F.T.E.) .....	\$4,875,762

**SECTION 5.090.** — To the Office of Administration  
 For the Division of General Services  
 For the operation of the State Agency for Surplus Property

Personal Service.....	\$850,465
Expense and Equipment.....	646,020
From Federal Surplus Property Fund (0407) (Not to exceed 21.00 F.T.E.) .....	\$1,496,485

**SECTION 5.095.** — To the Office of Administration  
 For the Division of General Services  
 For the Fixed Price Vehicle Program

Expense and Equipment .....	
From Federal Surplus Property Fund (0407) .....	\$1,495,994

**SECTION 5.100.** — To the Office of Administration  
 Funds are to be transferred out of the State Treasury, chargeable to the  
 Federal Surplus Property Fund, to the Department of Social Services for the  
 heating assistance program, as provided by Section 34.032, RSMo

From Federal Surplus Property Fund (0407) .....	\$30,000
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**SECTION 5.105.** — To the Office of Administration  
 For the Division of General Services  
 For the disbursement of surplus property sales receipts

From Proceeds of Surplus Property Sales Fund (0710) .....	\$299,894
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**SECTION 5.110.** — To the Office of Administration  
 Funds are to be transferred out of the State Treasury, chargeable to the  
 Proceeds of Surplus Property Sales Fund, to various state agency funds

From Proceeds of Surplus Property Sales Fund (0710) .....	\$3,000,000
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**SECTION 5.115.** — To the Office of Administration  
 Funds are to be transferred out of the State Treasury, chargeable to the Other  
 Funds, to the State Property Preservation Fund

From Other Funds (Various) .....	\$25,000,000
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**SECTION 5.120.** — To the Office of Administration  
 For the Division of General Services  
 For the repair or replacement of state owned or leased facilities that have suffered  
 damage from natural or man-made events or for the defeasance of  
 outstanding debt secured by the damaged facilities when a notice of  
 coverage has been issued by the Commissioner of Administration, as  
 provided by Sections 37.410 through 37.413, RSMo

From State Property Preservation Fund (0128).....	\$25,000,000
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**SECTION 5.125.** — To the Office of Administration  
 For the Division of General Services

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 Matter in bold-face type is proposed language.

For reimbursable expenses and for the replacement or repair of damaged equipment  
when recovery is obtained from a third party  
Expense and Equipment  
From Office of Administration Revolving Administrative Trust Fund (0505) .....\$15,480,000

**SECTION 5.130.** — To the Office of Administration

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

**SECTION 5.131.** — To the Office of Administration

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

**SECTION 5.135.** — To the Office of Administration

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

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

For the Administrative Hearing Commission, provided that not more than three  
percent (3%) flexibility is allowed from this section to Section 5.131, and  
further provided that no more than twenty percent (20%) flexibility is  
allowed between personal service and expense and equipment  
Personal Service.....\$986,421  
Annual salary adjustment in accordance with Section 105.005, RSMo..... 4,521  
Expense and Equipment..... 62,552  
From General Revenue Fund (0101) ..... 1,053,494  
  
Personal Service..... 76,969  
Annual salary adjustment in accordance with Section 105.005, RSMo.....385  
Expense and Equipment..... 56,715  
From Administrative Hearing Commission Educational Due Process Hearing  
Fund (0818)..... 134,069  
Total (Not to exceed 16.50 F.T.E.) .....\$1,187,563

**\*SECTION 5.145.** — To the Office of Administration

For the purpose of funding the Office of Child Advocate, provided that not more  
than three percent (3%) flexibility is allowed from this section to Section  
5.131, and further provided that not more than five percent (5%) flexibility  
is allowed between personal service and expense and equipment

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Personal Service.....	\$276,998
Expense and Equipment.....	<u>8,103</u>
From General Revenue Fund (0101) .....	285,101
Personal Service.....	129,018
Expense and Equipment.....	<u>14,825</u>
From Office of Administration - Federal Fund (0135).....	<u>143,843</u>
Total (Not to exceed 7.00 F.T.E.).....	\$428,944

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

Personal Service by \$100,000 from \$276,998 to \$176,998 from General Revenue Fund.  
 From \$285,101 to \$185,101 in total from General Revenue Fund.  
 From \$428,944 to \$328,944 in total for the section.

MICHAEL L. PARSON  
 GOVERNOR

**SECTION 5.150.** — To the Office of Administration

For the administrative, promotional, and programmatic costs of the Children's Trust Fund Board as provided by Section 210.173, RSMo provided that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$282,266
Expense and Equipment.....	112,092
For Program Disbursements .....	<u>2,800,000</u>
From Children's Trust Fund (0694) (Not to exceed 5.00 F.T.E.) .....	\$3,194,358

**SECTION 5.155.** — To the Office of Administration

For the purpose of funding the Governor's Council on Disability, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.131, and further provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$180,393
Expense and Equipment.....	<u>19,618</u>
From General Revenue Fund (0101) (Not to exceed 4.00 F.T.E.) .....	\$200,011

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

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

Personal Service.....	\$688,477
Expense and Equipment.....	<u>47,500</u>
From Office of Administration Revolving Administrative Trust Fund (0505) (Not to exceed 14.00 F.T.E.).....	\$735,977

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

For the Missouri Ethics Commission

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

Provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$1,218,384
Expense and Equipment.....	294,834
From General Revenue Fund (0101) (Not to exceed 24.00 F.T.E.).....	\$1,513,218

**SECTION 5.170.** — To the Office of Administration

For the Division of Accounting

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

From General Revenue Fund (0101) .....	\$61,433,406
From Facilities Maintenance Reserve Fund (0124).....	15,158,675
From Board of Public Buildings Series A 2015 Bond Proceeds Fund (0312) .....	375,000
Total.....	\$76,967,081

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

For the Division of Accounting

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

From General Revenue Fund (0101) .....	\$30,654
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**SECTION 5.180.** — To the Office of Administration

For the Division of Accounting

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

From General Revenue Fund (0101) .....	\$13,668,704
From State Facility Maintenance and Operation Fund (0501).....	2,417,207
Total.....	\$16,085,911

**SECTION 5.185.** — To the Office of Administration

For the Division of Accounting

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

From General Revenue Fund (0101) .....	\$2,519,375
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**SECTION 5.190.** — To the Office of Administration

For the Division of Accounting

For debt service and all related expenses associated with the State Historical Society Project bonds issued through the Missouri Development Finance Board

From General Revenue Fund (0101) .....	\$2,328,594
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**SECTION 5.195.** — To the Office of Administration

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

replace Fulton State Hospital not to exceed \$220 million in total bonding principal and for related expenses  
 From General Revenue Fund (0101) .....\$12,346,138

**SECTION 5.200.** — To the Office of Administration  
 For the Division of Accounting  
 For debt service and issuance costs related to the Fulton State Hospital bonds  
 From Fulton State Hospital Bond Fund (Various).....\$12,347,388

**SECTION 5.210.** — To the Office of Administration  
 For the Division of Facilities Management, Design and Construction  
 For debt service related to guaranteed energy cost savings contracts  
 From Facilities Maintenance Reserve Fund (0124).....\$4,243,273

**SECTION 5.215.** — To the Office of Administration  
 For the Division of Accounting  
 For Debt Management, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.131  
 Expense and Equipment  
 From General Revenue Fund (0101) ..... \$83,300

**SECTION 5.220.** — To the Office of Administration  
 For the Division of Accounting  
 For the Bartle Hall Convention Center expansion, operations, development, or maintenance in Kansas City pursuant to Sections 67.638 through 67.641, RSMo  
 From General Revenue Fund (0101) .....\$2,000,000

**SECTION 5.225.** — To the Office of Administration  
 For the Division of Accounting  
 For the maintenance of the Jackson County Sports Complex pursuant to Sections 67.638 through 67.641, RSMo  
 From General Revenue Fund (0101) .....\$3,000,000

**SECTION 5.230.** — To the Office of Administration  
 For the Division of Accounting  
 For debt service and maintenance on the Edward Jones Dome project in St. Louis  
 From General Revenue Fund (0101) .....\$12,000,000

**SECTION 5.235.** — To the Office of Administration  
 For the Division of Accounting  
 For interest payments on federal grant monies in accordance with the Cash Management Improvement Act of 1990 and 1992, and any other interest or penalties due to the federal government  
 From General Revenue Fund (0101) ..... \$500,000  
 From Federal Funds (Various) ..... 20,000  
 From Other Funds (Various) ..... 20,000  
 Total..... \$540,000

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

**SECTION 5.240.** — To the Office of Administration

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

From Budget Reserve Fund and Other Funds to General Revenue Fund (Various).....	\$550,000,000
From Budget Reserve Fund and Other Funds to Other Funds (Various) .....	<u>100,000,000</u>
Total.....	\$650,000,000

**SECTION 5.245.** — To the Office of Administration

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

From General Revenue Fund (0101) .....	\$550,000,000
From Other Funds (Various) .....	<u>100,000,000</u>
Total.....	\$650,000,000

**SECTION 5.250.** — To the Office of Administration

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

From General Revenue Fund (0101) .....	\$3,250,000
From Other Funds (Various) .....	<u>500,000</u>
Total.....	\$3,750,000

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

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

From General Revenue Fund (0101) .....	\$9,250,000
From Budget Reserve Fund (0100).....	<u>1</u>
Total.....	\$9,250,001

**SECTION 5.260.** — To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for corrections to fund balances

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

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

**SECTION 5.265.** — To the Office of Administration

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

From Other Funds (Various) .....	\$9,894,605
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**SECTION 5.270.** — To the Office of Administration

For funding statewide membership dues

From General Revenue Fund (0101) .....	\$130,200
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**SECTION 5.275.** — To the Office of Administration

For the Division of Accounting

For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri in accordance with the provisions of state law provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 5.275 and 5.280

From Office of Administration - Federal Fund (0135).....	\$1,800,000
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**SECTION 5.280.** — To the Office of Administration

For the Division of Accounting

For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the National Forest Reserve, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 5.275 and 5.280

From Office of Administration - Federal Fund (0135).....	\$8,000,000
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**SECTION 5.285.** — To the Office of Administration

For the Division of Accounting

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

From General Revenue Fund (0101) .....	\$30,000
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**SECTION 5.290.** — To the Office of Administration

For funding transition costs for the State Auditor

From General Revenue Fund (0101) .....	\$13,000
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**SECTION 5.291.**— To the Office of Administration

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

From General Revenue Fund (0101) ..... \$200,000

**SECTION 5.450.**— To the Office of Administration

For transferring funds for state employees and participating political subdivisions to the OASDHI Contributions Fund and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section; and further provided that not more than twenty-five percent (25%) flexibility is allowed from this section to Section 5.255

From General Revenue Fund (0101) ..... \$77,552,739

From Federal Funds (Various) ..... 32,799,414

From Other Funds (Various) ..... 45,795,344

Total ..... \$156,147,497

**SECTION 5.455.**— To the Office of Administration

For the Department of Public Safety

For transferring funds for employees of the State Highway Patrol to the OASDHI Contributions Fund, said transfers to be administered by the Office of Administration

From State Highways and Transportation Department Fund (0644) ..... \$8,791,349

**SECTION 5.460.**— To the Office of Administration

For the Division of Accounting

For the payment of OASDHI taxes for all state employees and for participating political subdivisions within the state to the Treasurer of the United States for compliance with current provisions of Title 2 of the Federal Social Security Act, as amended, in accordance with the agreement between the State Social Security Administrator and the Secretary of the Department of Health and Human Services; and for administration of the agreement under Section 218 of the Social Security Act which extends Social Security benefits to state and local public employees

From OASDHI Contributions Fund (0702) ..... \$164,938,846

**SECTION 5.465.**— To the Office of Administration

For transferring funds for the state's contribution to the Missouri State Employees' Retirement System to the State Retirement Contributions Fund, provided that no more than \$9,906,214 shall be expended on administration of the system, excluding investment expenses and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section; and further provided that not more than twenty-five percent (25%) flexibility is allowed from this section to Section 5.255

From General Revenue Fund (0101) ..... \$245,965,315

From Federal Funds (Various) ..... 91,677,839

From Other Funds (Various) ..... 76,142,818

Total ..... \$413,785,972

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

**SECTION 5.470.** — To the Office of Administration

For the Division of Accounting

For payment of the state's contribution to the Missouri State Employees' Retirement System, provided that no more than \$9,906,214 shall be expended on administration of the system, excluding investment expenses

From State Retirement Contributions Fund (0701) .....\$413,785,972

**SECTION 5.475.** — To the Office of Administration

For the Division of Accounting

For payment of retirement benefits to the Public School Retirement System pursuant to Section 104.342, RSMo and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section

From General Revenue Fund (0101) ..... \$90,000

From DESE - Federal Fund (0105)..... 23,000

From DOSS Federal and Other Sources Fund (0610)..... 7,000

From DOSS Educational Improvement Fund (0620) ..... 1,500

From Health Initiatives Fund (0275)..... 500

Total.....\$122,000

**SECTION 5.480.** — To the Office of Administration

For the Division of Accounting

For reimbursing the Division of Employment Security benefit account for claims paid to former state employees for unemployment insurance coverage and for related professional services and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section

From General Revenue Fund (0101) .....\$1,635,210

From Federal Funds (Various) ..... 659,619

From Other Funds (Various) ..... 1,308,915

Total.....\$3,603,744

**SECTION 5.485.** — To the Office of Administration

For the Division of Accounting

For reimbursing the Division of Employment Security benefit account for claims paid to former state employees of the Department of Public Safety for unemployment insurance coverage and for related professional services

From State Highways and Transportation Department Fund (0644) ..... \$144,942

**SECTION 5.490.** — To the Office of Administration

For transferring funds for the state's contribution to the Missouri Consolidated Health Care Plan to the Missouri Consolidated Health Care Plan Benefit Fund, provided that no more than \$8,224,803 shall be expended on administration of the plan, excluding third-party administrator fees, provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section; and further provided that not more than twenty-five percent (25%) flexibility is allowed from this section to Section 5.255

From General Revenue Fund (0101) .....\$285,856,087

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

Matter in bold-face type is proposed language.

From Federal Funds (Various) .....	112,260,773
From Other Funds (Various) .....	<u>67,850,415</u>
Total.....	\$465,967,275

**SECTION 5.495.** — To the Office of Administration

For the Division of Accounting

For payment of the state's contribution to the Missouri Consolidated Health Care Plan, provided that no more than \$8,224,803 shall be expended on administration of the plan, excluding third-party administrator fees

From Missouri Consolidated Health Care Plan Benefit Fund (0765) .....\$465,967,275

**SECTION 5.500.** — To the Office of Administration

For the Division of Accounting

For paying refunds for overpayment or erroneous payment of employee withholding taxes

From General Revenue Fund (0101) ..... \$36,000

**SECTION 5.505.** — To the Office of Administration

For the Division of Accounting

For providing voluntary life insurance

From Missouri State Employees Voluntary Life Insurance Fund (0910).....\$3,900,000

**SECTION 5.510.** — To the Office of Administration

For the Division of Accounting

For employee medical expense reimbursements reserve

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

**SECTION 5.515.** — To the Office of Administration

For the Division of Accounting

Personal Service for state payroll contingency

From General Revenue Fund (0101) ..... \$36,000

**SECTION 5.520.** — To the Office of Administration

For the Division of General Services

For the provision of workers' compensation benefits to state employees through either a self-insurance program administered by the Office of Administration and/or by contractual agreement with a private carrier and for administrative and legal expenses authorized, in part, by Section 105.810, RSMo

From General Revenue Fund (0101) .....\$36,023,439

From Conservation Commission Fund (0609) ..... 1,200,000

Total.....\$37,223,439

**SECTION 5.525.** — To the Office of Administration

Funds are to be transferred out of the State Treasury, chargeable to various funds, amounts paid from the General Revenue Fund for workers' compensation benefits provided to employees paid from these other funds, to the General Revenue Fund and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section

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

From Federal Funds (Various) .....	\$5,014,070
From Other Funds (Various) .....	<u>3,861,686</u>
Total.....	\$8,875,756

**SECTION 5.530.** — To the Office of Administration

For the Division of General Services

For workers' compensation tax payments pursuant to Section 287.690, RSMo

From General Revenue Fund (0101) .....	\$3,165,000
From Conservation Commission Fund (0609) .....	<u>75,000</u>
Total.....	\$3,240,000

**Office of Administration Totals**

General Revenue Fund.....	\$221,464,689
Federal Funds.....	83,520,050
Other Funds.....	<u>67,454,003</u>
Total.....	\$372,438,742

**Employee Benefits Totals**

General Revenue Fund.....	\$650,323,791
Federal Funds.....	237,427,645
Other Funds.....	<u>205,210,783</u>
Total.....	\$1,092,962,219

Approved June 29, 2018

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CCS SCS HCS HB 2006

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein, for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

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

## PART 1

**SECTION 6.000.** — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part.

**SECTION 6.005.** — To the Department of Agriculture

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

Personal Service.....	\$200,880
Annual salary Adjustment in accordance with Section 105.005, RSMo.....	2
Expense and Equipment.....	<u>1,184,124</u>
From Department of Agriculture Federal Fund (0133).....	1,385,006
Personal Service.....	737,521
Annual salary Adjustment in accordance with Section 105.005, RSMo.....	517
Expense and Equipment.....	<u>128,725</u>
From Agriculture Protection Fund (0970).....	866,763
Personal Service.....	23,320
Annual salary Adjustment in accordance with Section 105.005, RSMo.....	46
Expense and Equipment.....	<u>2,494</u>
From Animal Care Reserve Fund (0295).....	25,860
Personal Service.....	23,440
Expense and Equipment.....	<u>2,500</u>
From Animal Health Laboratory Fee Fund (0292).....	25,940
Personal Service.....	18,631
Annual salary Adjustment in accordance with Section 105.005, RSMo.....	1
Expense and Equipment.....	<u>1,982</u>
From Grain Inspection Fee Fund (0647).....	20,614
Personal Service.....	8,440
Expense and Equipment.....	<u>901</u>
From Missouri Land Survey Fund (0668).....	9,341
Personal Service.....	14,079
Annual salary Adjustment in accordance with Section 105.005, RSMo.....	1

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

Expense and Equipment.....	1,499
From Missouri Wine and Grape Fund (0787).....	15,579
Personal Service.....	27,618
Annual salary Adjustment in accordance with Section 105.005, RSMo.....	1
Expense and Equipment.....	2,940
From Petroleum Inspection Fund (0662).....	30,559
Personal Service.....	33,608
Annual salary Adjustment in accordance with Section 105.005, RSMo.....	59
Expense and Equipment.....	3,597
From State Fair Fee Fund (0410).....	37,264
For refunds of erroneous receipts due to errors in application for licenses, registrations, permits, certificates, subscriptions, or other fees From Agriculture Protection Fund (0970).....	13,500
For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds Expense and Equipment From Department of Agriculture Federal Fund (0133).....	284,883
Total (Not to exceed 20.75 F.T.E.) .....	\$2,715,309

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

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

**\*SECTION 6.020.** — To the Department of Agriculture  
Funds are to be transferred out of the State Treasury to the Missouri  
Qualified Biodiesel Producer Incentive Fund, provided three percent (3%)  
flexibility is allowed from this section to Section 6.140  
From General Revenue Fund (0101)..... \$4,017,213

\*I hereby veto \$3,767,213 general revenue for transfer to the Missouri Qualified Biodiesel  
Producer Incentive Fund.

From \$4,017,213 to \$250,000 from General Revenue Fund.  
From \$4,017,213 to \$250,000 in total for the section.

MICHAEL L. PARSON  
GOVERNOR

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

**SECTION 6.025.** — To the Department of Agriculture  
 For Missouri Biodiesel Producer Incentive Payments  
 From Missouri Qualified Biodiesel Producer Incentive Fund (0777).....\$4,017,213

**SECTION 6.030.** — To the Department of Agriculture  
 For the Agriculture Business Development Division, provided seventy-five  
 percent (75%) flexibility is allowed between funds and no flexibility is  
 allowed between personal service and expense and equipment  
 Personal Service.....\$62,733  
 Expense and Equipment.....193,210  
 From Department of Agriculture Federal Fund (0133).....255,943

Personal Service.....18,483  
 Expense and Equipment.....176,735  
 From Agriculture Business Development Fund (0683).....195,218

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

Personal Service.....1,266,453  
 Expense and Equipment.....417,890  
 From Agriculture Protection Fund (0970).....1,684,343

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

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

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

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

For the Abattoir Program  
 From General Revenue Fund (0101).....10,000  
 Total (Not to exceed 29.51 F.T.E.).....\$2,671,786

**SECTION 6.032.** — To the Department of Agriculture  
 For the Agriculture Business Development Division  
 For the Agri-Missouri Marketing Program  
 Personal Service.....\$37,497  
 Expense and Equipment.....218,756  
 From Agriculture Protection Fund (0970) (Not to exceed 0.97 F.T.E.).....\$256,253

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

**SECTION 6.035.** — To the Department of Agriculture  
 For the Agriculture Business Development Division  
 For the Wine and Grape Program, provided that five percent (5%) flexibility is  
 allowed between personal service and expense and equipment

Personal Service.....	\$271,015
Expense and Equipment.....	<u>1,598,695</u>
From Missouri Wine and Grape Fund (0787) (Not to exceed 5.00 F.T.E.).....	\$1,869,710

**SECTION 6.040.** — To the Department of Agriculture  
 For the Agriculture Business Development Division  
 For the Agriculture and Small Business Development Authority, provided  
 seventy-five percent (75%) flexibility is allowed between funds and no  
 flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$114,911
Expense and Equipment.....	<u>55,657</u>
From Single Purpose Animal Facilities Loan Program Fund (0408).....	170,568
Personal Service.....	11,505
Expense and Equipment.....	<u>2,000</u>
From Livestock Feed and Crop Input Loan Program Fund (0978).....	13,505
Expense and Equipment	
From Agricultural Product Utilization Grant Fund (0413).....	<u>100</u>
Total (Not to exceed 3.20 F.T.E.).....	\$184,173

**SECTION 6.045.** — To the Department of Agriculture  
 Funds are to be transferred out of the State Treasury to the Single Purpose  
 Animal Facilities Loan Guarantee Fund, provided that one hundred percent  
 (100%) flexibility is allowed between this section and Sections 6.055 and  
 6.065

From General Revenue Fund (0101).....	\$5,000
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**SECTION 6.050.** — To the Department of Agriculture  
 For loan guarantees as provided in Sections 348.190 and 348.200, RSMo  
 From Single Purpose Animal Facilities Loan Guarantee Fund (0409).....

	\$201,046
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**SECTION 6.055.** — To the Department of Agriculture  
 Funds are to be transferred out of the State Treasury to the Agricultural  
 Product Utilization and Business Development Loan Guarantee Fund,  
 provided that one hundred percent (100%) flexibility is allowed between this  
 section and Sections 6.045 and 6.065

From General Revenue Fund (0101).....	\$15,000
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**SECTION 6.060.** — To the Department of Agriculture  
 For loan guarantees as provided in Sections 348.403, 348.408, and 348.409, RSMo  
 From Agricultural Product Utilization and Business Development Loan  
 Guarantee Fund (0411).....

	\$624,501
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.  
 Matter in bold-face type is proposed language.

**SECTION 6.065.**— To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the Livestock Feed and Crop Input Loan Guarantee Fund, provided that one hundred percent (100%) flexibility is allowed between this sections and Sections 6.045 and 6.055

From General Revenue Fund (0101) ..... \$5,000

**SECTION 6.070.**— To the Department of Agriculture

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

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

**SECTION 6.075.**— To the Department of Agriculture

For the Agriculture Business Development Division  
For the Agriculture Development Program

Personal Service..... \$77,495

Expense and Equipment..... 41,744

From Agriculture Development Fund (0904) ..... 119,239

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

From Agriculture Development Fund (0904) ..... 100,000

Total (Not to exceed 1.60 F.T.E.)..... \$219,239

**SECTION 6.080.**— To the Department of Agriculture

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

From General Revenue Fund (0101) ..... \$40,000

**SECTION 6.085.**— To the Department of Agriculture

For the Missouri Dairy Industry Revitalization Act

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

**SECTION 6.090.**— To the Department of Agriculture

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

Personal Service..... \$2,650,052

Expense and Equipment..... 907,293

From General Revenue Fund (0101) ..... 3,557,345

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

Personal Service..... 814,597

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Expense and Equipment.....	<u>566,383</u>
From Department of Agriculture Federal Fund (0133).....	1,380,980
Personal Service.....	108,080
Expense and Equipment.....	<u>917,050</u>
From Animal Health Laboratory Fee Fund (0292).....	1,025,130
Personal Service.....	467,473
Expense and Equipment.....	<u>185,956</u>
From Animal Care Reserve Fund (0295).....	653,429
Personal Service	
From Livestock Brands Fund (0299).....	112
Expense and Equipment	
From Agriculture Protection Fund (0970).....	2,462
Expense and Equipment	
From Puppy Protection Trust Fund (0985).....	5,000
Expense and Equipment	
From Large Carnivore Fund (0988).....	5,000
To support local efforts to spay and neuter cats and dogs	
From Missouri Pet Spay/Neuter Fund (0747).....	50,000
To support the Livestock Brands Program	
From Livestock Brands Fund (0299).....	30,698
For expenses incurred in regulating Missouri livestock markets	
From Livestock Sales and Markets Fees Fund (0581).....	30,690
For processing livestock market bankruptcy claims	
From Agriculture Bond Trustee Fund (0756).....	129,000
For contributions, gifts and grants in support of relief efforts to reduce the suffering of abandoned animals	
From State Institutions Gift Trust Fund (0925).....	<u>5,000</u>
Total (Not to exceed 84.42 F.T.E.).....	<u>\$6,874,846</u>

**SECTION 6.095.** — To the Department of Agriculture  
 For the Division of Animal Health  
 For indemnity payments and for indemnifying producers and owners of livestock and poultry for preventing the spread of disease during emergencies declared by the State Veterinarian, subject to the approval by the Department of Agriculture of a state match rate up to fifty percent (50%)  
 From General Revenue Fund (0101)..... \$10,000

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**SECTION 6.100.** — To the Department of Agriculture

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

Personal Service.....	\$713,467
Expense and Equipment.....	<u>85,928</u>
From General Revenue Fund (0101).....	799,395

For the Division of Grain Inspection and Warehousing, provided seventy-five percent (75%) flexibility is allowed between funds and five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	36,527
Expense and Equipment.....	<u>36,211</u>
From Department of Agriculture Federal Fund (0133).....	72,738

Personal Service.....	80,869
Expense and Equipment.....	<u>31,651</u>
From Commodity Council Merchandising Fund (0406).....	112,520

Personal Service.....	2,031,101
Expense and Equipment.....	<u>597,944</u>
From Grain Inspection Fee Fund (0647).....	2,629,045

Expense and Equipment	
From Agriculture Protection Fund (0970).....	<u>85,000</u>
Total (Not to exceed 82.75 F.T.E.).....	\$3,698,698

**SECTION 6.105.** — To the Department of Agriculture

For the Division of Grain Inspection and Warehousing  
For the Missouri Aquaculture Council

From Aquaculture Marketing Development Fund (0573).....	\$11,000
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For research, promotion, and market development of apples	
From Apple Merchandising Fund (0615).....	11,000

For the Missouri Wine Marketing and Research Council	
From Missouri Wine Marketing and Research Development Fund (0855).....	<u>111,000</u>
Total.....	\$133,000

**SECTION 6.110.** — To the Department of Agriculture

For the Division of Plant Industries, provided seventy-five percent (75%) flexibility is allowed between funds in this section and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$921,513
Expense and Equipment.....	<u>1,065,986</u>
From Department of Agriculture Federal Fund (0133).....	1,987,499

Personal Service.....	1,939,714
Expense and Equipment.....	<u>848,924</u>

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From Agriculture Protection Fund (0970).....	2,788,638
For the Invasive Pest Control Program, provided seventy-five percent (75%) flexibility is allowed between funds in this section and no flexibility is allowed between personal service and expense and equipment	
Personal Service.....	31,529
Expense and Equipment.....	<u>71,388</u>
From Department of Agriculture Federal Fund (0133).....	102,917
Personal Service.....	135,116
Expense and Equipment.....	<u>58,000</u>
From Agriculture Protection Fund (0970).....	193,116
For the Boll Weevil Eradication Program, provided seventy five percent (75%) flexibility is allowed between funds in this section and no flexibility is allowed between personal service and expense and equipment	
Personal Service.....	41,023
Expense and Equipment.....	<u>24,657</u>
From Boll Weevil Suppression and Eradication Fund (0823).....	<u>65,680</u>
Total (Not to exceed 75.46 F.T.E.) .....	\$5,137,850

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

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

Personal Service.....	\$452,655
Expense and Equipment.....	<u>100,396</u>
From General Revenue Fund (0101) .....	553,051
For the Division of Weights, Measures and Consumer Protection, provided seventy-five percent (75%) flexibility is allowed between funds, and five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	38,640
Expense and Equipment.....	<u>50,000</u>
From Department of Agriculture Federal Fund (0133).....	88,640
Personal Service.....	541,172
Expense and Equipment.....	<u>425,681</u>
From Agriculture Protection Fund (0970).....	966,853
Personal Service.....	1,613,823
Expense and Equipment.....	<u>757,817</u>
From Petroleum Inspection Fund (0662).....	<u>2,371,640</u>
Total (Not to exceed 68.11 F.T.E.) .....	\$3,980,184

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**SECTION 6.120.** — To the Department of Agriculture

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

Personal Service.....	\$911,280
Expense and Equipment.....	<u>206,830</u>
From Missouri Land Survey Fund (0668).....	1,118,110

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

For surveying corners and for records restorations, provided seventy-five percent (75%) flexibility is allowed between funds

Expense and Equipment	
From Department of Agriculture Federal Fund (0133).....	60,000
From Missouri Land Survey Fund (0668).....	<u>90,000</u>
Total (Not to exceed 14.68 F.T.E.) .....	\$1,348,110

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

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

Personal Service.....	\$1,376,249
Expense and Equipment.....	<u>2,599,740</u>
From State Fair Fee Fund (0410) .....	3,975,989

Personal Service	
From Agriculture Protection Fund (0970).....	<u>536,888</u>
Total (Not to exceed 59.38 F.T.E.) .....	\$4,512,877

**SECTION 6.130.** — To the Department of Agriculture

For cash to start the Missouri State Fair

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

**SECTION 6.132.** — To the Department of Agriculture

For the Missouri State Fair

For equipment replacement

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

**SECTION 6.135.** — To the Department of Agriculture

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

Personal Service.....	\$106,722
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Expense and Equipment.....	<u>852</u>
From General Revenue Fund (0101) .....	107,574
For the State Milk Board, provided seventy-five percent (75%) flexibility is allowed between the State Milk Board, Milk Board Local Health, and Dairy Plant Inspections, and five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	452,913
Expense and Equipment.....	<u>212,407</u>
From State Milk Inspection Fee Fund (0645) .....	665,320
For Milk Board Local Health	
Expense and Equipment	
From State Milk Inspection Fee Fund (0645) .....	736,022
For Dairy Plant Inspections	
Expense and Equipment	
From State Contracted Manufacturing Dairy Plant Inspection and Grading Fee Fund (0661).....	<u>4,552</u>
Total (Not to exceed 9.93 F.T.E.).....	<u>\$1,513,468</u>

**SECTION 6.140.** — To the Department of Agriculture  
 Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo  
 From General Revenue Fund (0101) .....\$1

**SECTION 6.200.** — To the Department of Natural Resources  
 For department operations, administration and support, provided three percent (3%) flexibility is allowed from this section to Section 6.340  
 Personal Service..... \$189,127  
 Annual salary Adjustment in accordance with Section 105.005, RSMo.....39  
 Expense and Equipment..... 61,856  
 From General Revenue Fund (0101) ..... 251,022

For department operations, administration, and support, provided five percent (5%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment  
 Personal Service..... 510,820  
 Annual salary Adjustment in accordance with Section 105.005, RSMo.....80  
 Expense and Equipment..... 313,142  
 From Department of Natural Resources Federal Fund (0140) ..... 824,042

Personal Service..... 3,266,922  
 Annual salary Adjustment in accordance with Section 105.005, RSMo.....512  
 Expense and Equipment..... 632,889  
 From DNR Cost Allocation Fund (0500)..... 3,900,323

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 Matter in bold-face type is proposed language.

Personal Service.....	43,044
Expense and Equipment.....	<u>5,129</u>
From Department of Natural Resources Revolving Services Fund (0425) .....	48,173
Expense and Equipment	
From Water and Wastewater Loan Fund (0649) .....	27,000
For Contractual Audits	
From State Park Earnings Fund (0415) .....	100,000
From Solid Waste Management Fund (0570).....	150,000
From Soil and Water Sales Tax Fund (0614).....	<u>250,000</u>
Total (Not to exceed 82.19 F.T.E.) .....	\$5,550,560

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

For the Division of Environmental Quality, provided twenty-five percent (25%) flexibility is allowed between programs and/or regional offices, twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment and three percent (3%) flexibility is allowed from this section to Section 6.340

Personal Service.....	\$3,638,177
Expense and Equipment.....	<u>672,267</u>
From General Revenue Fund (0101) .....	4,310,444

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

Personal Service.....	12,880,110
Expense and Equipment.....	<u>4,040,962</u>
From Department of Natural Resources Federal Fund (0140) .....	16,921,072

Personal Service.....	1,294,178
Expense and Equipment.....	<u>312,037</u>
From DNR Cost Allocation Fund (0500).....	1,606,215

Personal Service.....	52,834
Expense and Equipment.....	<u>169,802</u>
From Environmental Radiation Monitoring Fund (0656).....	222,636

Personal Service.....	1,888,356
Expense and Equipment.....	<u>240,124</u>
From Hazardous Waste Fund (0676).....	2,128,480

Personal Service.....	1,061,393
Expense and Equipment.....	<u>259,475</u>
From Missouri Air Emission Reduction Fund (0267).....	1,320,868

Personal Service.....	106,629
Expense and Equipment.....	<u>57,836</u>
From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268) .....	164,465

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Personal Service.....	330,910
Expense and Equipment.....	<u>121,829</u>
From Natural Resources Protection Fund (0555) .....	452,739
Personal Service.....	287,292
Expense and Equipment.....	<u>53,691</u>
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).....	340,983
Personal Service.....	3,884,150
Expense and Equipment.....	<u>818,359</u>
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).....	4,702,509
Personal Service.....	4,347,213
Expense and Equipment.....	<u>962,040</u>
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	5,309,253
Personal Service.....	2,070,398
Expense and Equipment.....	<u>971,213</u>
From Safe Drinking Water Fund (0679) .....	3,041,611
Personal Service.....	1,368,927
Expense and Equipment.....	<u>629,982</u>
From Soil and Water Sales Tax Fund (0614).....	1,998,909
Personal Service.....	1,991,529
Expense and Equipment.....	<u>594,776</u>
From Solid Waste Management Fund (0570).....	2,586,305
Personal Service.....	515,101
Expense and Equipment.....	<u>122,249</u>
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) .....	637,350
Personal Service.....	103,583
Expense and Equipment.....	<u>46,166</u>
From Underground Storage Tank Regulation Program Fund (0586) .....	149,749
Personal Service.....	764,184
Expense and Equipment.....	<u>81,676</u>
From Water and Wastewater Loan Fund (0649) .....	845,860
For environmental education and studies, demonstration projects, and technical assistance grants, provided twenty-five percent (25%) flexibility is allowed between funds	
From Department of Natural Resources Federal Fund (0140) .....	999,812

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From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	750,000
For water infrastructure grants and loans, provided \$333,529,824 be used solely to encumber funds for future fiscal year expenditures and twenty-five percent (25%) flexibility is allowed between funds	
From Water and Wastewater Loan Fund (0649) .....	190,528,640
From Water and Wastewater Loan Revolving Fund (0602).....	444,615,896
From Water Pollution Control (37E) Fund (0330) .....	20,000
From Water Pollution Control (37G) Fund (0329).....	10,000
From Stormwater Control (37H) Fund (0302).....	10,000
From Storm Water Loan Revolving Fund (0754) .....	6,514,141
From Rural Water and Sewer Loan Revolving Fund (0755).....	1,800,000
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	14,239,999
For grants and contracts to study or reduce water pollution, improve ground water and/or surface water quality, provided \$26,000,000 be used solely to encumber funds for future fiscal year expenditures and twenty-five percent (25%) flexibility is allowed between funds	
From Department of Natural Resources Federal Fund (0140) .....	37,500,000
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	6,300,000
For drinking water sampling, analysis, and public drinking water quality and treatment studies	
From Safe Drinking Water Fund (0679) .....	599,852
For closure of concentrated animal feeding operations	
From Concentrated Animal Feeding Operation Indemnity Fund (0834) .....	60,000
For demonstration projects and technical assistance related to soil and water conservation Expense and Equipment	
From Department of Natural Resources Federal Fund (0140) .....	1,000,000
For grants to local soil and water conservation districts .....	14,680,570
For soil and water conservation cost-share grants.....	40,000,000
For a conservation monitoring program .....	650,000
For grants to colleges and universities for research projects on soil erosion and conservation .....	<u>400,000</u>
From Soil and Water Sales Tax Fund (0614).....	55,730,570
For grants and contracts for air pollution control activities, provided \$4,400,000 be used solely to encumber funds for future fiscal year expenditures and twenty-five percent (25%) flexibility is allowed between funds	
From Department of Natural Resources Federal Fund (0140) .....	7,000,000

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From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).....	1,272,621
From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268) .....	6,250,000
For the cleanup of leaking underground storage tanks	
From Department of Natural Resources Federal Fund (0140) .....	420,000
Funds are to be transferred out of the State Treasury to the Hazardous Waste Fund	
From General Revenue Fund (0101) .....	1,924,155
For the cleanup of hazardous waste or substances	
From Department of Natural Resources Federal Fund (0140) .....	975,000
From Hazardous Waste Fund (0676).....	2,803,944
For implementation provisions of the Solid Waste Management Law in accordance with Sections 260.250 through 260.345, RSMo	
From Solid Waste Management Fund (0570).....	9,998,820
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) .....	3,000,000
For grants to Solid Waste Management Districts for funding community based reduce, reuse and recycle grants	
From Solid Waste Management Fund (0570).....	6,500,000
For expenditures of forfeited financial assurance instruments to ensure proper closure and post closure of solid waste landfills, with general revenue expenditures not to exceed collections pursuant to Section 260.228, RSMo	
Personal Service.....	20,100
Expense and Equipment.....	<u>130,000</u>
From General Revenue Fund (0101) .....	150,100
For expenditures of forfeited financial assurance instruments to ensure proper closure and post closure of solid waste landfills, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	103
Expense and Equipment.....	<u>423,973</u>
From Post Closure Fund (0198) .....	424,076
For environmental emergency response	
From Department of Natural Resources Federal Fund (0140) .....	50,000
From Hazardous Waste Fund (0676).....	500,000
For cleanup of controlled substances	
From Department of Natural Resources Federal Fund (0140) .....	150,000
For a Contaminated Home Acquisition Program	
For a radioactive waste contamination investigation in conjunction with other appropriate state agencies, federal agencies, or the West Lake Community Advisory Group	

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Matter in bold-face type is proposed language.

From General Revenue Fund (0101) .....	<u>1,000,000</u>
Total (Not to exceed 789.28 F.T.E.) .....	\$849,837,074

\*I hereby veto \$1,000,000 general revenue for a Contaminated Home Acquisition Program.

For a radioactive waste contamination investigation.  
 From \$1,000,000 to \$0 from General Revenue Fund.  
 From \$849,837,074 to \$848,837,074 in total for the section.

MICHAEL L. PARSON  
GOVERNOR

**SECTION 6.230.** — To the Department of Natural Resources

For petroleum related activities and environmental emergency response

Personal Service.....	\$795,158
Expense and Equipment.....	<u>76,374</u>
From Petroleum Storage Tank Insurance Fund (0585) (Not to exceed 17.20 F.T.E.).....	\$871,532

**SECTION 6.250.** — To the Department of Natural Resources

For the Missouri Geological Survey, provided three percent (3%) flexibility is allowed from this section to Section 6.340

Personal Service.....	\$2,311,273
Expense and Equipment.....	<u>1,020,603</u>
From General Revenue Fund (0101) .....	3,331,876

For the Missouri Geological Survey, provided twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	1,762,603
Expense and Equipment.....	<u>597,372</u>
From Department of Natural Resources Federal Fund (0140) .....	2,359,975

Personal Service.....	16,585
From Department of Natural Resources Revolving Services Fund (0425) .....	16,585

Personal Service.....	538,662
Expense and Equipment.....	<u>97,405</u>
From Groundwater Protection Fund (0660).....	636,067

Personal Service.....	14,774
Expense and Equipment.....	<u>5,072</u>
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	19,846

Personal Service.....	133,020
Expense and Equipment.....	<u>9,480</u>
From Solid Waste Management Fund (0570).....	142,500

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 Matter in bold-face type is proposed language.

Personal Service.....	156,818
Expense and Equipment.....	<u>31,010</u>
From Hazardous Waste Fund (0676).....	187,828
Personal Service.....	16,895
Expense and Equipment.....	<u>4,105</u>
From DNR Cost Allocation Fund (0500).....	21,000
Personal Service.....	119,089
Expense and Equipment.....	<u>18,270</u>
From Geologic Resources Fund (0801).....	137,359
Personal Service.....	51,962
Expense and Equipment.....	<u>13,761</u>
From Metallic Minerals Waste Management Fund (0575).....	65,723
Personal Service.....	460,313
Expense and Equipment.....	<u>211,776</u>
From Mined Land Reclamation Fund (0906).....	672,089
Expense and Equipment	
From Abandoned Mine Reclamation Fund (0697).....	13
Personal Service.....	7,504
Expense and Equipment.....	<u>7,625</u>
From Oil and Gas Remedial Fund (0699).....	15,129
Personal Service.....	86,710
Expense and Equipment.....	<u>12,006</u>
From Oil and Gas Resources Fund (0543).....	98,716
Personal Service.....	10,284
Expense and Equipment.....	<u>2,000</u>
From Natural Resources Protection Fund (0555).....	12,284
Funds are to be transferred out of the State Treasury to the Multipurpose Water Resource Program Fund	
From General Revenue Fund (0101).....	3,000,000
For the Multipurpose Water Resource Program	
From Multipurpose Water Resource Program Fund (0815).....	3,750,000
For a Stockton Lake water reallocation study, rate study and economic impact analysis	
From General Revenue Fund (0101).....	180,000
For bond forfeiture funds for the reclamation of mined land	
From Mined Land Reclamation Fund (0906).....	700,000
For the reclamation of abandoned mined lands	
From Department of Natural Resources Federal Fund (0140).....	<u>3,732,500</u>

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Matter in bold-face type is proposed language.

For contracts for hydrologic studies to assist small coal operators to meet permit requirements	
From Department of Natural Resources Federal Fund (0140) .....	10,000
For expense and equipment in accordance with the provisions of Section 259.190, RSMo	
From Oil and Gas Remedial Fund (0699) .....	150,000
Total (Not to exceed 115.92 F.T.E.) .....	\$19,239,490
<b>SECTION 6.255.</b> — To the Department of Natural Resources	
Funds are to be transferred out of the State Treasury to the Missouri Water Development Fund	
From General Revenue Fund (0101) .....	\$477,098
<b>SECTION 6.260.</b> — To the Department of Natural Resources	
For interest, operations and maintenance in accordance with the Clarence Cannon Water Contract	
From Missouri Water Development Fund (0174) .....	\$477,098
<b>SECTION 6.275.</b> — To the Department of Natural Resources	
For Missouri State Parks	
For State Parks operations, provided five percent (5%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service .....	\$179,456
Expense and Equipment .....	31,306
From Department of Natural Resources Federal Fund (0140) .....	210,762
Personal Service .....	1,198,161
Expense and Equipment .....	2,530,407
From State Park Earnings Fund (0415) .....	3,728,568
Personal Service .....	915,058
Expense and Equipment .....	68,159
From DNR Cost Allocation Fund (0500) .....	983,217
Personal Service .....	20,745,620
Expense and Equipment .....	10,656,615
From Parks Sales Tax Fund (0613) .....	31,402,235
Personal Service .....	56,884
Expense and Equipment .....	75,000
From Doctor Edmund A. Babler Memorial State Park Fund (0911) .....	131,884
Expense and Equipment	
From Meramec-Onondaga State Parks Fund (0698) .....	85,000

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

From Department of Natural Resources Federal Fund (0140) .....	11,950,000
Levy District Payments .....	15,000
Payment in Lieu of Taxes .....	30,000
Bruce R. Watkins Center Expense and Equipment.....	<u>100,000</u>
From Parks Sales Tax Fund (0613).....	145,000
Parks Concession Personal Service.....	53,575
Parks Concession Expense and Equipment.....	199,350
Gifts to Parks Expense and Equipment.....	1,250,000
Parks Resale Expense and Equipment.....	1,750,000
State Park Grants Expense and Equipment.....	<u>450,000</u>
From State Park Earnings Fund (0415) .....	<u>3,702,925</u>
Total (Not to exceed 661.21 F.T.E.) .....	<u>\$52,339,591</u>

**SECTION 6.280.** — To the Department of Natural Resources

For Historic Preservation Operations, provided twenty-five percent (25%)  
flexibility is allowed between funds and no flexibility is allowed between  
personal service and expense and equipment

Personal Service.....	\$410,860
Expense and Equipment.....	<u>50,026</u>
From Department of Natural Resources Federal Fund (0140) .....	460,886
Personal Service.....	204,596
Expense and Equipment.....	<u>31,314</u>
From Historic Preservation Revolving Fund (0430) .....	235,910
Personal Service.....	103,847
Expense and Equipment.....	<u>10,853</u>
From Economic Development Advancement Fund (0783).....	114,700

For historic preservation grants and contracts, provided twenty-five percent  
(25%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140) .....	600,000
From Historic Preservation Revolving Fund (0430) .....	<u>2,017,243</u>
Total (Not to exceed 17.25 F.T.E.) .....	<u>\$3,428,739</u>

**SECTION 6.285.** — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the Historic  
Preservation Revolving Fund, provided three percent (3%) flexibility is  
allowed from this section to Section 6.340

From General Revenue Fund (0101) .....	\$145,628
From State Park Earnings Fund (0415) .....	<u>574,372</u>
Total.....	<u>\$720,000</u>

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

**SECTION 6.290.** — To the Department of Natural Resources

For expenditures of payments received for damages to the state's natural resources,  
provided twenty-five percent (25%) flexibility is allowed between funds

Expense and Equipment	
From Natural Resources Protection Fund (0555) .....	\$6,057,917
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) .....	<u>100,000</u>
Total .....	\$6,157,917

**SECTION 6.300.** — To the Department of Natural Resources

Expense and Equipment	
From Department of Natural Resources Revolving Services Fund (0425) .....	\$2,421,745

**SECTION 6.305.** — To the Department of Natural Resources

For refunds, provided seventy-five percent (75%) flexibility is allowed between  
funds

From Department of Natural Resources Federal Fund (0140) .....	\$9,445
From Missouri Air Emission Reduction Fund (0267) .....	15,988
From State Park Earnings Fund (0415) .....	84,946
From Department of Natural Resources Revolving Services Fund (0425) .....	1,419
From Historic Preservation Revolving Fund (0430) .....	165
From DNR Cost Allocation Fund (0500) .....	3,478
From Oil and Gas Resources Fund (0543) .....	100
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) .....	46,982
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) .....	1,165
From Solid Waste Management Fund (0570) .....	1,165
From Metallic Minerals Waste Management Fund (0575) .....	165
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584) .....	9,930
From Underground Storage Tank Regulation Program Fund (0586) .....	4,965
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594) .....	62,082
From Water and Wastewater Loan Revolving Fund (0602) .....	10,498
From Parks Sales Tax Fund (0613) .....	25,723
From Soil and Water Sales Tax Fund (0614) .....	329
From Water and Wastewater Loan Fund (0649) .....	165
From Environmental Radiation Monitoring Fund (0656) .....	250
From Groundwater Protection Fund (0660) .....	3,165
From Hazardous Waste Fund (0676) .....	59,688
From Safe Drinking Water Fund (0679) .....	14,726
From Abandoned Mine Reclamation Fund (0697) .....	165
From Oil and Gas Remedial Fund (0699) .....	650
From Storm Water Loan Revolving Fund (0754) .....	200
From Rural Water and Sewer Loan Revolving Fund (0755) .....	165
From Geologic Resources Fund (0801) .....	4,400
From Confederate Memorial Park Fund (0812) .....	165

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From Concentrated Animal Feeding Operation Indemnity Fund (0834) .....	450
From Mined Land Reclamation Fund (0906) .....	10,095
From Doctor Edmund A. Babler Memorial State Park Fund (0911).....	<u>417</u>
Total.....	\$373,246

**SECTION 6.310.** — To the Department of Natural Resources

For refunds

From State Park Earnings Fund (0415) .....	\$574,372
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**SECTION 6.315.** — To the Department of Natural Resources

For sales tax on retail sales, provided seventy-five percent (75%) flexibility is allowed between funds

From State Park Earnings Fund (0415) .....	\$40,000
From Department of Natural Resources Revolving Services Fund (0425) .....	<u>10,000</u>
Total.....	\$50,000

**SECTION 6.320.** — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the DNR Cost Allocation Fund for real property leases, related services, utilities, systems furniture, structural modifications, capital improvements and related expenses, and for the purpose of funding the consolidation of Information Technology Services, provided five percent (5%) flexibility is allowed between DNR Cost Allocation transfer, Cost Allocation HB 2013 transfer, and Cost Allocation Information Technology Services Division transfer

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

From Missouri Air Emission Reduction Fund (0267).....	\$274,811
From State Park Earnings Fund (0415) .....	382,778
From Historic Preservation Revolving Fund (0430) .....	27,661
From Natural Resources Protection Fund (0555) .....	63,758
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	1,100,807
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) .....	132,854
From Solid Waste Management Fund (0570).....	544,557
From Metallic Minerals Waste Management Fund (0575).....	8,605
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).....	71,833
From Petroleum Storage Tank Insurance Fund (0585).....	165,281
From Underground Storage Tank Regulation Program Fund (0586) .....	29,917
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).....	1,018,798
From Parks Sales Tax Fund (0613).....	3,414,598
From Soil and Water Sales Tax Fund (0614).....	448,234
From Water and Wastewater Loan Fund (0649) .....	186,323
From Environmental Radiation Monitoring Fund (0656).....	11,547
From Groundwater Protection Fund (0660).....	87,720
From Hazardous Waste Fund (0676).....	480,256

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From Safe Drinking Water Fund (0679) .....	606,534
From Geologic Resources Fund (0801).....	18,500
From Mined Land Reclamation Fund (0906) .....	<u>84,727</u>
Total DNR Cost Allocation Transfer.....	9,160,099

For Cost Allocation HB 2013 Transfer, provided twenty-five percent (25%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund (0267).....	5,088
From State Park Earnings Fund (0415) .....	8,021
From Historic Preservation Revolving Fund (0430) .....	580
From Natural Resources Protection Fund (0555) .....	1,180
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	20,362
From Solid Waste Management Fund - Scrap Tire Subaccount (0569).....	2,459
From Solid Waste Management Fund (0570).....	9,955
From Metallic Minerals Waste Management Fund (0575).....	104
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).....	1,329
From Petroleum Storage Tank Insurance Fund (0585).....	2,981
From Underground Storage Tank Regulation Program Fund (0586).....	554
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).....	18,859
From Parks Sales Tax Fund (0613).....	71,554
From Soil and Water Sales Tax Fund (0614).....	8,298
From Environmental Radiation Monitoring Fund (0656).....	213
From Groundwater Protection Fund (0660).....	1,061
From Water and Wastewater Loan Fund (0649) .....	3,449
From Hazardous Waste Fund (0676).....	8,731
From Safe Drinking Water Fund (0679) .....	11,228
From Geologic Resources Fund (0801).....	224
From Mined Land Reclamation Fund (0906) .....	<u>1,025</u>
Total Cost Allocation HB 2013 Transfer.....	177,255

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

From Missouri Air Emission Reduction Fund (0267).....	180,432
From State Park Earnings Fund (0415) .....	191,376
From Historic Preservation Revolving Fund (0430) .....	13,829
From Natural Resources Protection Fund (0555) .....	41,914
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	725,581
From Solid Waste Management Fund - Scrap Tire Subaccount (0569).....	87,227
From Solid Waste Management Fund (0570).....	379,440
From Metallic Minerals Waste Management Fund (0575).....	15,263
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).....	47,162
From Petroleum Storage Tank Insurance Fund (0585).....	123,471

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From Underground Storage Tank Regulation Program Fund (0586) .....	19,642
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).....	668,904
From Parks Sales Tax Fund (0613).....	1,707,192
From Soil and Water Sales Tax Fund (0614).....	528,325
From Water and Wastewater Loan Fund (0649) .....	122,332
From Environmental Radiation Monitoring Fund (0656).....	7,582
From Hazardous Waste Fund (0676).....	343,202
From Safe Drinking Water Fund (0679) .....	398,227
From Geologic Resources Fund (0801).....	<u>32,811</u>
Total Cost Allocation Information Technology Services Division Transfer .....	<u>5,633,912</u>
Total.....	\$14,971,266

**SECTION 6.325.** — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the OA Information Technology - Federal and Other Fund for the purpose of funding the consolidation of Information Technology Services

From Department of Natural Resources Federal Fund (0140) .....	\$2,693,271
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**SECTION 6.335.** — To the Department of Natural Resources

For the Board of Trustees for the Petroleum Storage Tank Insurance Fund

For the general administration and operation of the fund, provided five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$253,345
Expense and Equipment.....	<u>2,095,354</u>
From Petroleum Storage Tank Insurance Fund (0585) .....	2,348,699

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

From Petroleum Storage Tank Insurance Fund (0585) .....	20,000,000
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For refunds of erroneously collected receipts

From Petroleum Storage Tank Insurance Fund (0585) .....	<u>70,000</u>
Total (Not to exceed 4.00 F.T.E.).....	\$22,418,699

**SECTION 6.340.** — To the Department of Natural Resources

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

From General Revenue Fund (0101) .....	\$1
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**SECTION 6.600.** — To the Department of Conservation

For the Office of Director, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints or advertising in sports venues not hosted by the department

Personal Service.....	\$5,103,103
Expense and Equipment.....	<u>13,584,903</u>

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From Conservation Commission Fund (0609) (Not to exceed 92.69 F.T.E.) .....\$18,688,006

**SECTION 6.605.** — To the Department of Conservation

For the Administrative Services Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints or advertising in sports venues not hosted by the department

Personal Service.....\$4,564,129

Expense and Equipment..... 20,069,899

From Conservation Commission Fund (0609) (Not to exceed 125.77 F.T.E.) .....\$24,634,028

**SECTION 6.610.** — To the Department of Conservation

For the Design and Development Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints or advertising in sports venues not hosted by the department

Personal Service.....\$8,365,418

Expense and Equipment..... 2,742,911

For the CART Program ..... 2,000,000

From Conservation Commission Fund (0609) (Not to exceed 177.35 F.T.E.) .....\$13,108,329

**SECTION 6.615.** — To the Department of Conservation

For the Fisheries Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints or advertising in sports venues not hosted by the department

Personal Service.....\$7,387,277

Expense and Equipment..... 3,995,035

From Conservation Commission Fund (0609) (Not to exceed 192.55 F.T.E.) .....\$11,382,312

**SECTION 6.620.** — To the Department of Conservation

For the Forestry Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints or advertising in sports venues not hosted by the department

Personal Service.....\$9,420,478

Expense and Equipment..... 5,911,605

From Conservation Commission Fund (0609) (Not to exceed 264.26 F.T.E.) .....\$15,332,083

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

For the Human Resources Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints or advertising in sports venues not hosted by the department

Personal Service.....\$13,938,556

Expense and Equipment..... 1,140,438

From Conservation Commission Fund (0609) (Not to exceed 31.67 F.T.E.) .....\$15,078,994

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

For the Outreach and Education Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints or advertising in sports venues not hosted by the department

Personal Service.....	\$7,606,461
Expense and Equipment.....	<u>6,480,511</u>
From Conservation Commission Fund (0609) (Not to exceed 196.74 F.T.E.) .....	\$14,086,972

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

For the Private Land Services Division, provided thirty-five percent (35%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints or advertising in sports venues not hosted by the department

Personal Service.....	\$3,851,730
Expense and Equipment.....	<u>4,314,777</u>
From Conservation Commission Fund (0609) (Not to exceed 85.20 F.T.E.) .....	\$8,166,507

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

For the Protection Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints or advertising in sports venues not hosted by the department

Personal Service.....	\$10,775,080
Expense and Equipment.....	<u>1,542,911</u>
From Conservation Commission Fund (0609) (Not to exceed 222.94 F.T.E.) .....	\$12,317,991

**SECTION 6.641.** — To the Department of Conservation

For vehicle checkpoints where motorists may be detained without individualized reasonable suspicion and related administrative expenses

From Conservation Commission Fund (0609) .....	\$1
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**SECTION 6.645.** — To the Department of Conservation

For the Resource Science Division, provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and between divisions and further provided none of these funds be expended for vehicle checkpoints or advertising in sports venues not hosted by the department

Personal Service.....	\$5,739,602
Expense and Equipment.....	<u>3,089,337</u>
From Conservation Commission Fund (0609) (Not to exceed 150.09 F.T.E.) .....	\$8,828,939

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

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

and further provided none of these funds be expended for vehicle checkpoints or advertising in sports venues not hosted by the department

Personal Service.....	\$9,592,538
Expense and Equipment.....	<u>9,851,818</u>
From Conservation Commission Fund (0609) (Not to exceed 273.55 F.T.E.) .....	\$19,444,356

**SECTION 6.651.** — To the Department of Conservation  
For advertising in sports venues not hosted by the department  
From Conservation Commission Fund (0609) .....\$1

## PART 2

**SECTION 6.700.** — To the Department of Natural Resources  
In reference to Section 6.200 through and including Section 6.340 of Part 1 of this act:  
No funds shall be expended on land purchases for which the Department of Natural Resources did not provide notice to the General Assembly, in writing, at least sixty (60) days prior to the purchase.

**SECTION 6.705.** — To the Department of Natural Resources  
In reference to Section 6.200 through and including Section 6.340 of Part 1 of this act:  
No funds shall be spent to implement or enforce any portion of the rule proposed by the United States Army Corps of Engineers and the United States Environmental Protection Agency on June 29, 2015, 80 Federal Register 37054, known as the 2015 "WOTUS" rule, that purported to revise the regulatory definition of "waters of the United States" or "navigable waters" under the federal Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq., without the approval of the General Assembly.

**SECTION 6.710.** — To the Department of Natural Resources  
In reference to Section 6.200 through and including Section 6.340 of Part 1 of this act:  
No funds shall be spent to implement or enforce any portion of the federal Environmental Protection Agency's "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 Fed. Reg. 64,662 (October 23, 2015).

### Department of Agriculture Totals

General Revenue Fund.....	\$9,119,579
Federal Funds.....	5,618,606
Other Funds.....	<u>24,826,144</u>
Total.....	\$39,564,329

### Department of Natural Resources Totals

General Revenue Fund.....	\$14,770,324
Federal Funds.....	47,864,062
Other Funds.....	<u>525,228,236</u>
Total.....	\$587,862,622

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**Department of Conservation Totals**

Total - Other Funds .....\$161,068,519

Approved June 29, 2018

**CCS SCS HCS HB 2007**

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**SECTION 7.005.** — To the Department of Economic Development

For general administration of Administrative Services, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181

Personal Service..... \$409,337  
Annual salary adjustment in accordance with Section 105.005, RSMo.....150  
Expense and Equipment..... 49,309  
From General Revenue Fund (0101) ..... 458,796

Personal Service..... 49,242  
Expense and Equipment..... 1,777  
From Department of Economic Development- Community Development Block  
Grant (Administration) Fund (0123) ..... 51,019

Personal Service..... 1,070,449  
Annual salary adjustment in accordance with Section 105.005, RSMo.....223  
Expense and Equipment ..... 420,691  
From Job and Development Training Fund (0155) ..... 1,491,363

Personal Service..... 793,174  
Annual salary adjustment in accordance with Section 105.005, RSMo.....310  
Expense and Equipment..... 347,173

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For refunds .....	12,000
From Department of Economic Development Administrative Fund (0547).....	<u>1,152,657</u>
Total (Not to exceed 31.54 F.T.E.) .....	\$3,153,835

**SECTION 7.010.** — To the Department of Economic Development

Funds are to be transferred, for administrative costs, to the Department of Economic Development Administrative Fund

From Job Development and Training Fund (0155).....	\$758,600
From Energy Federal Fund (0866).....	258,746
From Division of Tourism Supplemental Revenue Fund (0274).....	162,974
From Energy Set Aside Program Fund (0667) .....	55,900
From Manufactured Housing Fund (0582) .....	16,114
From Public Service Commission Fund (0607).....	390,799
From Missouri Arts Council Trust Fund (0262).....	<u>41,233</u>
Total.....	\$1,684,366

**SECTION 7.015.** — To the Department of Economic Development

For the Division of Business and Community Services

For the Missouri Economic Research and Information Center, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service and expense and equipment for federal funds, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181

Personal Service.....	\$114,228
Expense and Equipment.....	<u>19,160</u>
From General Revenue Fund (0101) .....	133,388
Personal Service.....	1,540,559
Expense and Equipment.....	<u>302,933</u>
From Job Development and Training Fund (0155).....	1,843,492

For the Marketing Team, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service and expense and equipment for federal funds, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181

Personal Service.....	180,290
Expense and Equipment.....	<u>1,338,651</u>
From General Revenue Fund (0101) .....	1,518,941
Personal Service	
From Job Development and Training Fund (0155).....	51,674

Personal Service

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From Department of Economic Development Administrative Fund (0547).....	45,850
Expense and Equipment	
From International Promotions Revolving Fund (0567).....	1,402,238
For the Sales Team, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service and expense and equipment for federal funds, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181	
Personal Service.....	1,271,639
Expense and Equipment.....	<u>132,020</u>
From General Revenue Fund (0101) .....	1,403,659
Personal Service	
From Department of Economic Development Administrative Fund (0547).....	7,176
For the Finance Team, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service and expense and equipment for federal funds, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181	
Personal Service.....	863,879
Expense and Equipment.....	<u>112,318</u>
From General Revenue Fund (0101) .....	976,197
Personal Service.....	
Expense and Equipment.....	<u>44,702</u>
From State Supplemental Downtown Development Fund (0766).....	48,592
For refunding any overpayment or erroneous payment of any amount that is credited to the Economic Development Advancement Fund	
From Economic Development Advancement Fund (0783).....	10,000
For International Trade and Investment Offices, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181	
From Economic Development Advancement Fund (0783).....	1,500,000
For business recruitment and marketing	
From Economic Development Advancement Fund (0783).....	<u>2,250,000</u>
Total (Not to exceed 79.21 F.T.E.) .....	\$11,191,207

**SECTION 7.030.** — To the Department of Economic Development  
 For the response to, and analysis of, the impact of Missouri's military bases on the nation's military readiness and the state's economy and advocacy of the

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continued presence and expansion of military installations in the state, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181	
Personal Service.....	\$162,689
Expense and Equipment.....	<u>440,120</u>
From General Revenue Fund (0101) (Not to exceed 1.50 F.T.E.) .....	\$602,809
<b>SECTION 7.035.</b> — To the Department of Economic Development For the Missouri Technology Corporation, provided that all funds appropriated to the Missouri Technology Corporation by the General Assembly shall be subject to the provisions of Section 196.1127, RSMo For administration and for science and technology development, including but not limited to, innovation centers and the Missouri Manufacturing Extension Partnership	
From Missouri Technology Investment Fund (0172) .....	\$3,500,000
<b>SECTION 7.040.</b> — To the Department of Economic Development Funds are to be transferred out of the State Treasury to the Missouri Technology Investment Fund	
From General Revenue Fund (0101) .....	\$2,250,000
<b>SECTION 7.045.</b> — To the Department of Economic Development For the Division of Business and Community Services For the Community Development Block Grant Program For administration, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181	
Personal Service.....	\$171,979
Expense and Equipment.....	<u>88,171</u>
From General Revenue Fund (0101) .....	260,150
Personal Service.....	811,716
Expense and Equipment.....	<u>250,251</u>
From Department of Economic Development - Community Development Block Grant (Administration) Fund (0123) .....	1,061,967
For projects awarded before July 1, 2018	
Expense and Equipment.....	70,000,000
For projects awarded on or after July 1, 2018, provided that no funds shall be expended at higher education institutions not headquartered in Missouri for purposes of accreditation	
Expense and Equipment.....	<u>35,000,000</u>
From Department of Economic Development - Community Development Block Grant (Pass through) Fund (0118).....	<u>105,000,000</u>
Total (Not to exceed 16.24 F.T.E.) .....	\$106,322,117

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Matter in bold-face type is proposed language.

**SECTION 7.050.** — To the Department of Economic Development  
For the State Small Business Credit Initiative  
From Department of Economic Development Federal Fund (0129) .....\$2,000,000

**SECTION 7.051.** — To the Department of Economic Development  
For the Division of Business and Community Services  
For the Missouri Main Street Program  
From Economic Development Advancement Fund (0783)..... \$300,000

**SECTION 7.055.** — To the Department of Economic Development  
For Missouri supplemental tax increment financing as provided in Section 99.845, RSMo. This appropriation may be used for the following projects: Kansas City Midtown, Independence Santa Fe Trail Neighborhood, St. Louis City Convention Hotel, Springfield Jordan Valley Park, Kansas City Bannister Mall/Three Trails Office, St. Louis Lambert Airport Eastern Perimeter, Old Post Office in Kansas City, 1200 Main Garage Project in Kansas City, Riverside Levee, Branson Landing, Eastern Jackson County Bass Pro, Kansas City East Village Project, St. Louis Innovation District, National Geospatial Agency West, Fenton Logistics Park, and IDEA Commons. The presence of a project in this list is not an indication said project is nor shall be approved for tax increment financing. A listed project must have completed the application process and a certificate of approval must have been issued pursuant to Section 99.845 (10), RSMo, before a project may be disbursed funds subject to the appropriation  
From Missouri Supplemental Tax Increment Financing Fund (0848).....\$31,150,124

**SECTION 7.060.** — To the Department of Economic Development  
Funds are to be transferred out of the State Treasury to the Missouri Supplemental Tax Increment Financing Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181  
From General Revenue Fund (0101) .....\$31,150,124

**SECTION 7.065.** — To the Department of Economic Development  
For the Missouri Downtown Economic Stimulus Act as provided in Sections 99.915 to 99.980, RSMo  
From State Supplemental Downtown Development Fund (0766).....\$1,729,133

**SECTION 7.070.** — To the Department of Economic Development  
Funds are to be transferred out of the State Treasury, such amounts generated by development projects, as required by Section 99.963, RSMo, to the State Supplemental Downtown Development Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181  
From General Revenue Fund (0101) .....\$1,775,575

**SECTION 7.075.** — To the Department of Economic Development  
For the Downtown Revitalization Preservation Program as provided in Sections 99.1080 to 99.1092, RSMo  
From Downtown Revitalization Preservation Fund (0907) .....\$255,000

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<b>SECTION 7.080.</b> — To the Department of Economic Development	
Funds are to be transferred out of the State Treasury, such amounts generated by redevelopment projects, as required by Section 99.1092, RSMo, to the Downtown Revitalization Preservation Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181	
From General Revenue Fund (0101) .....	\$255,000
<b>SECTION 7.085.</b> — To the Department of Economic Development	
For the Division of Business and Community Services	
For the Missouri Community Service Commission, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181	
Personal Service	
From General Revenue Fund (0101) .....	\$35,561
Personal Service .....	206,181
Expense and Equipment .....	<u>5,148,156</u>
From Community Service Commission Fund (0197) .....	<u>5,354,337</u>
Total (Not to exceed 5.00 F.T.E.) .....	\$5,389,898
<b>SECTION 7.090.</b> — To the Department of Economic Development	
For the Missouri State Council on the Arts	
Personal Service .....	\$354,145
Expense and Equipment .....	<u>632,514</u>
From Department of Economic Development - Missouri Council on the Arts - Federal Fund (0138) .....	986,659
Personal Service .....	569,530
Expense and Equipment .....	<u>4,433,843</u>
From Missouri Arts Council Trust Fund (0262) .....	5,003,373
For grants to public television and radio stations as provided in Section 143.183, RSMo	
From Missouri Public Broadcasting Corporation Special Fund (0887) .....	1,010,000
For the Missouri Humanities Council .....	1,260,000
For a museum that commemorates the contributions of African-Americans to the sport of baseball, provided that \$100,000 fund the Historical Education Center .....	<u>250,000</u>
From Missouri Humanities Council Trust Fund (0177) .....	<u>1,510,000</u>
Total (Not to exceed 15.00 F.T.E.) .....	\$8,510,032
<b>SECTION 7.095.</b> — To the Department of Economic Development	
Funds are to be transferred out of the State Treasury to the Missouri Arts Council Trust Fund as authorized by Sections 143.183 and 185.100, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181	
From General Revenue Fund (0101) .....	\$4,808,690

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**SECTION 7.100.** — To the Department of Economic Development

Funds are to be transferred out of the State Treasury to the Missouri Humanities Council Trust Fund as authorized by Sections 143.183 and 186.065, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181

From General Revenue Fund (0101) .....\$1,050,000

**SECTION 7.105.** — To the Department of Economic Development

Funds are to be transferred out of the State Treasury, to the Missouri Public Broadcasting Corporation Special Fund as authorized by Section 143.183, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181

From General Revenue Fund (0101) .....\$800,000

**SECTION 7.110.** — To the Department of Economic Development

For the Division of Workforce Development, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181

For general administration of Workforce Development activities

Personal Service.....\$16,042,036  
Expense and Equipment..... 3,005,029

From Job Development Training Fund (0155) ..... 19,047,065

Personal Service..... 396,189  
Expense and Equipment..... 81,389

From Missouri Works Job Development Fund (0600) ..... 477,578

For the Show Me Heroes Program

From Show-Me Heroes Fund (0995)..... 500,000

For funding for persons with autism through a contract with a Southeast Missouri organization concentrating on the maximization of giftedness, workforce transition skills, independent living skills, and employment support services

From General Revenue Fund (0101) ..... 200,000

Total (Not to exceed 421.72 F.T.E.) .....\$20,224,643

**SECTION 7.115.** — To the Department of Economic Development, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181

For Certified Work Ready Community Program

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

For a Pre-Apprenticeship program to assist minorities and women in the preparation for entry into construction contractor sponsored apprenticeship programs by providing curriculum that teaches core competencies the student will need before applying for a construction position..... 300,000

For a historic local national not-for-profit, located within a home rule city with more than four hundred thousand inhabitants and located in more than one

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county, which enables disadvantaged persons to obtain self-sufficiency through job training and entrepreneurship .....	100,000
For an organization providing services in a city not within a county, that facilitates supplemental education programs, job development and training, and community service programs for under-resourced individuals .....	<u>400,000</u>
From Job Development Training Fund (0155) .....	800,000
For job training and related activities	
From Special Employment Security Fund (0949) .....	2,000,000
From Job Development Training Fund (0155) .....	67,000,000
For administration of programs authorized and funded by the United States Department of Labor, such as Trade Adjustment Assistance (TAA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Workforce Development	
From Job Development and Training Fund (0155) .....	<u>8,000,000</u>
Total .....	\$77,900,000
<b>SECTION 7.120.</b> — To the Department of Economic Development	
For new and expanding industry training programs and basic industry retraining programs	
From Missouri Works Job Development Fund (0600) .....	\$7,000,000
<b>SECTION 7.125.</b> — To the Department of Economic Development	
Funds are to be transferred out of the State Treasury to the Missouri Works Job Development Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181	
From General Revenue Fund (0101) .....	\$5,300,000
<b>SECTION 7.130.</b> — To the Department of Economic Development	
For the Missouri Works Community College New Jobs Training Program	
For training of workers by community college districts	
From Missouri Works Community College New Jobs Training Fund (0563) .....	\$16,000,000
<b>SECTION 7.135.</b> — To the Department of Economic Development	
For the Missouri Works Community College Job Retention Training Program	
From Missouri Works Community College Job Retention Training Fund (0717) .....	\$10,000,000
<b>SECTION 7.140.</b> — To the Department of Economic Development	
For the Missouri Women's Council	
Personal Service .....	\$58,834
Expense and Equipment .....	<u>12,765</u>
From Job Development and Training Fund (0155)	
Total (Not to exceed 1.00 F.T.E.) .....	\$71,599

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<b>SECTION 7.145.</b> — To the Department of Economic Development	
For the Missouri Film Office	
Expense and Equipment	
From Division of Tourism Supplemental Revenue Fund (0274).....	\$100,115
For the Division of Tourism to include coordination of advertising of at least \$70,000 for the Missouri State Fair, provided that fifty percent (50%) flexibility is allowed between expense and equipment and the Tourism Cooperative Marketing Program	
Personal Service.....	1,700,869
Expense and Equipment.....	<u>9,288,512</u>
From Division of Tourism Supplemental Revenue Fund (0274).....	10,989,381
For a redevelopment authority to support the history and art form of American Jazz located within a home rule city with more than four hundred thousand inhabitants and located in more than one county	
From Division of Tourism Supplemental Revenue Fund (0274).....	\$100,000
For the Meet in Missouri Act	
From Meet in Missouri Fund (0593) .....	500,000
For the Tourism Cooperative Marketing Program, provided that fifty percent (50%) flexibility is allowed between expense and equipment and the Tourism Cooperative Marketing Program	
From Division of Tourism Supplemental Revenue Fund (0274).....	4,750,000
Expense and Equipment	
From Tourism Marketing Fund (0650) .....	<u>24,500</u>
Total (Not to exceed 38.50 F.T.E.) .....	\$16,463,996
<b>SECTION 7.150.</b> — To the Department of Economic Development	
Funds are to be transferred out of the State Treasury to the Division of Tourism Supplemental Revenue Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181	
From General Revenue Fund (0101) .....	\$15,734,261
<b>SECTION 7.155.</b> — To the Department of Economic Development	
For the Division of Energy, provided that one hundred percent (100%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$1,260,092
Expense and Equipment.....	<u>609,299</u>
From Energy Federal Fund (0866) .....	1,869,391
Personal Service.....	473,076
Expense and Equipment.....	<u>104,580</u>
From Energy Set-Aside Program Fund (0667) .....	577,656
Personal Service	

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From Biodiesel Fuel Revolving Fund (0730) .....	3,688
Personal Service.....	314,828
Expense and Equipment.....	<u>32,050</u>
From Energy Futures Fund (0935).....	346,878
For refunds	
From Energy Set-Aside Program Fund (0667) .....	2,039
From Biodiesel Fuel Revolving Fund (0730) .....	165
From Missouri Alternative Fuel Vehicle Loan Fund (0886) .....	50
From Energy Futures Fund (0935).....	4,500
For the promotion of energy, renewable energy, and energy efficiency	
From Utilicare Stabilization Fund (0134).....	100
For the promotion of energy, renewable energy, and energy efficiency, provided that \$20,000,000 be used solely to encumber funds for future fiscal year expenditures	
From Energy Federal Fund (0866).....	12,100,800
From Energy Set-Aside Program Fund (0667).....	22,000,000
From Biodiesel Fuel Revolving Fund (0730) .....	25,000
From Missouri Alternative Fuel Vehicle Loan Fund (0886) .....	2,000
From Energy Futures Fund (0935).....	5,100,000
For the Wood Energy Tax Credit Program	
For the redemption of tax credits issued on or after July, 1, 2017, under Sections 135.300 through 135.311, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.181.....	1,000,000
For the Rolling Stock Tax Credit Program	
For distribution to any political subdivision(s) to offset tax credits awarded by the state of Missouri for property taxes levied on qualified rolling stock.....	<u>1</u>
From General Revenue Fund (0101) .....	<u>1,000,001</u>
Total (Not to exceed 37.00 F.T.E.) .....	\$43,032,268
<b>SECTION 7.160.</b> — To the Department of Economic Development	
For the Missouri Housing Development Commission	
For general administration of affordable housing activities	
For funding housing subsidy grants or loans	
From Missouri Housing Trust Fund (0254) .....	\$4,450,000
<b>SECTION 7.165.</b> — To the Department of Economic Development	
For Manufactured Housing	
Personal Service.....	\$361,548
Expense and Equipment.....	354,466
For Manufactured Housing programs.....	20,000
For refunds .....	<u>10,000</u>
From Manufactured Housing Fund (0582) .....	746,014

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For Manufactured Housing to pay consumer claims  
 From Manufactured Housing Consumer Recovery Fund (0909)..... 192,000  
 Total (Not to exceed 8.00 F.T.E.)..... \$938,014

**SECTION 7.170.** — To the Department of Economic Development  
 Funds are to be transferred out of the State Treasury to the Manufactured  
 Housing Consumer Recovery Fund  
 From Manufactured Housing Fund (0582) ..... \$192,000

**SECTION 7.175.** — To the Department of Economic Development  
 For the Office of the Public Counsel  
 Personal Service and/or Expense and Equipment, provided that not more  
 than ten percent (10%) flexibility is allowed between personal service and  
 expense and equipment  
 Personal Service..... \$905,585  
 Expense and Equipment..... 265,609  
 From Public Service Commission Fund (0607) (Not to exceed 16.00 F.T.E.) ..... \$1,171,194

**SECTION 7.180.** — To the Department of Economic Development  
 For the Public Service Commission  
 For general administration of utility regulation activities, provided that not more  
 than ten percent (10%) flexibility is allowed between personal service and  
 expense and equipment  
 Personal Service..... \$10,958,307  
 Expense and Equipment..... 2,536,462  
 For refunds ..... 10,000  
 From Public Service Commission Fund (0607)..... 13,504,769

For the Deaf Relay Service and Equipment Distribution Program  
 From Deaf Relay Service and Equipment Distribution Program Fund (0559) ..... 2,495,808  
 Total (Not to exceed 192.00 F.T.E.) ..... \$16,000,577

**SECTION 7.181.** — To the Department of Economic Development  
 Funds are to be transferred out of the State Treasury, for the payment of  
 claims, premiums, and expenses as provided by Section 105.711 through  
 105.726, RSMo, to the State Legal Expense Fund  
 From General Revenue Fund (0101) ..... \$1

**SECTION 7.400.** — To the Department of Insurance, Financial Institutions and  
 Professional Registration  
 For Administrative Services  
 Personal Service..... \$131,214  
 Expense and Equipment..... 37,826  
 From Department of Insurance, Financial Institutions and Professional  
 Registration Administrative Fund (0503) (Not to exceed 4.07 F.T.E.) ..... \$169,040

**SECTION 7.405.** — To the Department of Insurance, Financial Institutions and  
 Professional Registration

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Funds are to be transferred for administrative services to the Department of Insurance, Financial Institutions and Professional Registration Administrative Fund

From Division of Credit Unions Fund (0548).....	\$40,000
From Division of Finance Fund (0550).....	125,000
From Insurance Dedicated Fund (0566).....	40,264
From Professional Registration Fees Fund (0689) .....	<u>200,000</u>
Total.....	\$405,264

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

Personal Service.....	\$8,778,578
Expense and Equipment.....	<u>1,992,410</u>
From Insurance Dedicated Fund (0566).....	10,770,988
For consumer restitution payments	
From Consumer Restitution Fund (0792).....	<u>5,000</u>
Total (Not to exceed 161.56 F.T.E.) .....	\$10,775,988

**SECTION 7.415.** — To the Department of Insurance, Financial Institutions and Professional Registration  
For market conduct and financial examinations of insurance companies

Personal Service.....	\$3,464,306
Expense and Equipment.....	<u>767,448</u>
From Insurance Examiners Fund (0552) (Not to exceed 43.30 F.T.E.).....	\$4,231,754

**SECTION 7.420.** — To the Department of Insurance, Financial Institutions and Professional Registration  
For refunds

From Insurance Examiners Fund (0552).....	\$60,000
From Insurance Dedicated Fund (0566).....	<u>75,000</u>
Total.....	\$135,000

**SECTION 7.425.** — To the Department of Insurance, Financial Institutions and Professional Registration  
For programs providing counseling on health insurance coverage and benefits to Medicare beneficiaries

From Federal - Missouri Department of Insurance Fund (0192).....	\$1,250,000
From Insurance Dedicated Fund (0566).....	<u>200,000</u>
Total.....	\$1,450,000

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

Personal Service.....	\$1,183,079
Expense and Equipment.....	<u>143,755</u>
From Division of Credit Unions Fund (0548) (Not to exceed 15.50 F.T.E.).....	\$1,326,834

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

Personal Service.....	\$8,156,947
Expense and Equipment.....	739,726
For Conference of State Bank Supervisors dues.....	140,000
For Out of State Examinations .....	<u>48,250</u>
From Division of Finance Fund (0550) (Not to exceed 116.15 F.T.E.).....	\$9,084,923

**SECTION 7.440.** — To the Department of Insurance, Financial Institutions and Professional Registration  
Funds are to be transferred out of the State Treasury to the Division of Finance Fund, for supervising state chartered savings and loan associations  
From Division of Savings and Loan Supervision Fund (0549) ..... \$50,000

**SECTION 7.445.** — To the Department of Insurance, Financial Institutions and Professional Registration  
Funds are to be transferred out of the State Treasury to the Division of Finance Fund, for administering the Residential Mortgage Licensing Law  
From Residential Mortgage Licensing Fund (0261) ..... \$1,200,000

**SECTION 7.450.** — To the Department of Insurance, Financial Institutions and Professional Registration  
Funds are to be transferred out of the State Treasury to the General Revenue Fund, in accordance with Section 369.324, RSMo  
From Division of Savings and Loan Supervision Fund (0549) ..... \$50,000

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

Personal Service.....	\$3,616,706
Expense and Equipment.....	1,104,200
For examination and other fees .....	102,000
For Real Estate Appraiser Committee Fees.....	900,000
For refunds .....	<u>125,000</u>
From Professional Registration Fees Fund (0689) (Not to exceed 87.00 F.T.E.) .....	\$5,847,906

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

Personal Service.....	\$297,885
Expense and Equipment.....	<u>246,991</u>
From State Board of Accountancy Fund (0627) (Not to Exceed 7.00 F.T.E.) .....	\$544,876

**SECTION 7.465.** — To the Department of Insurance, Financial Institutions and Professional Registration  
For the State Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects

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Personal Service.....	\$402,099
Expense and Equipment.....	<u>301,397</u>
From State Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects Fund (0678) (Not to exceed 10.00 F.T.E.).....	\$703,496
<b>SECTION 7.470.</b> — To the Department of Insurance, Financial Institutions and Professional Registration For the State Board of Chiropractic Examiners Expense and Equipment From State Board of Chiropractic Examiners' Fund (0630) .....	
	\$131,820
<b>SECTION 7.475.</b> — To the Department of Insurance, Financial Institutions and Professional Registration For the State Board of Cosmetology and Barber Examiners Expense and Equipment.....	
	\$272,899
For criminal history checks.....	<u>1,000</u>
From Board of Cosmetology and Barber Examiners Fund (0785) .....	\$273,899
<b>SECTION 7.480.</b> — To the Department of Insurance, Financial Institutions and Professional Registration For the Missouri Dental Board Personal Service.....	
	\$397,981
Expense and Equipment.....	<u>237,475</u>
From Dental Board Fund (0677) (Not to exceed 8.50 F.T.E.) .....	\$635,456
<b>SECTION 7.485.</b> — To the Department of Insurance, Financial Institutions and Professional Registration For the State Board of Embalmers and Funeral Directors Expense and Equipment From Board of Embalmers and Funeral Directors' Fund (0633) .....	
	\$164,200
<b>SECTION 7.490.</b> — To the Department of Insurance, Financial Institutions and Professional Registration For the State Board of Registration for the Healing Arts Personal Service.....	
	\$1,920,032
Expense and Equipment.....	<u>753,115</u>
From Board of Registration for the Healing Arts Fund (0634) (Not to exceed 45.00 F.T.E.) .....	\$2,673,147
<b>SECTION 7.495.</b> — To the Department of Insurance, Financial Institutions and Professional Registration For the State Board of Nursing Personal Service.....	
	\$1,278,542
Expense and Equipment.....	<u>577,518</u>
From State Board of Nursing Fund (0635).....	1,856,060

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

From State Board of Nursing Fund (0635)..... 2,000,000  
 Total (Not to exceed 28.00 F.T.E.) ..... \$3,856,060

**SECTION 7.500.** — To the Department of Insurance, Financial Institutions and Professional Registration  
 For the State Board of Optometry  
 Expense and Equipment  
 From Optometry Fund (0636) ..... \$34,726

**SECTION 7.505.** — To the Department of Insurance, Financial Institutions and Professional Registration  
 For the State Board of Pharmacy  
 Personal Service..... \$1,200,473  
 Expense and Equipment..... 1,418,418  
 For criminal history checks..... 5,000  
 From Board of Pharmacy Fund (0637) (Not to exceed 16.00 F.T.E.) ..... \$2,623,891

**SECTION 7.510.** — To the Department of Insurance, Financial Institutions and Professional Registration  
 For the State Board of Podiatric Medicine  
 Expense and Equipment  
 From State Board of Podiatric Medicine Fund (0629) ..... \$13,734

**SECTION 7.515.** — To the Department of Insurance, Financial Institutions and Professional Registration  
 For the Missouri Real Estate Commission  
 Personal Service..... \$963,402  
 Expense and Equipment..... 276,669  
 From Real Estate Commission Fund (0638) (Not to exceed 25.00 F.T.E.)..... \$1,240,071

**SECTION 7.520.** — To the Department of Insurance, Financial Institutions and Professional Registration  
 For the Missouri Veterinary Medical Board  
 Expense and Equipment..... \$57,975  
 For testing services ..... 50,000  
 From Veterinary Medical Board Fund (0639) ..... \$107,975

**SECTION 7.525.** — To the Department of Insurance, Financial Institutions and Professional Registration  
 Funds are to be transferred, for administrative costs, to the General Revenue Fund  
 From Professional Registration Board Funds (Various) ..... \$1,461,218

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<b>SECTION 7.530.</b> — To the Department of Insurance, Financial Institutions and Professional Registration	
Funds are to be transferred, for operating expenses, to the Professional Registration Fees Fund	
From Professional Registration Board Funds (Various) .....	\$9,665,697
<b>SECTION 7.535.</b> — To the Department of Insurance, Financial Institutions and Professional Registration	
Funds are to be transferred, for funding new licensing activity pursuant to Section 324.016, RSMo, to the Professional Registration Fees Fund	
From Professional Registration Board Funds (Various) .....	\$200,000
<b>SECTION 7.540.</b> — To the Department of Insurance, Financial Institutions and Professional Registration	
Funds are to be transferred, for the reimbursement of funds loaned for new licensing activity pursuant to Section 324.016, RSMo, to the appropriate board fund	
From Professional Registration Fees Fund (0689) .....	\$320,000
<b>SECTION 7.800.</b> — To the Department of Labor and Industrial Relations	
For the Director and Staff	
Expense and Equipment	
From Unemployment Compensation Administration Fund (0948) .....	\$1,450,000
For the Director and Staff, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	2,599,214
Annual salary adjustment in accordance with Section 105.005, RSMo.....	640
Expense and Equipment.....	<u>1,408,167</u>
From Department of Labor and Industrial Relations Administrative Fund (0122).....	<u>4,008,021</u>
Total (Not to exceed 48.65 F.T.E.) .....	\$5,458,021
<b>SECTION 7.805.</b> — To the Department of Labor and Industrial Relations	
Funds are to be transferred, for payment of administrative costs, to the Department of Labor and Industrial Relations Administrative Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910	
From General Revenue Fund (0101) .....	\$433,498
From Division of Labor Standards - Federal Fund (0186).....	73,296
From Unemployment Compensation Administration Fund (0948) .....	4,016,807
From Workers' Compensation Fund (0652).....	1,100,397
From Special Employment Security Fund (0949) .....	<u>100,000</u>
Total.....	\$5,723,998
<b>SECTION 7.810.</b> — To the Department of Labor and Industrial Relations	
Funds are to be transferred, for payment of administrative costs charged by the Office of Administration, to the Department of Labor and Industrial	

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

From General Revenue Fund (0101) .....	\$154,226
From the Division of Labor Standards - Federal Fund (0186).....	42,815
From Unemployment Compensation Fund (0948) .....	5,014,142
From Workers' Compensation Fund (0652).....	855,717
From Special Employment Security Fund (0949).....	<u>148,804</u>
Total.....	\$6,215,704

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

For the Labor and Industrial Relations Commission

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

Personal Service.....	\$9,524
Expense and Equipment.....	<u>594</u>
From General Revenue Fund (0101) .....	10,118

Personal Service.....	524,095
Annual salary adjustment in accordance with Section 105.005, RSMo.....	816
Expense and Equipment.....	<u>32,724</u>
From Unemployment Compensation Administration Fund (0948) .....	557,635

Personal Service.....	417,847
Annual salary adjustment in accordance with Section 105.005, RSMo.....	816
Expense and Equipment.....	<u>26,104</u>
From Workers' Compensation Fund (0652).....	<u>444,767</u>
Total (Not to exceed 13.59 F.T.E.) .....	\$1,012,520

**SECTION 7.820.** — To the Department of Labor and Industrial Relations

For the Division of Labor Standards

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

Personal Service.....	\$51,937
Expense and Equipment.....	<u>19,681</u>
From General Revenue Fund (0101) .....	71,618

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

For the Child Labor Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and

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Matter in bold-face type is proposed language.

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

Personal Service

From General Revenue Fund (0101) ..... 46,951

Expense and Equipment

From Child Labor Enforcement Fund (0826) ..... 79,450

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

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

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

Personal Service..... 170,945

Expense and Equipment..... 17,260

From General Revenue Fund (0101) ..... 188,205

Total (Not to exceed 6.22 F.T.E.)..... \$418,895

**SECTION 7.825.** — To the Department of Labor and Industrial Relations

For the Division of Labor Standards

For safety and health programs, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service..... \$725,113

Expense and Equipment..... 290,893

From Division of Labor Standards - Federal Fund (0186)..... 1,016,006

Personal Service..... 126,232

Expense and Equipment..... 33,042

From Workers' Compensation Fund (0652)..... 159,274

Total (Not to exceed 17.00 F.T.E.) ..... \$1,175,280

**SECTION 7.830.** — To the Department of Labor and Industrial Relations

For the Division of Labor Standards

For mine safety and health training programs, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service..... \$188,548

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Expense and Equipment.....	<u>165,081</u>
From Division of Labor Standards - Federal Fund (0186).....	353,629
Personal Service.....	74,915
Expense and Equipment.....	<u>12,119</u>
From Workers' Compensation Fund (0652).....	87,034
For the Mine and Cave Inspection Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to section 7.910	
Personal Service.....	67,735
Expense and Equipment.....	<u>6,083</u>
From General Revenue Fund (0101).....	73,818
Personal Service.....	47,842
Expense and Equipment.....	<u>7,400</u>
From State Mine Inspection Fund (0973).....	<u>55,242</u>
Total (Not to exceed 7.50 F.T.E.).....	<u>\$569,723</u>

**SECTION 7.835.** — To the Department of Labor and Industrial Relations  
 For the State Board of Mediation, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

Personal Service.....	\$114,504
Expense and Equipment.....	<u>8,976</u>
From General Revenue Fund (0101) (Not to exceed 2.00 F.T.E.).....	<u>\$123,480</u>

**SECTION 7.840.** — To the Department of Labor and Industrial Relations  
 For the Division of Workers' Compensation  
 For the purpose of funding Administration, provided that no funds shall be used to pay the salaries of Administrative Law Judges, and further provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$4,745,599
Expense and Equipment.....	<u>1,371,111</u>
From Workers' Compensation Fund (0652).....	6,116,710

For the purpose of funding Administrative Law Judges appointed on or prior to January 1, 2012	
Personal Service.....	2,480,240

For the purpose of funding Administrative Law Judges appointed on or after January 1, 2015	
Personal Service.....	<u>859,334</u>
From Workers Compensation Fund (0652).....	<u>3,339,574</u>

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Funds are to be transferred out of the State Treasury pursuant to Section 173.258, RSMo to the Kids' Chance Scholarship Fund	
From Workers' Compensation Fund (0652).....	50,000
Expense and Equipment	
From Tort Victims' Compensation Fund (0622).....	4,836
Total (Not to exceed 143.25 F.T.E.) .....	\$9,511,120
<b>SECTION 7.845.</b> — To the Department of Labor and Industrial Relations For the Division of Workers' Compensation For payment of special claims	
From Workers' Compensation - Second Injury Fund (0653).....	\$124,060,833
<b>SECTION 7.850.</b> — To the Department of Labor and Industrial Relations For the Division of Workers' Compensation For refunds for overpayment of any tax or any payment credited to the Workers' Compensation - Second Injury Fund	
From Workers' Compensation - Second Injury Fund (0653).....	\$500,000
<b>SECTION 7.855.</b> — To the Department of Labor and Industrial Relations For the Line of Duty Compensation Program as provided in Section 287.243, RSMo	
From Line of Duty Compensation Fund (0939) .....	\$450,000
<b>SECTION 7.860.</b> — To the Department of Labor and Industrial Relations Funds are to be transferred out of the State Treasury to the Line of Duty Compensation Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910	
From General Revenue Fund (0101) .....	\$450,000
<b>SECTION 7.865.</b> — To the Department of Labor and Industrial Relations For the Division of Workers' Compensation For payments of claims to tort victims	
From Tort Victims' Compensation Fund (0622).....	\$7,000,000
<b>SECTION 7.870.</b> — To the Department of Labor and Industrial Relations Funds are to be transferred out of the State Treasury pursuant to Section 537.675, RSMo, to the Basic Civil Legal Services Fund	
From Tort Victims' Compensation Fund (0622).....	\$2,351,351
<b>SECTION 7.875.</b> — To the Department of Labor and Industrial Relations For the design and construction of a Workers' Memorial	
From Workers Memorial Fund (0895) .....	\$250,000
<b>SECTION 7.880.</b> — To the Department of Labor and Industrial Relations For the Division of Employment Security	
Personal Service.....	\$22,969,966
Expense and Equipment .....	5,786,570
From Unemployment Compensation Administration Fund (0948) .....	28,756,536

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Personal Service.....	421,610
Expense and Equipment.....	<u>16,143</u>
From Unemployment Automation Fund (0953).....	<u>437,753</u>
Total (Not to exceed 524.21 F.T.E.).....	\$29,194,289

**SECTION 7.885.** — To the Department of Labor and Industrial Relations  
 For the Division of Employment Security  
 For administration of programs authorized and funded by the United States  
 Department of Labor, such as Disaster Unemployment Assistance (DUA),  
 and provided that all funds shall be expended from discrete accounts and that  
 no monies shall be expended for funding administration of these programs  
 by the Division of Employment Security  
 From Unemployment Compensation Administration Fund (0948).....\$11,000,000

**SECTION 7.890.** — To the Department of Labor and Industrial Relations  
 For the Division of Employment Security  
 Personal Service..... \$568,161  
 Expense and Equipment..... 6,498,000  
 From Special Employment Security Fund (0949) (Not to exceed 15.00 F.T.E.).....\$7,066,161

**SECTION 7.895.** — To the Department of Labor and Industrial Relations  
 For the Division of Employment Security  
 For the War on Terror Unemployment Compensation Program  
 Expense and Equipment..... \$5,000  
 For payment of benefits ..... 35,000  
 From War on Terror Unemployment Compensation Fund (0736).....\$40,000

**SECTION 7.900.** — To the Department of Labor and Industrial Relations  
 For the Division of Employment Security  
 For the payment of refunds set off against debts as required by Section 143.786,  
 RSMo  
 From Debt Offset Escrow Fund (0753).....\$5,000,000

**SECTION 7.905.** — To the Department of Labor and Industrial Relations  
 For the Missouri Commission on Human Rights, provided that not more than  
 ten percent (10%) flexibility is allowed between personal service and  
 expense and equipment, and further provided that not more than three  
 percent (3%) flexibility is allowed from this section to Section 7.910  
 Personal Service..... \$527,488  
 Expense and Equipment..... 16,338  
 From General Revenue Fund (0101) ..... 543,826  
  
 Personal Service..... 959,340  
 Expense and Equipment..... 202,984  
 From Department of Labor and Industrial Relations - Commission on Human  
 Rights - Federal Fund (0117)..... 1,162,324

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 Matter in bold-face type is proposed language.

For the Martin Luther King, Jr. State Celebration Commission, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

From General Revenue Fund (0101) .....	55,086
From Martin Luther King, Jr. State Celebration Commission Fund (0438).....	<u>5,000</u>
Total (Not to exceed 32.70 F.T.E.) .....	\$1,766,236

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

From General Revenue Fund (0101) .....	\$1
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**Department of Economic Development Totals**

General Revenue Fund.....	\$69,813,153
Federal Funds.....	225,229,366
Other Funds.....	<u>68,775,428</u>
Total.....	\$363,817,947

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

Federal Funds.....	\$1,250,000
Other Funds.....	<u>44,514,796</u>
Total.....	\$45,764,796

**Department of Labor & Industrial Relations Totals**

General Revenue Fund.....	\$2,150,828
Federal Funds.....	53,475,860
Other Funds.....	<u>151,401,552</u>
Total.....	\$207,028,240

Approved June 29, 2018

**CCS SCS HCS HB 2008**

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein, for the item or items stated, and for no other

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purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**PART 1**

**SECTION 8.000.** — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part.

**SECTION 8.005.** — To the Department of Public Safety  
For the Office of the Director, provided three percent (3%) flexibility is allowed from this section to Section 8.300

Personal Service.....	\$1,200,506
Annual salary Adjustment in accordance with Section 105.005, RSMo.....	449
Expense and Equipment.....	<u>146,658</u>
From General Revenue Fund (0101) .....	1,347,613
Personal Service.....	322,044
Expense and Equipment.....	<u>710,878</u>
From Department of Public Safety Federal Fund (0152).....	1,032,922
Personal Service.....	315,738
Expense and Equipment.....	<u>99,800</u>
From Justice Assistance Grant Program Fund (0782).....	415,538
Personal Service.....	71,824
Expense and Equipment.....	<u>10,042</u>
From Services to Victims Fund (0592).....	81,866
Personal Service.....	522,140
Expense and Equipment.....	<u>1,453,268</u>
From Crime Victims' Compensation Fund (0681) .....	1,975,408
Expense and Equipment	
From Missouri Crime Prevention Information and Programming Fund (0253).....	1,000
Expense and Equipment	
From Antiterrorism Fund (0759).....	15,000
Personal Service.....	1,251,682
Expense and Equipment.....	<u>16,362,500</u>

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From Department of Public Safety Federal Homeland Security Fund (0193) .....	17,614,182
Personal Service.....	90,730
Expense and Equipment.....	<u>763,000</u>
From MODEX Fund (0867).....	853,730
For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies, provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds	
Personal Service.....	46,130
Expense and Equipment.....	<u>2,455,000</u>
From Department of Public Safety Federal Fund (0152).....	2,501,130
For drug task force grants, provided three percent (3%) be allowed for grant administration	
Personal Service.....	50,179
Expense and Equipment.....	<u>1,850,772</u>
From General Revenue Fund (0101) .....	<u>1,900,951</u>
Total (Not to exceed 72.05 F.T.E.) .....	\$27,739,340

**SECTION 8.010.** — To the Department of Public Safety

For the Office of the Director

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

Expense and Equipment

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

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

For the Office of the Director

For the Juvenile Justice Delinquency Prevention Program

From Department of Public Safety Federal Fund (0152).....\$722,492

**SECTION 8.020.** — To the Department of Public Safety

For the Office of the Director

For the Narcotics Control Assistance Program and multi-jurisdictional task forces, provided that any advisory group shall be staffed by chief law enforcement personnel from either a police or sheriff's agency, or the Superintendent of the Missouri State Highway Patrol or his or her commissioned designee

From Justice Assistance Grant Program Fund (0782).....\$4,450,000

**SECTION 8.025.** — To the Department of Public Safety

For the Office of the Director

For the Missouri Sheriff Methamphetamine Relief Taskforce

For supplementing deputy sheriffs' salary and related employment benefits pursuant to Section 57.278, RSMo

From Deputy Sheriff Salary Supplementation Fund (0913).....\$7,200,000

**SECTION 8.030.** — To the Department of Public Safety  
 For the Office of the Director  
 For operating grants to local law enforcement cyber crimes task forces, provided  
 three percent (3%) is allowed for grant administration and three percent (3%)  
 flexibility is allowed from this section to Section 8.300  
 Personal Service..... \$16,558  
 Expense and Equipment..... 1,984,227  
 From General Revenue Fund (0101)..... \$2,000,785

**SECTION 8.035.** — To the Department of Public Safety  
 For the Office of the Director  
 To provide financial assistance to the spouses, children, and other  
 dependents of any local law enforcement officers, paramedics, emergency  
 medical technicians, corrections officers, and/or firefighters who have lost  
 their lives performing their duties. Deaths from natural causes, illnesses, or  
 injuries are outside the program's scope, provided three percent (3%)  
 flexibility is allowed from this section to Section 8.300  
 From General Revenue Fund (0101)..... \$50,000

**SECTION 8.040.** — To the Department of Public Safety  
 For the Office of the Director  
 For the Services to Victims Program, provided three percent (3%) of each grant  
 award be allowed for the administrative expenses of each grantee  
 From Services to Victims Fund (0592)..... \$2,000,000

**SECTION 8.045.** — To the Department of Public Safety  
 For the Office of the Director  
 For the Violence Against Women Program  
 From Department of Public Safety Federal Fund (0152)..... \$3,294,232

**SECTION 8.050.** — To the Department of Public Safety  
 For the Office of the Director, provided three percent (3%) flexibility is allowed  
 from this section to Section 8.300  
 For the Crime Victims' Compensation Program  
 From General Revenue Fund (0101)..... \$1,600,000  
 From Department of Labor and Industrial Relations -  
 Crime Victims - Federal Fund (0191)..... 3,900,000  
 From Crime Victims' Compensation Fund (0681)..... 4,837,329

For reimbursing SAFE-Care providers for performing forensic medical exams  
 on children suspected of having been physically abused  
 Personal Service..... 30,950  
 Expense and Equipment..... 1,022,000  
 From General Revenue Fund (0101)..... 1,052,950  
 Total (Not to exceed 1.00 F.T.E.)..... \$11,390,279

**SECTION 8.055.** — To the Department of Public Safety  
 For the National Forensic Sciences Improvement Act Program

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From Department of Public Safety Federal Fund (0152).....	\$100,000
<b>SECTION 8.060.</b> — To the Department of Public Safety For the State Forensic Laboratory Program	
From State Forensic Laboratory Fund (0591).....	\$400,000
<b>SECTION 8.065.</b> — To the Department of Public Safety For the Office of the Director For the Residential Substance Abuse Treatment Program	
From Department of Public Safety Federal Fund (0152).....	\$300,000
<b>SECTION 8.070.</b> — To the Department of Public Safety For the Office of the Director For peace officer training	
From Peace Officer Standards and Training Commission Fund (0281).....	\$1,000,000
<b>SECTION 8.075.</b> — To the Department of Public Safety For the Capitol Police, provided three percent (3%) flexibility is allowed from this section to Section 8.300	
Personal Service.....	\$1,530,192
Expense and Equipment.....	<u>238,082</u>
From General Revenue Fund (0101) (Not to exceed 37.00 F.T.E.).....	\$1,768,274
<b>SECTION 8.080.</b> — To the Department of Public Safety For the State Highway Patrol For Administration, provided three percent (3%) flexibility is allowed from this section to Section 8.300	
Personal Service.....	\$260,115
Expense and Equipment.....	<u>3,361</u>
From General Revenue Fund (0101).....	263,476
Personal Service.....	6,270,112
Expense and Equipment.....	<u>462,589</u>
From State Highways and Transportation Department Fund (0644).....	6,732,701
Personal Service	
From Criminal Record System Fund (0671).....	1,560
Personal Service.....	36,115
Expense and Equipment.....	<u>4,802</u>
From Gaming Commission Fund (0286).....	40,917
Personal Service	
From Water Patrol Division Fund (0400).....	98,694
For the High Intensity Drug Trafficking Area Program	
From Department of Public Safety Federal Fund (0152).....	<u>2,598,000</u>
Total (Not to exceed 120.00 F.T.E.).....	\$9,735,348

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**SECTION 8.085.** — To the Department of Public Safety  
 For the State Highway Patrol  
 For fringe benefits, including retirement contributions for members of the  
 Missouri Department of Transportation and Highway Patrol Employees'  
 Retirement System and insurance premiums

Personal Service.....	\$12,710,443
Expense and Equipment.....	<u>1,016,156</u>
From General Revenue Fund (0101) .....	13,726,599
Personal Service.....	3,869,062
Expense and Equipment.....	<u>159,046</u>
From Department of Public Safety Federal Fund (0152).....	4,028,108
Personal Service.....	530,381
Expense and Equipment.....	<u>450,750</u>
From Gaming Commission Fund (0286) .....	981,131
Personal Service.....	1,374,747
Expense and Equipment.....	<u>116,451</u>
From Water Patrol Division Fund (0400).....	1,491,198
Personal Service.....	87,013,521
Expense and Equipment.....	<u>6,571,488</u>
From State Highways and Transportation Department Fund (0644).....	93,585,009
Personal Service.....	3,654,761
Expense and Equipment.....	<u>258,883</u>
From Criminal Record System Fund (0671).....	3,913,644
Personal Service.....	91,952
Expense and Equipment.....	<u>11,501</u>
From Highway Patrol Academy Fund (0674) .....	103,453
Personal Service.....	4,681
Expense and Equipment.....	<u>691</u>
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695).....	5,372
Personal Service.....	59,443
Expense and Equipment.....	<u>6,046</u>
From DNA Profiling Analysis Fund (0772) .....	65,489
Personal Service.....	63,768
Expense and Equipment.....	<u>5,017</u>
From Highway Patrol Traffic Records Fund (0758) .....	68,785
Personal Service.....	74,926
Expense and Equipment.....	<u>7,594</u>
From Highway Patrol Inspection Fund (0297) .....	<u>82,520</u>

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 Matter in bold-face type is proposed language.

Total.....	\$118,051,308
<b>*SECTION 8.090.</b> — To the Department of Public Safety	
For the State Highway Patrol	
For the Enforcement Program, provided three percent (3%) flexibility is allowed from this section to Section 8.300	
Personal Service.....	\$10,133,618
Expense and Equipment.....	<u>2,132,568</u>
From General Revenue Fund (0101) .....	12,266,186
Personal Service.....	76,593,852
Expense and Equipment.....	<u>6,486,658</u>
From State Highways and Transportation Department Fund (0644) .....	83,080,510
Expense and Equipment, all expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines	
From Federal Drug Seizure Fund (0194) .....	400,000
Personal Service	
From Criminal Record System Fund (0671).....	15,298
Expense and Equipment	
From Gaming Commission Fund (0286) .....	388,088
Personal Service.....	8,047
Expense and Equipment.....	<u>1,377,625</u>
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695).....	1,385,672
Expense and Equipment	
From Highway Patrol Traffic Records Fund (0758) .....	245,242
Personal Service	
From Water Patrol Division Fund (0400).....	87,813
For the Governor's Security Detail	
Personal Service and/or Expense and Equipment	
From General Revenue Fund (0101) (Not to exceed 14.00 F.T.E.) .....	944,980
For receiving and expending grants, donations, contracts, and payments from private, federal, and other government agencies provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds	
Personal Service.....	5,228,577
Expense and Equipment.....	<u>5,852,940</u>
From Department of Public Safety Federal Fund (0152).....	11,081,517
For a statewide interoperable communication system	
Expense and Equipment	

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From State Highways and Transportation Department Fund (0644) .....	9,712,926
For grants to law enforcement agencies for the purchase of emergency rescue tourniquets	
From General Revenue Fund (0101) .....	<u>50,000</u>
Total (Not to exceed 1,302.00 F.T.E.) .....	\$119,658,232

\*I hereby veto \$50,000 general revenue for grants to law enforcement agencies for the purchase of emergency rescue tourniquets.

From \$50,000 to \$0 from General Revenue Fund.  
From \$119,658,232 to \$119,608,232 in total for the section

MICHAEL L. PARSON  
GOVERNOR

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

For the Water Patrol Division, provided three percent (3%) flexibility is allowed from this section to Section 8.300	
Personal Service .....	\$3,756,217
Expense and Equipment .....	<u>384,764</u>
From General Revenue Fund (0101) .....	4,140,981
Personal Service .....	286,460
Expense and Equipment .....	<u>2,225,990</u>
From Department of Public Safety Federal Fund (0152) .....	2,512,450
Expense and Equipment, all expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines	
From Federal Drug Seizure Fund (0194) .....	16,499
Personal Service .....	1,727,700
Expense and Equipment .....	<u>840,000</u>
From Water Patrol Division Fund (0400) .....	<u>2,567,700</u>
Total (Not to exceed 82.00 F.T.E.) .....	\$9,237,630

**SECTION 8.100.** — To the Department of Public Safety  
For the State Highway Patrol

For gasoline expenses for State Highway Patrol vehicles, including aircraft and Gaming Commission vehicles, provided three percent (3%) flexibility is allowed from this section to Section 8.300	
Expense and Equipment	
From General Revenue Fund (0101) .....	\$390,817
From Gaming Commission Fund (0286) .....	775,366
From State Highways and Transportation Department Fund (0644) .....	<u>4,837,264</u>
Total .....	\$6,003,447

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Matter in bold-face type is proposed language.

**SECTION 8.105.** — To the Department of Public Safety

For the State Highway Patrol

For the purchase of vehicles, aircraft, and watercraft for the State Highway Patrol  
and the Gaming Commission in accordance with Section 43.265, RSMo,  
also for maintenance and repair costs for vehicles

Expense and Equipment

From State Highways and Transportation Department Fund (0644) .....	\$6,323,075
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695).....	7,713,448
From Gaming Commission Fund (0286) .....	549,074
Total.....	\$14,585,597

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

For the State Highway Patrol

For Crime Labs, provided three percent (3%) flexibility is allowed from this  
section to Section 8.300Personal Service..... \$2,573,048  
Expense and Equipment..... 661,393

From General Revenue Fund (0101) ..... 3,234,441

Personal Service..... 4,125,861  
Expense and Equipment..... 1,259,249

From State Highways and Transportation Department Fund (0644) ..... 5,385,110

Personal Service..... 66,558  
Expense and Equipment..... 1,478,305

From DNA Profiling Analysis Fund (0772) ..... 1,544,863

Personal Service..... 235,896  
Expense and Equipment..... 900,000

From Department of Public Safety Federal Fund (0152)..... 1,135,896

Personal Service..... 352,076  
Expense and Equipment..... 2,575

From Criminal Record System Fund (0671)..... 354,651

Expense and Equipment

From State Forensic Laboratory Fund (0591)..... 327,633

Total (Not to exceed 119.00 F.T.E.) ..... \$11,982,594

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

For the State Highway Patrol

For the Law Enforcement Academy, provided three percent (3%) flexibility is  
allowed from this section to Section 8.300

Personal Service

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

Expense and Equipment

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

From Department of Public Safety Federal Fund (0152).....	59,655
Personal Service.....	179,698
Expense and Equipment.....	<u>79,440</u>
From Gaming Commission Fund (0286).....	259,138
Personal Service.....	1,362,021
Expense and Equipment.....	<u>73,576</u>
From State Highways and Transportation Department Fund (0644).....	1,435,597
Personal Service.....	104,737
Expense and Equipment.....	<u>581,717</u>
From Highway Patrol Academy Fund (0674).....	<u>686,454</u>
Total (Not to exceed 35.00 F.T.E.).....	<u>\$2,522,230</u>

**SECTION 8.120.** — To the Department of Public Safety

For the State Highway Patrol

For Vehicle and Driver Safety

Expense and Equipment

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

    Personal Service..... 11,469,917

    Expense and Equipment..... 1,020,875

From State Highways and Transportation Department Fund (0644)..... 12,490,792

    Personal Service..... 128,775

    Expense and Equipment..... 360,632

From Highway Patrol Inspection Fund (0297)..... 489,407

Total (Not to exceed 300.00 F.T.E.)..... \$13,330,199

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

For the State Highway Patrol

For refunding unused motor vehicle inspection stickers

From State Highways and Transportation Department Fund (0644)..... \$100,000

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

For the State Highway Patrol

For Technical Services, provided three percent (3%) flexibility is allowed from

this section to Section 8.300

    Personal Service..... \$246,249

    Expense and Equipment..... 534,864

From General Revenue Fund (0101)..... 781,113

    Personal Service..... 450,761

    Expense and Equipment..... 4,995,285

From Department of Public Safety Federal Fund (0152)..... 5,446,046

    Personal Service..... 16,224,942

    Expense and Equipment..... 14,339,238

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

From State Highways and Transportation Department Fund (0644) .....	30,564,180
Personal Service.....	3,918,140
Expense and Equipment.....	2,105,243
For National Criminal Record Reviews .....	<u>2,500,000</u>
From Criminal Record System Fund (0671).....	8,523,383
Personal Service.....	21,543
Expense and Equipment.....	<u>83,040</u>
From Gaming Commission Fund (0286) .....	104,583
Personal Service	
From Highway Patrol Traffic Records Fund (0758) .....	82,920
Expense and Equipment	
From Criminal Justice Network and Technology Revolving Fund (0842) .....	<u>2,819,050</u>
Total (Not to exceed 369.00 F.T.E.) .....	<u>\$48,321,275</u>
<b>SECTION 8.135.</b> — To the Department of Public Safety	
For the State Highway Patrol	
For the recoupment, receipt, and disbursement of funds for equipment	
replacement and expenses	
Expense and Equipment	
From Highway Patrol Expense Fund (0793) .....	\$65,000
<b>SECTION 8.140.</b> — To the Department of Public Safety	
Funds are to be transferred out of the State Treasury to the State Road Fund	
pursuant to Section 307.365, RSMo	
From Highway Patrol Inspection Fund (0297) .....	\$2,000,000
<b>SECTION 8.145.</b> — To the Department of Public Safety	
For the Division of Alcohol and Tobacco Control	
Personal Service.....	\$420,100
Expense and Equipment.....	<u>397,594</u>
From Department of Public Safety Federal Fund (0152).....	817,694
Personal Service.....	1,482,089
Expense and Equipment.....	<u>857,356</u>
From Division of Alcohol and Tobacco Control Fund (0544) .....	2,339,445
Personal Service.....	115,925
Expense and Equipment.....	<u>33,046</u>
From Healthy Families Trust Fund (0625).....	<u>148,971</u>
Total (Not to exceed 35.00 F.T.E.) .....	<u>\$3,306,110</u>
<b>SECTION 8.150.</b> — To the Department of Public Safety	
For the Division of Alcohol and Tobacco Control	
For refunds for unused liquor and beer licenses and for liquor and beer stamps	
not used and canceled	

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

From General Revenue Fund (0101) ..... \$55,000

**SECTION 8.155.** — To the Department of Public Safety

For the Division of Fire Safety, provided for all funds in this section, five percent (5%) flexibility is allowed between personal service and expense and equipment, no flexibility is allowed from expense and equipment to personal service and three percent (3%) flexibility is allowed from this section to Section 8.300

Personal Service.....\$2,337,600  
 Expense and Equipment..... 182,417  
 From General Revenue Fund (0101) .....2,520,017

Personal Service..... 397,679  
 Expense and Equipment..... 54,615  
 From Elevator Safety Fund (0257) ..... 452,294

Personal Service..... 397,090  
 Expense and Equipment..... 46,898  
 From Boiler and Pressure Vessels Safety Fund (0744)..... 443,988

Personal Service..... 88,348  
 Expense and Equipment..... 12,027  
 From Missouri Explosives Safety Act Administration Fund (0804)..... 100,375

Expense and Equipment  
 From Cigarette Fire Safety Standard and Firefighter Protection Act Fund (0937)..... 140,325  
 Total (Not to exceed 69.92 F.T.E.) .....\$3,656,999

**SECTION 8.160.** — To the Department of Public Safety

For the Division of Fire Safety  
 For the Fire Safe Cigarette Program

Personal Service..... \$21,123  
 Expense and Equipment..... 10,204  
 From Cigarette Fire Safety Standard and Firefighter Protection Act Fund (0937)..... \$31,327

**SECTION 8.165.** — To the Department of Public Safety

For the Division of Fire Safety  
 For firefighter training contracted services, provided three percent (3%) flexibility is allowed from this section to Section 8.300

Expense and Equipment  
 From General Revenue Fund (0101) ..... \$500,000  
 From Chemical Emergency Preparedness Fund (0587)..... 100,000  
 From Fire Education Fund (0821) ..... 250,000  
 Total..... \$850,000

**\*SECTION 8.167.** — To the Department of Public Safety  
 For the Division of Fire Safety

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

For grants to volunteer fire protection associations for workers' compensation premiums pursuant to Section 287.245, RSMo

Personal Service.....	\$35,000
Expense and Equipment.....	15,000
Program Distribution.....	<u>950,000</u>
From General Revenue Fund (0101) (Not to exceed 1.00 F.T.E.) .....	\$1,000,000

\*I hereby veto \$1,000,000 general revenue for grants to volunteer fire protection associations for workers' compensation premiums pursuant to Section 287.245, RSMo.

Said section is vetoed in its entirety.  
 Personal Service from \$35,000 to \$0 from General Revenue Fund.  
 Expense and Equipment from \$15,000 to \$0 from General Revenue Fund.  
 Program Distribution from \$950,000 to \$0 from General Revenue Fund.  
 From \$1,000,000 to \$0 in total for the section.

MICHAEL L. PARSON  
 GOVERNOR

**SECTION 8.170.** — To the Department of Public Safety

For the Missouri Veterans' Commission  
 For Administration and Service to Veterans

Personal Service.....	\$4,660,637
Expense and Equipment.....	<u>1,456,213</u>
From Veterans Commission Capital Improvement Trust Fund (0304) .....	6,116,850
Expense and Equipment	
From Veterans' Trust Fund (0579).....	<u>23,832</u>
Total (Not to exceed 117.21 F.T.E.) .....	\$6,140,682

**SECTION 8.175.** — To the Department of Public Safety

For the Missouri Veterans' Commission  
 For the restoration, renovation, and maintenance of a World War I Memorial

From World War I Memorial Trust Fund (0993) .....	\$150,000
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**SECTION 8.180.** — To the Department of Public Safety

For the Missouri Veterans' Commission  
 For the Veterans' Service Officer Program

From Veterans Commission Capital Improvement Trust Fund (0304) .....	\$1,600,000
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**SECTION 8.185.** — To the Department of Public Safety

For the Missouri Veterans' Commission  
 For Missouri Veterans' Homes

Personal Service.....	\$56,390,601
Expense and Equipment.....	<u>24,254,330</u>
From Missouri Veterans' Homes Fund (0460).....	80,644,931
Expense and Equipment	
From Veterans' Trust Fund (0579).....	<u>49,980</u>

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 Matter in bold-face type is proposed language.

Personal Service	
From Veterans Commission Capital Improvement Trust Fund (0304) .....	30,081
For refunds to veterans and/or the U.S. Department of Veterans' Affairs	
From Missouri Veterans' Homes Fund (0460).....	1,274,400
For overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees	
From Missouri Veterans' Homes Fund (0460).....	1,612,434
Total (Not to exceed 1,636.48 F.T.E.) .....	\$83,611,826

**SECTION 8.190.** — To the Department of Public Safety  
 Funds are to be transferred out of the State Treasury to the Missouri Veterans'  
 Homes Fund  
 From Veterans Commission Capital Improvement Trust Fund (0304) .....\$30,000,000

**SECTION 8.195.** — To the Department of Public Safety  
 For the Gaming Commission  
 For the Divisions of Gaming and Bingo

Personal Service.....	\$15,173,816
Expense and Equipment.....	1,726,519
From Gaming Commission Fund (0286).....	16,900,335
Expense and Equipment	
From Compulsive Gamblers Fund (0249) .....	56,310
Total (Not to exceed 238.75 F.T.E.) .....	\$16,956,645

**SECTION 8.200.** — To the Department of Public Safety  
 For the Gaming Commission  
 For fringe benefits, including retirement contributions for members of the  
 Missouri Department of Transportation and Highway Patrol Employees'  
 Retirement System, and insurance premiums for State Highway Patrol  
 employees assigned to work under the direction of the Gaming Commission

Personal Service.....	\$6,605,754
Expense and Equipment.....	267,317
From Gaming Commission Fund (0286).....	\$6,873,071

**SECTION 8.205.** — To the Department of Public Safety  
 For the Gaming Commission  
 For refunding any overpayment or erroneous payment of any amount that is  
 credited to the Gaming Commission Fund  
 From Gaming Commission Fund (0286)..... \$100,000

**SECTION 8.210.** — To the Department of Public Safety  
 For the Gaming Commission  
 For refunding any overpayment or erroneous payment of any amount received  
 for bingo fees

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 Matter in bold-face type is proposed language.

From Bingo Proceeds for Education Fund (0289).....	\$5,000
<b>SECTION 8.215.</b> — To the Department of Public Safety For the Gaming Commission For refunding any overpayment or erroneous payment of any amount that is credited to the Gaming Proceeds for Education Fund	
From Gaming Proceeds for Education Fund (0285) .....	\$50,000
<b>SECTION 8.220.</b> — To the Department of Public Safety For the Gaming Commission For breeder incentive payments	
From Missouri Breeders Fund (0605) .....	\$5,000
<b>SECTION 8.225.</b> — To the Department of Public Safety Funds are to be transferred out of the State Treasury to the Veterans Commission Capital Improvement Trust Fund	
From Gaming Commission Fund (0286) .....	\$32,000,000
<b>SECTION 8.230.</b> — To the Department of Public Safety Funds are to be transferred out of the State Treasury to the Missouri National Guard Trust Fund	
From Gaming Commission Fund (0286) .....	\$4,000,000
<b>SECTION 8.235.</b> — To the Department of Public Safety Funds are to be transferred out of the State Treasury to the Access Missouri Financial Assistance Fund	
From Gaming Commission Fund (0286) .....	\$5,000,000
<b>SECTION 8.237.</b> — To the Department of Public Safety Funds are to be transferred out of the State Treasury to the Compulsive Gamblers Fund	
From Gaming Commission Fund (0286) .....	\$289,850
<b>SECTION 8.240.</b> — To the Adjutant General For Missouri Military Forces Administration, provided three percent (3%) flexibility is allowed from this section to Section 8.300	
Personal Service.....	\$1,064,021
Expense and Equipment.....	184,883
From General Revenue Fund (0101) .....	1,248,904
Expense and Equipment	
From Missouri National Guard Trust Fund (0900) .....	30,000
Expense and Equipment, all expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines	
From Federal Drug Seizure Fund (0194) .....	240,000
Total (Not to exceed 29.48 F.T.E.) .....	\$1,518,904

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Matter in bold-face type is proposed language.

**SECTION 8.245.** — To the Adjutant General

For activities in support of the Missouri National Guard, including the National Guard Tuition Assistance Program and the Military Honors Program, provided three percent (3%) flexibility is allowed from this section to Section 8.300

Expense and Equipment	
From General Revenue Fund (0101) .....	\$3,343,957
Personal Service.....	1,306,266
Expense and Equipment.....	<u>3,226,247</u>
From Missouri National Guard Trust Fund (0900) .....	<u>4,532,513</u>
Total (Not to exceed 42.40 F.T.E.) .....	\$7,876,470

**SECTION 8.250.** — To the Adjutant General

For the Veterans Recognition Program

Personal Service.....	\$96,308
Expense and Equipment.....	<u>536,732</u>
From Veterans Commission Capital Improvement Trust Fund (0304) (Not to exceed 3.00 F.T.E.).....	\$633,040

**SECTION 8.255.** — To the Adjutant General

For Missouri Military Forces Field Support, provided three percent (3%) flexibility is allowed from this section to Section 8.300

Personal Service.....	\$720,194
Expense and Equipment.....	<u>1,741,217</u>
From General Revenue Fund (0101) .....	2,461,411
Personal Service.....	103,165
Expense and Equipment.....	<u>98,417</u>
From Adjutant General - Federal Fund (0190) .....	<u>201,582</u>
Total (Not to exceed 40.37 F.T.E.) .....	\$2,662,993

**SECTION 8.260.** — To the Adjutant General

For operational expenses at armories from armory rental fees

Expense and Equipment	
From Adjutant General Revolving Fund (0530).....	\$25,000

**SECTION 8.265.** — To the Adjutant General

For the Missouri Military Family Relief Program

Expense and Equipment.....	\$10,000
For grants to family members of the National Guard and reservists who are in financial need .....	<u>140,000</u>
From Missouri Military Family Relief Fund (0719) .....	\$150,000

**SECTION 8.270.** — To the Adjutant General

For training site operating costs

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

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**SECTION 8.275.**— To the Adjutant General

For Military Forces Contract Services, provided three percent (3%) flexibility is allowed from this section to Section 8.300

Personal Service.....	\$446,642
Expense and Equipment.....	<u>19,773</u>
From General Revenue Fund (0101) .....	466,415

Personal Service.....	10,808,275
Expense and Equipment.....	<u>13,803,556</u>
From Adjutant General - Federal Fund (0190) .....	24,611,831

Personal Service	
From Missouri National Guard Training Site Fund (0269) .....	20,797

Expense and Equipment	
From Missouri National Guard Trust Fund (0900) .....	673,925

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

From Adjutant General - Federal Fund (0190) .....	<u>865,561</u>
Total (Not to exceed 327.80 F.T.E.) .....	\$26,638,529

**SECTION 8.280.**— To the Adjutant General

For the Office of Air Search and Rescue, provided three percent (3%) flexibility is allowed from this section to Section 8.300

Expense and Equipment	
From General Revenue Fund (0101) .....	\$31,243

**SECTION 8.285.**— To the Department of Public Safety

For the State Emergency Management Agency

For Administration and Emergency Operations, provided three percent (3%) flexibility is allowed from this section to Section 8.300

Personal Service.....	\$1,296,414
Expense and Equipment.....	<u>202,974</u>
From General Revenue Fund (0101) .....	1,499,388

Personal Service.....	1,760,684
Expense and Equipment.....	<u>905,607</u>
From State Emergency Management - Federal Fund (0145).....	2,666,291

Personal Service.....	277,420
Expense and Equipment.....	<u>27,350</u>
From Missouri Disaster Fund (0663).....	304,770

Personal Service.....	1,650,286
Expense and Equipment.....	<u>659,811</u>
From Department of Health and Senior Services - Federal Fund (0143) .....	2,310,097

Personal Service.....	163,455
Expense and Equipment.....	<u>85,117</u>

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Matter in bold-face type is proposed language.

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From Chemical Emergency Preparedness Fund (0587)..... 248,572  
 Total (Not to exceed 94.49 F.T.E.) .....\$7,029,118

**SECTION 8.287.** — To the Department of Public Safety  
 For the State Emergency Management Agency  
 For the Missouri Task Force 1  
 For expenses of Missouri Task Force 1, a division of the Boone County Fire Protection District, when it responds to emergencies and disasters in the state of Missouri and conducts annual training and exercises. These expenses may include, but are not limited to personnel salaries and benefits, supplies, and repair or replacement of damaged equipment  
 From General Revenue Fund (0101) ..... \$63,000

**SECTION 8.290.** — To the Department of Public Safety  
 For the State Emergency Management Agency  
 For the Community Right to Know Act  
 From Chemical Emergency Preparedness Fund (0587)..... \$650,000  
 For distribution of funds to local emergency planning commissions to implement the federal Hazardous Materials Transportation Uniform Safety Act of 1990  
 From State Emergency Management - Federal Fund (0145)..... 750,000  
 Total.....\$1,400,000

**SECTION 8.295.** — To the Department of Public Safety  
 For the State Emergency Management Agency  
 For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for administrative and training expenses of the State Emergency Management Agency and for first responder training programs  
 From State Emergency Management - Federal Fund (0145).....\$19,262,386  
 For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for the use of the State Emergency Management Agency for alleviating distress from disasters  
 From Missouri Disaster Fund (0663).....100,506,359

To provide matching funds for federal grants and for emergency assistance expenses of the State Emergency Management Agency as provided in Section 44.032, RSMo  
 From General Revenue Fund (0101) ..... 10,000,000  
 To provide for expenses of any state agency responding during a declared emergency at the direction of the governor provided the services furnish immediate aid and relief  
 From General Revenue Fund (0101) ..... 3,455,010  
 Total.....\$133,223,755

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

**SECTION 8.300.** — To the Department of Public Safety

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

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

**PART 2**

**SECTION 8.400.** — To the Department of Public Safety

In reference to all sections in Part 1 of this act:

No funds shall be spent for any flight on a state aircraft where an elected official will be on board without a flight plan being made publicly available via a global aviation data services organization that operates both a website and mobile application which provides free flight tracking of both private and commercial aircraft.

**Bill Totals**

General Revenue Fund.....	\$72,189,898
Federal Funds.....	213,629,677
Other Funds.....	<u>440,657,439</u>
Total.....	\$726,477,014

Approved June 29, 2018

CCS SCS HCS HB 2009

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

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**SECTION 9.005.** — To the Department of Corrections

For the Office of the Director, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service..... \$2,108,239

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

Annual salary Adjustment in accordance with Section 105.005, RSMo.....	640
Expense and Equipment.....	<u>83,678</u>
From General Revenue Fund (0101) .....	2,192,557
Personal Service.....	27,459
Expense and Equipment.....	<u>10,998</u>
From Crime Victims' Compensation Fund (0681) .....	38,457
For Family Support Services	
From General Revenue Fund (0101) .....	384,093
From Department of Corrections - Federal Fund (0130) .....	<u>71,024</u>
Total (Not to exceed 44.00 F.T.E.) .....	\$2,686,131

**SECTION 9.010.** — To the Department of Corrections

For the Office of Professional Standards, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service.....	\$2,242,846
Expense and Equipment.....	<u>120,900</u>
From General Revenue Fund (0101) (Not to exceed 51.00 F.T.E.) .....	\$2,363,746

**SECTION 9.015.** — To the Department of Corrections

For the Office of the Director

For the Offender Reentry Program, provided three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service.....	\$2
Expense and Equipment.....	<u>1,799,999</u>
From General Revenue Fund (0101) .....	1,800,001

Expense and Equipment	
From Inmate Fund (0540).....	199,500

For a Kansas City Reentry Program

Expense and Equipment	
From General Revenue Fund (0101) .....	<u>178,000</u>
Total.....	\$2,177,501

**SECTION 9.020.** — To the Department of Corrections

For the Office of the Director

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

Personal Service.....	\$2,405,426
Expense and Equipment.....	<u>2,258,589</u>
From Department of Corrections - Federal Fund (0130) .....	4,664,015

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

For contributions, gifts, and grants in support of a foster care dog program to increase the adoptability of shelter animals and train service dogs for the disabled  
 From State Institutions Gift Trust Fund (0925)..... 75,000  
 Total (Not to exceed 43.00 F.T.E.) ..... \$4,739,015

**SECTION 9.025.** — To the Department of Corrections

For the Office of the Director  
 For costs associated with increased offender population department wide including, but not limited to, funding for personal service, expense and equipment, contractual services, repairs, renovations, capital improvements, and compensatory time, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Personal Service..... \$102  
 Expense and Equipment..... 5,352,060  
 From General Revenue Fund (0101) ..... 5,352,162  
  
 Expense and Equipment  
 From Inmate Incarceration Reimbursement Act Revolving Fund (0828)..... 750,000  
 Total..... \$6,102,162

**SECTION 9.030.** — To the Department of Corrections

For the Office of the Director  
 For restitution payments for those wrongly convicted, provided three percent (3%) flexibility is allowed from this section to Section 9.270  
 From General Revenue Fund (0101) ..... \$75,278

**SECTION 9.035.** — To the Department of Corrections

For the Division of Human Services  
 For telecommunications department wide, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Expense and Equipment  
 From General Revenue Fund (0101) ..... \$1,860,529

**SECTION 9.040.** — To the Department of Corrections

For the Division of Human Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Personal Service..... \$8,664,547  
 Expense and Equipment..... 105,989  
 From General Revenue Fund (0101) ..... 8,770,536  
  
 Personal Service..... 145,438  
 Expense and Equipment..... 34,068

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.  
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From Inmate Fund (0540)..... 179,506  
 Total (Not to exceed 234.02 F.T.E.)..... \$8,950,042

**SECTION 9.045.** — To the Department of Corrections  
 For the Division of Human Services  
 For general services, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Expense and Equipment  
 From General Revenue Fund (0101) ..... \$411,834

**SECTION 9.050.** — To the Department of Corrections  
 For the Division of Human Services  
 For the operation of institutional facilities, utilities, systems furniture and structural modifications, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Expense and Equipment  
 From General Revenue Fund (0101) ..... \$27,664,815  
 From Working Capital Revolving Fund (0510)..... 1,425,607  
 Total..... \$29,090,422

**SECTION 9.055.** — To the Department of Corrections  
 For the Division of Human Services  
 For the purchase, transportation, and storage of food and food service items, and operational expenses of food preparation facilities at all correctional institutions, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Expense and Equipment  
 From General Revenue Fund (0101) ..... \$31,183,488

**SECTION 9.060.** — To the Department of Corrections  
 For the Division of Human Services  
 For training costs department wide, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Expense and Equipment  
 From General Revenue Fund (0101) ..... \$674,909

**SECTION 9.065.** — To the Department of Corrections  
 For the Division of Human Services  
 For employee health and safety, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Expense and Equipment  
 From General Revenue Fund (0101) ..... \$580,135

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

**SECTION 9.070.** — To the Department of Corrections

For the Division of Human Services

For overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101) ..... \$6,176,046

**SECTION 9.075.** — To the Department of Corrections

For the Division of Adult Institutions

For expenses and small equipment purchased at any of the adult institutions department wide, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270

From General Revenue Fund (0101) ..... \$21,275,825

From Working Capital Revolving Fund (0510)..... 1,000,000

From Office of Administration Revolving Administrative Trust Fund (0505)..... 627,687

For Vehicle Purchases

From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268) ..... 1,000,000

Total..... \$23,903,512

**SECTION 9.080.** — To the Department of Corrections

For the Division of Adult Institutions, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service..... \$2,465,981

Expense and Equipment..... 130,943

From General Revenue Fund (0101) (Not to exceed 60.91 F.T.E.) ..... \$2,596,924

**SECTION 9.085.** — To the Department of Corrections

For the Division of Adult Institutions

For inmate wage and discharge costs at all correctional facilities, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270

Expense and Equipment

From General Revenue Fund (0101) ..... \$3,259,031

**SECTION 9.090.** — To the Department of Corrections

For the Division of Adult Institutions

For the Jefferson City Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101) ..... \$18,072,872

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

From Canteen Fund (0405).....	<u>33,206</u>
Total (Not to exceed 530.00 F.T.E.).....	\$18,106,078

**SECTION 9.095.** — To the Department of Corrections

For the Division of Adult Institutions

For the Women's Eastern Reception, Diagnostic and Correctional Center at Vandalia, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101).....	\$14,462,671
From Canteen Fund (0405).....	<u>35,224</u>
Total (Not to exceed 435.00 F.T.E.).....	\$14,497,895

**SECTION 9.100.** — To the Department of Corrections

For the Division of Adult Institutions

For the Ozark Correctional Center at Fordland, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101).....	\$5,827,094
From Inmate Fund (0540).....	282,351
From Canteen Fund (0405).....	<u>37,603</u>
Total (Not to exceed 173.00 F.T.E.).....	\$6,147,048

**SECTION 9.105.** — To the Department of Corrections

For the Division of Adult Institutions

For the Moberly Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101).....	\$13,431,004
From Canteen Fund (0405).....	<u>35,028</u>
Total (Not to exceed 387.00 F.T.E.).....	\$13,466,032

**SECTION 9.110.** — To the Department of Corrections

For the Division of Adult Institutions

For the Algoa Correctional Center at Jefferson City, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101).....	\$11,146,654
From Canteen Fund (0405).....	<u>33,572</u>
Total (Not to exceed 326.00 F.T.E.).....	\$11,180,226

**SECTION 9.115.** — To the Department of Corrections

For the Division of Adult Institutions

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

For the Missouri Eastern Correctional Center at Pacific, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101) .....	\$11,210,194
From Canteen Fund (0405).....	<u>33,630</u>
Total (Not to exceed 330.00 F.T.E.) .....	\$11,243,824

**SECTION 9.120.** — To the Department of Corrections

For the Division of Adult Institutions

For the Chillicothe Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101) .....	\$14,831,686
From Inmate Fund (0540).....	30,106
From Canteen Fund (0405).....	<u>34,576</u>
Total (Not to exceed 457.02 F.T.E.) .....	\$14,896,368

**SECTION 9.125.** — To the Department of Corrections

For the Division of Adult Institutions

For the Boonville Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101) .....	\$10,405,999
From Inmate Fund (0540).....	36,965
From Canteen Fund (0405).....	<u>33,890</u>
Total (Not to exceed 301.00 F.T.E.) .....	\$10,476,854

**SECTION 9.130.** — To the Department of Corrections

For the Division of Adult Institutions

For the Farmington Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101) .....	\$20,072,551
From Canteen Fund (0405).....	<u>37,032</u>
Total (Not to exceed 591.00 F.T.E.) .....	\$20,109,583

**SECTION 9.135.** — To the Department of Corrections

For the Division of Adult Institutions

For the Western Missouri Correctional Center at Cameron, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101) .....	\$16,376,451
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From Canteen Fund (0405).....	36,807
Total (Not to exceed 486.00 F.T.E.).....	<u>\$16,413,258</u>

**SECTION 9.140.** — To the Department of Corrections

For the Division of Adult Institutions

For the Potosi Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101).....	\$11,513,978
From Canteen Fund (0405).....	<u>34,339</u>
Total (Not to exceed 333.00 F.T.E.).....	<u>\$11,548,317</u>

**SECTION 9.145.** — To the Department of Corrections

For the Division of Adult Institutions

For the Fulton Reception and Diagnostic Center, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101).....	\$14,431,620
From Canteen Fund (0405).....	<u>33,904</u>
Total (Not to exceed 427.00 F.T.E.).....	<u>\$14,465,524</u>

**SECTION 9.150.** — To the Department of Corrections

For the Division of Adult Institutions

For the Tipton Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101).....	\$10,748,117
From Inmate Fund (0540).....	94,419
From Canteen Fund (0405).....	<u>36,526</u>
Total (Not to exceed 310.00 F.T.E.).....	<u>\$10,879,062</u>

**SECTION 9.155.** — To the Department of Corrections

For the Division of Adult Institutions

For the Western Reception, Diagnostic and Correctional Center at St. Joseph, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101).....	\$17,021,158
From Canteen Fund (0405).....	<u>34,391</u>
Total (Not to exceed 509.00 F.T.E.).....	<u>\$17,055,549</u>

**SECTION 9.160.** — To the Department of Corrections

For the Division of Adult Institutions

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For the Maryville Treatment Center, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Personal Service  
 From General Revenue Fund (0101) (Not to exceed 178.58 F.T.E.).....\$6,258,652

**SECTION 9.165.** — To the Department of Corrections

For the Division of Adult Institutions  
 For the Crossroads Correctional Center at Cameron, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Personal Service  
 From General Revenue Fund (0101) .....\$13,060,377  
 From Canteen Fund (0405)..... 34,415  
 Total (Not to exceed 386.00 F.T.E.) .....\$13,094,792

**SECTION 9.170.** — To the Department of Corrections

For the Division of Adult Institutions  
 For the Northeast Correctional Center at Bowling Green, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Personal Service  
 From General Revenue Fund (0101) .....\$17,646,990  
 From Canteen Fund (0405)..... 35,026  
 Total (Not to exceed 529.00 F.T.E.) .....\$17,682,016

**SECTION 9.175.** — To the Department of Corrections

For the Division of Adult Institutions  
 For the Eastern Reception, Diagnostic and Correctional Center at Bonne Terre, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Personal Service  
 From General Revenue Fund (0101) .....\$20,050,911  
 From Canteen Fund (0405)..... 33,767  
 Total (Not to exceed 609.00 F.T.E.) .....\$20,084,678

**SECTION 9.180.** — To the Department of Corrections

For the Division of Adult Institutions  
 For the South Central Correctional Center at Licking, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270  
 Personal Service  
 From General Revenue Fund (0101) .....\$13,818,543  
 From Canteen Fund (0405)..... 33,710  
 Total (Not to exceed 412.00 F.T.E.) .....\$13,852,253

**SECTION 9.185.** — To the Department of Corrections

For the Division of Adult Institutions

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 Matter in bold-face type is proposed language.

For the Southeast Correctional Center at Charleston, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101) .....	\$13,589,078
From Canteen Fund (0405).....	<u>33,507</u>
Total (Not to exceed 408.00 F.T.E.) .....	\$13,622,585

**SECTION 9.190.** — To the Department of Corrections

For the Division of Adult Institutions

For the Kansas City Reentry Center, provided ten percent (10%) flexibility is allowed between institutions and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service

From General Revenue Fund (0101) .....	\$3,635,091
From Inmate Fund (0540).....	50,698
From Canteen Fund (0405).....	<u>33,472</u>
Total (Not to exceed 109.18 F.T.E.) .....	\$3,719,261

**SECTION 9.195.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service.....	\$1,231,994
Expense and Equipment.....	<u>44,462</u>

From General Revenue Fund (0101) (Not to exceed 21.15 F.T.E.) .....	\$1,276,456
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**SECTION 9.200.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For contractual services for offender physical and mental health care, provided ten percent (10%) flexibility is allowed between sections

Expense and Equipment

From General Revenue Fund (0101) .....	\$155,575,612
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**SECTION 9.205.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For medical equipment, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270

Expense and Equipment

From General Revenue Fund (0101) .....	\$299,087
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**SECTION 9.210.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For substance use and recovery services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent

(10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service.....	\$3,903,270
Expense and Equipment.....	<u>4,196,621</u>
From General Revenue Fund (0101).....	8,099,891
Expense and Equipment	
From Correctional Substance Abuse Earnings Fund (0853) .....	<u>40,000</u>
Total (Not to exceed 109.00 F.T.E.) .....	\$8,139,891

**SECTION 9.215.** — To the Department of Corrections  
For the Division of Offender Rehabilitative Services  
For toxicology testing, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270

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

**SECTION 9.220.** — To the Department of Corrections  
For the Division of Offender Rehabilitative Services  
For offender education, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service	
From General Revenue Fund (0101) (Not to exceed 218.00 F.T.E.).....	\$7,770,381

**SECTION 9.225.** — To the Department of Corrections  
For the Division of Offender Rehabilitative Services  
For Missouri Correctional Enterprises, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$7,256,206
Expense and Equipment.....	<u>22,000,000</u>
From Working Capital Revolving Fund (0510) (Not to exceed 222.00 F.T.E.) .....	\$29,256,206

**SECTION 9.230.** — To the Department of Corrections  
For the Board of Probation and Parole, provided no funds shall be used to transport non-custody inmates, ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.270

Personal Service.....	\$65,892,735
Annual salary Adjustment in accordance with Section 105.005, RSMo.....	3,130
Expense and Equipment.....	<u>3,392,768</u>
From General Revenue Fund (0101) .....	69,288,633
Expense and Equipment	
From Inmate Fund (0540).....	4,703,605

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For transfers and refunds set off against debts as required by Section 143.786, RSMo  
 From Debt Offset Escrow Fund (0753)..... 2,000,000  
 Total (Not to exceed 1,727.31 F.T.E.).....\$75,992,238

**SECTION 9.235.** — To the Department of Corrections  
 For the Board of Probation and Parole  
 For the Transition Center of St. Louis, provided ten percent (10%) flexibility is  
 allowed between sections and three percent (3%) flexibility is allowed from  
 this section to Section 9.270  
 Personal Service  
 From General Revenue Fund (0101) (Not to exceed 127.36 F.T.E.).....\$4,483,057

**SECTION 9.240.** — To the Department of Corrections  
 For the Board of Probation and Parole  
 For the Command Center, provided ten percent (10%) flexibility is allowed  
 between sections and three percent (3%) flexibility is allowed from this  
 section to Section 9.270  
 Personal Service..... \$623,443  
 Expense and Equipment..... 4,900  
 From General Revenue Fund (0101) (Not to exceed 16.40 F.T.E.)..... \$628,343

**SECTION 9.245.** — To the Department of Corrections  
 For the Board of Probation and Parole  
 For residential treatment facilities  
 Expense and Equipment  
 From Inmate Fund (0540).....\$3,989,458

**SECTION 9.250.** — To the Department of Corrections  
 For the Board of Probation and Parole  
 For electronic monitoring  
 Expense and Equipment  
 From Inmate Fund (0540).....\$1,780,289

**SECTION 9.255.** — To the Department of Corrections  
 For the Board of Probation and Parole  
 For community supervision centers, provided no funds shall be used to transport  
 non-custody inmates, ten percent (10%) flexibility is allowed between  
 personal service and expense and equipment, fifteen percent (15%)  
 flexibility is allowed between sections and three percent (3%) flexibility is  
 allowed from this section to Section 9.270  
 Personal Service.....\$4,338,439  
 Expense and Equipment..... 425,055  
 From General Revenue Fund (0101) (Not to exceed 132.42 F.T.E.).....\$4,763,494

**SECTION 9.260.** — To the Department of Corrections  
 For paying an amount in aid to the counties that is the net amount of costs in  
 criminal cases, transportation of convicted criminals to the state  
 penitentiaries, housing, costs for reimbursement of the expenses associated

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with extradition, less the amount of unpaid city or county liability to furnish public defender office space and utility services pursuant to Section 600.040, RSMo, and for reimbursements for alternative jail sanctions other than county incarceration provided that ten percent (10%) flexibility is allowed between reimbursements to county jails, certificates of delivery and extradition payments, and one hundred percent (100%) flexibility is allowed from alternative jail sanctions to reimbursements to county jails with no flexibility allowed from reimbursements to county jails to alternative jail sanctions

For Reimbursements to County Jails, provided any funds remaining at the end of Fiscal Year 2019 shall be used for the payment of reimbursements having accrued in prior fiscal years.....	\$34,530,272
For Certificates of Delivery .....	1,900,000
For Extradition Payments .....	1,900,000
For Alternative Jail Sanctions at the lowest possible cost not to exceed \$12.50 per day, provided that no funds shall be expended on reimbursements for felons convicted of a violent crime.....	<u>5,000,000</u>
From General Revenue Fund (0101) .....	\$43,330,272

**SECTION 9.265.** — To the Department of Corrections

For operating department institutional canteens for offender use and benefit. Per Section 217.195, RSMo, fund expenditures are solely to improve offender recreational, religious, or educational services, and for canteen cash flow and operating expenses

Expense and Equipment	
From Inmate Canteen Fund (0405).....	\$34,813,375

**SECTION 9.270.** — To the Department of Corrections

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

From General Revenue Fund (0101) .....	\$1
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**Bill Totals**

General Revenue Fund.....	\$690,443,952
Federal Funds.....	4,735,039
Other Funds.....	<u>80,439,167</u>
Total.....	\$775,618,158

Approved June 29, 2018

CCS SS SCS HCS HB 2010

**Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health, Board of Public Buildings, and Department of Health and Senior Services**

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the purpose of funding each department, division, agency, and program described herein, for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**PART 1**

**SECTION 10.000.** — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Mental Health and the Department of Health and Senior Services in implementing the appropriations found in Part 1 and Part 2 of this act.

**SECTION 10.005.** — To the Department of Mental Health for the Office of the Director, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$453,121
Expense and Equipment.....	<u>9,354</u>
From General Revenue Fund (0101) .....	462,475
Personal Service.....	75,123
Expense and Equipment.....	<u>52,013</u>
From Department of Mental Health Federal Fund (0148) .....	<u>127,136</u>
Total (Not to exceed 8.09 F.T.E.).....	\$589,611

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

<b>SECTION 10.010.</b> — To the Department of Mental Health	
For the Office of the Director	
For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees	
Personal Service	
From General Revenue Fund (0101) .....	\$1,112,359
<b>SECTION 10.015.</b> — To the Department of Mental Health	
Funds are to be transferred out of the State Treasury, chargeable to Department of Mental Health Federal Fund to the OA Information Technology - Federal Fund for the purpose of funding the consolidation of Information Technology Services	
From Department of Mental Health Federal Fund (0148) .....	\$100,000
<b>SECTION 10.020.</b> — To the Department of Mental Health	
For the Office of the Director	
For funding program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Personal Service .....	\$4,720,185
Expense and Equipment .....	354,986
From General Revenue Fund (0101) .....	5,075,171
Personal Service .....	946,329
Expense and Equipment .....	820,830
From Department of Mental Health Federal Fund (0148) .....	1,767,159
For the Missouri Medicaid mental health partnership technology initiative, provided that three percent (3%) flexibility is allowed from this section to Section 10.575 and may be utilized for the payment of the Certified Community Behavioral Health Clinic Prospective Payment System Demonstration Project	
Personal Service .....	62,227
Expense and Equipment .....	390,235
From General Revenue Fund (0101) .....	452,462
Personal Service .....	10,582
Expense and Equipment .....	731,226
From Department of Mental Health Federal Fund (0148) .....	741,808
Total (Not to exceed 120.55 F.T.E.) .....	\$8,036,600
<b>SECTION 10.025.</b> — To the Department of Mental Health	
For the Office of the Director	
For staff training, provided that fifteen percent (15%) flexibility is allowed between personal service and expense and equipment and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101) .....	\$357,495
Personal Service .....	183,891

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Expense and Equipment.....	<u>289,500</u>
From Department of Mental Health Federal Fund (0148).....	473,391
Expense and Equipment	
From Mental Health Earnings Fund (0288).....	175,000
For the Caring for Missourians' Mental Health Initiative, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	400,000
Expense and Equipment.....	<u>1,400,000</u>
From Department of Mental Health Federal Fund (0148).....	<u>1,800,000</u>
Total.....	\$2,805,886

**SECTION 10.030.** — To the Department of Mental Health

For the Office of the Director

For the purpose of funding insurance, private pay, licensure fee, and/or Medicaid refunds by state facilities operated by the Department of Mental Health

From General Revenue Fund (0101).....	\$205,000
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For refunds

From Department of Mental Health Federal Fund (0148).....	250,000
From Mental Health Interagency Payments Fund (0109).....	100
From Mental Health Intergovernmental Transfer Fund (0147).....	100
From Compulsive Gamblers Fund (0249).....	100
From Health Initiatives Fund (0275).....	100
From Mental Health Earnings Fund (0288).....	50,000
From Habilitation Center Room & Board Fund (0435).....	10,000
From Inmate Fund (0540).....	100
From Healthy Families Trust Fund (0625).....	100
From Mental Health Trust Fund (0926).....	25,000
From DMH Local Tax Matching Fund (0930).....	150,000

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

From Debt Offset Escrow Fund (0753).....	<u>25,000</u>
Total.....	\$715,600

**SECTION 10.035.** — To the Department of Mental Health

Funds are to be transferred out of the State Treasury, chargeable to the Abandoned Fund Account to the Mental Health Trust Fund

From Abandoned Fund Account (0863).....	\$100,000
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**SECTION 10.040.** — To the Department of Mental Health

For the Office of the Director

For the purpose of funding receipt and disbursement of donations and gifts which may become available to the Department of Mental Health during the year (excluding federal grants and funds)

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Personal Service.....	\$455,577
Expense and Equipment.....	<u>1,925,000</u>
From Mental Health Trust Fund (0926) (Not to exceed 7.50 F.T.E.) .....	\$2,380,577

**SECTION 10.045.** — To the Department of Mental Health

For the Office of the Director

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

Personal Service.....	\$120,495
Expense and Equipment.....	<u>2,461,728</u>
From Department of Mental Health Federal Fund (0148) (Not to exceed 2.00 F.T.E.).....	\$2,582,223

**SECTION 10.050.** — To the Department of Mental Health

For the Office of the Director

For the purpose of funding Children's System of Care

Personal Service.....	\$40,530
Expense and Equipment.....	<u>861,479</u>
From Department of Mental Health Federal Fund (0148) (Not to exceed 1.00 F.T.E.).....	\$902,009

**SECTION 10.055.** — To the Department of Mental Health

For the Office of the Director

For housing assistance for homeless veterans, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From General Revenue Fund (0101) .....	\$255,000
From Department of Mental Health Federal Fund (0148).....	1,000,000

For the purpose of funding Shelter Plus Care grants

Expense and Equipment	
From Department of Mental Health Federal Fund (0148).....	<u>14,336,746</u>
Total.....	\$15,591,746

**SECTION 10.060.** — To the Department of Mental Health

For Medicaid payments related to intergovernmental payments

Expense and Equipment	
From Department of Mental Health Federal Fund (0148).....	\$11,900,000
From Mental Health Intergovernmental Transfer Fund (0147).....	<u>6,600,000</u>
Total.....	\$18,500,000

**SECTION 10.065.** — To the Department of Mental Health

Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Department of Social Services

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Intergovernmental Transfer Fund for the purpose of providing the state match for the Department of Mental Health payments  
 From General Revenue Fund (0101) .....\$260,936,691

**SECTION 10.070.** — To the Department of Mental Health  
 Funds are to be transferred out of the State Treasury, chargeable to Department of Mental Health Federal Fund, to the General Revenue Fund for the purpose of supporting the Department of Mental Health  
 From Department of Mental Health Federal Fund (0148) .....\$23,235,525

**SECTION 10.075.** — To the Department of Mental Health  
 Funds are to be transferred out of the State Treasury, chargeable to Department of Mental Health Federal Fund, to the General Revenue Fund for the purpose of providing the state match for the Department of Mental Health payments  
 From Department of Mental Health Federal Fund (0148) .....\$178,480,435

**SECTION 10.080.** — To the Department of Mental Health  
 Funds are to be transferred out of the State Treasury, chargeable to Department of Mental Health Federal Fund to the General Revenue Fund Disproportionate Share Hospital funds leveraged by the Department of Mental Health - Institution of Mental Disease facilities  
 From Department of Mental Health Federal Fund (0148) .....\$50,000,000

**SECTION 10.100.** — To the Department of Mental Health  
 For the Division of Behavioral Health  
 For the purpose of funding the administration of statewide comprehensive alcohol and drug abuse prevention and treatment programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.575  
 Personal Service..... \$868,672  
 Expense and Equipment..... 20,729  
 From General Revenue Fund (0101) ..... 889,401  
  
 Personal Service..... 894,298  
 Expense and Equipment..... 676,014  
 From Department of Mental Health Federal Fund (0148) ..... 1,570,312  
  
 Personal Service  
 From Health Initiatives Fund (0275)..... 48,227  
 Total (Not to exceed 32.82 F.T.E.) .....\$2,507,940

**SECTION 10.105.** — To the Department of Mental Health  
 For the Division of Behavioral Health  
 For the purpose of funding prevention and education services, provided that three percent (3%) flexibility is allowed from this section to Section 10.575  
 Expense and Equipment  
 From Department of Mental Health Federal Fund (0148) .....\$7,503,124

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Personal Service	
From General Revenue Fund (0101) .....	26,922
Personal Service.....	148,976
Expense and Equipment.....	<u>192,363</u>
From Department of Mental Health Federal Fund (0148).....	341,339
Expense and Equipment	
From Healthy Families Trust Fund (0625).....	300,000
For tobacco retailer education	
The Division of Behavioral Health shall be allowed to use persons under the age of eighteen (18) for the purpose of tobacco retailer education in support of Synar requirements under the federal substance abuse prevention and treatment block grant	
Personal Service.....	20,408
Expense and Equipment.....	<u>90,194</u>
From Department of Mental Health Federal Fund (0148).....	110,602
For enabling enforcement of the provisions of the Family Smoking Prevention and Tobacco Control Act of 2009, in collaboration with the Department of Public Safety, Division of Alcohol and Tobacco Control	
Personal Service.....	316,049
Expense and Equipment.....	<u>145,613</u>
From Department of Mental Health Federal Fund (0148).....	461,662
For Community 2000 Team programs	
Expense and Equipment	
From General Revenue Fund (0101) .....	865,758
From Department of Mental Health Federal Fund (0148).....	2,121,484
From Health Initiatives Fund (0275).....	82,148
For school based alcohol and drug abuse prevention programs	
Expense and Equipment	
From Department of Mental Health Federal Fund (0148).....	<u>1,264,177</u>
Total (Not to exceed 8.84 F.T.E.).....	\$13,077,216

**SECTION 10.110.** — To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding the treatment of alcohol and drug abuse, and authorization to explore a federal waiver to provide services like early intervention treatment for Missourians with serious mental illness and services to individuals engaged in treatment courts, provided that the Department of Mental Health waiver match costs do not exceed the state appropriation provided in this section and shall be budget neutral to overall state and federal spending, provided that three percent (3%) flexibility is allowed from this section to Section 10.575, and provided that fifty percent

(50%) flexibility is allowed between this section and sections indicated in Sections 10.210, 10.225, and 10.235 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System Demonstration Project

Personal Service.....	\$536,829
Expense and Equipment	
For treatment of alcohol and drug abuse .....	<u>39,115,819</u>
From General Revenue Fund (0101) .....	39,652,648

For the purpose of reducing recidivism among offenders with serious substance use disorders who are returning to the St. Louis or Kansas City areas from any of the state correctional facilities. Additionally, remaining funds shall be used to support offenders returning to other regions of the state who are working with available treatment slots from the Department of Mental Health. The department shall select a qualified not for profit service provider in accordance with state purchasing rules. The provider must have experience serving this population in a correctional setting as well as in the community. The provider shall design and implement an evidence-based program that includes a continuum of services from prison to community, including medication assisted treatment that is initiated prior to release, when appropriate. The program must include an evaluation component to determine its effectiveness relative to other options, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

From General Revenue Fund (0101) .....	1,765,000
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For the sole purpose of conducting and evaluating a Pilot Project at Women's Eastern Reception and Diagnostic, Northeast, Chillicothe, and Cremer Therapeutic Community Centers for up to one hundred fifty (150) women and up to forty-five (45) males, with twenty (20) of the individuals selected having a developmental disability. If it is deemed medically appropriate, these individuals may volunteer to receive FDA approved non-addictive medication assisted treatment for alcohol dependence and prevention of relapse to opioid dependence prior to release, and for up to six (6) months after release. Other medical services, including but not limited to, substance use disorder treatment services, may be provided by the contracted health care vendor to the Missouri Department of Corrections, and upon release, to designated substance use disorder treatment providers in the community, including Saint Louis and Kansas City metropolitan areas, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From General Revenue Fund (0101) .....	761,250

For the purpose of funding youth services  
Expense and Equipment

From Mental Health Interagency Payments Fund (0109).....	10,000
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For treatment of alcohol and drug abuse  
Expense and Equipment

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For treatment services .....	88,158,091
Personal Service.....	250,561
Expense and Equipment.....	<u>372,725</u>
From Department of Mental Health Federal Fund (0148).....	88,781,377
For treatment of drug and alcohol abuse with the Access to Recovery Program	
Grant	
Expense and Equipment	
For treatment services .....	2,625,740
Personal Service.....	165,831
Expense and Equipment.....	<u>203,550</u>
From Department of Mental Health Federal Fund (0148).....	2,995,121
For Recovery Support Services with the Access to Recovery Program	
Expense and Equipment	
From General Revenue Fund (0101) .....	2,625,740
For Peer Recovery Services	
Expense and Equipment	
From General Revenue Fund (0101) .....	1,379,189
For treatment of alcohol and drug abuse	
Expense and Equipment	
From Inmate Fund (0540).....	3,513,779
From Healthy Families Trust Fund (0625).....	1,868,927
From Health Initiatives Fund (0275).....	5,997,189
From DMH Local Tax Matching Fund (0930).....	<u>963,775</u>
Total (Not to exceed 16.76 F.T.E.) .....	\$150,313,995

**SECTION 10.113.** — To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding treatment of compulsive gambling.....	\$217,346
Personal Service.....	42,829
Expense and Equipment.....	<u>3,133</u>
From Compulsive Gamblers Fund (0249) (Not to exceed 1.00 F.T.E.) .....	\$263,308

**SECTION 10.115.** — To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding the Substance Abuse Traffic Offender Program

Personal Service.....	\$21,857
Expense and Equipment .....	<u>407,458</u>
From Department of Mental Health Federal Fund (0148).....	429,315

Expense and Equipment

From Mental Health Earnings Fund (0288) .....	6,885,952
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    Personal Service.....

Expense and Equipment.....

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From Health Initiatives Fund (0275).....	<u>243,058</u>
Total (Not to exceed 5.48 F.T.E.).....	\$7,558,325

**SECTION 10.200.** — To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding administration of comprehensive psychiatric services, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$839,241
Expense and Equipment.....	<u>54,324</u>
From General Revenue Fund (0101).....	893,565

Personal Service.....	647,763
Expense and Equipment.....	<u>330,566</u>
From Department of Mental Health Federal Fund (0148).....	978,329

For suicide prevention initiatives

Personal Service.....	50,350
Expense and Equipment.....	<u>817,142</u>
From Department of Mental Health Federal Fund (0148).....	867,492

Expense and Equipment	
From Mental Health Earnings Fund (0288).....	<u>300,000</u>
Total (Not to exceed 28.60 F.T.E.).....	\$3,039,386

**SECTION 10.205.** — To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding facility support and PRN nursing and direct care staff pool, provided that staff paid from the PRN nursing and direct care staff pool will only incur fringe benefit costs applicable to part time employment, and that fifteen percent (15%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$3,334,214
Expense and Equipment.....	<u>57,121</u>
From General Revenue Fund (0101).....	3,391,335

For the purpose of funding costs for forensic clients resulting from loss of benefits under provisions of the Social Security Domestic Employment Reform Act of 1994, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From General Revenue Fund (0101).....	850,752

To pay the state operated hospital provider tax

Expense and Equipment	
From General Revenue Fund (0101).....	14,500,000

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For the purpose of funding expenses related to fluctuating census demands, Medicare bundling compliance, Medicare Part D implementation, and to restore facilities personal service and/or expense and equipment incurred for direct care worker training and other operational maintenance expenses, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From Department of Mental Health Federal Fund (0148).....	4,639,018
Personal Service.....	162,072
Expense and Equipment.....	<u>1,271,646</u>
From Mental Health Earnings Fund (0288).....	1,433,718

For those Voluntary by Guardian clients transitioning from state psychiatric facilities to the community or to support those clients in facilities waiting to transition to the community, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From General Revenue Fund (0101).....	<u>607,373</u>
Total (Not to exceed 81.62 F.T.E.) .....	<u>\$25,422,196</u>

**SECTION 10.210.** — To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding adult community programs, and authorization to explore a federal waiver to provide services like early intervention treatment for Missourians with serious mental illness and services to individuals engaged in treatment courts, provided that the Department of Mental Health waiver match costs do not exceed the state appropriation provided in this section and shall be budget neutral to overall state and federal spending, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$73,248
Expense and Equipment.....	<u>801,961</u>
From General Revenue Fund (0101).....	875,209
Personal Service.....	229,015
Expense and Equipment.....	<u>2,586,975</u>
From Department of Mental Health Federal Fund (0148).....	2,815,990

For the purpose of funding adult community programs, provided that up to ten percent (10%) of this appropriation may be used for services for youth, and authorization to explore a federal waiver to provide services like early intervention treatment for Missourians with serious mental illness and services to individuals engaged in treatment courts, provided that fifty percent (50%) flexibility is allowed between this section and sections indicated in Sections 10.110, 10.225, and 10.235 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System Demonstration Project

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Expense and Equipment	
From General Revenue Fund (0101) .....	123,862,161
From Department of Mental Health Federal Fund (0148) .....	334,628,371
From DMH Local Tax Matching Fund (0930).....	1,284,357
For the provision of mental health services and support services to other agencies	
Expense and Equipment	
From Mental Health Interagency Payments Fund (0109).....	1,310,572
For the purpose of funding programs for the homeless mentally ill, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101) .....	546,450
From Department of Mental Health Federal Fund (0148) .....	964,080
For the purpose of funding the Missouri Eating Disorder Council and its responsibilities under Section 630.575, RSMo, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Personal Service.....	34,201
Expense and Equipment.....	103,771
From General Revenue Fund (0101) .....	137,972
For the purpose of funding community based services in the St. Louis Eastern Region for Community Access to Care Facilitation	
Expense and Equipment	
From Department of Mental Health Federal Fund (0148) .....	2,000,000
Total (Not to exceed 8.31 F.T.E.).....	\$468,425,162

**SECTION 10.215.** — To the Department of Mental Health

For the Division of Behavioral Health	
For the purpose of reimbursing attorneys, physicians, and counties for fees in involuntary civil commitment procedures, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101) .....	\$747,441
For distribution through the Office of Administration to counties pursuant to Section 56.700, RSMo, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101) .....	143,550
Total.....	\$890,991

**SECTION 10.220.** — To the Department of Mental Health

For the Division of Behavioral Health	
For the purpose of funding forensic support services, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Personal Service.....	\$804,609

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Expense and Equipment.....	<u>22,765</u>
From General Revenue Fund (0101).....	827,374
Personal Service.....	4,475
Expense and Equipment.....	<u>37,235</u>
From Department of Mental Health Federal Fund (0148).....	<u>41,710</u>
Total (Not to exceed 16.88 F.T.E.) .....	\$869,084

**\*SECTION 10.225.** — To the Department of Mental Health  
For the Division of Behavioral Health

For the purpose of funding youth community programs, and authorization to explore a federal waiver to provide services like early intervention treatment for Missourians with serious mental illness and services to individuals engaged in treatment courts, provided that the Department of Mental Health waiver match costs do not exceed the state appropriation provided in this section and shall be budget neutral to overall state and federal spending, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$53,367
Expense and Equipment.....	<u>74,446</u>
From General Revenue Fund (0101) .....	127,813

Personal Service.....	340,230
Expense and Equipment.....	<u>1,164,690</u>
From Department of Mental Health Federal Fund (0148).....	1,504,920

For the purpose of funding youth community programs, provided that up to ten percent (10%) of this appropriation may be used for services for adults, and further provided that fifty percent (50%) flexibility is allowed between this section and sections indicated in Sections 10.110, 10.210, and 10.235 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System Demonstration Project

Expense and Equipment	
From General Revenue Fund (0101) .....	33,194,842
From Department of Mental Health Federal Fund (0148).....	98,102,162
From DMH Local Tax Matching Fund (0930).....	1,257,879

For the purpose of funding the Behavioral Health Treatment and Training Pilot Program, located within an established center that provides comprehensive mental health services and is located within a city not within a county. The pilot program is established to assess, treat, and examine the impact of resource availability in a less acute situation; as a means of prevention of more significant episodes of behavioral health related challenges that have profound academic, social, and psychological consequences for youth. The project shall provide training and access to children and adolescents ages three (3) to seventeen (17) who are not currently in receipt of state services or who may not have access due to their level of illness, acuity level, or mental health testing requirements

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From General Revenue Fund (0101) .....	500,000
For the purpose of funding youth services	
From Mental Health Interagency Payments Fund (0109) .....	<u>600,000</u>
Total (Not to exceed 5.29 F.T.E.).....	\$135,287,616

\*I hereby veto \$500,000 general revenue for the Behavioral Health Treatment and Training Pilot Program.

For the purpose of funding the Behavioral Health Treatment and Training program.  
From \$500,000 to \$0 from General Revenue Fund.  
From \$135,287,616 to \$134,787,616 in total for the section.

MICHAEL L. PARSON  
GOVERNOR

**SECTION 10.230.** — To the Department of Mental Health  
For the Division of Behavioral Health  
For the purchase and administration of new medication therapies

Expense and Equipment	
From General Revenue Fund (0101) .....	\$13,653,181
From Department of Mental Health Federal Fund (0148) .....	<u>916,243</u>
Total.....	\$14,569,424

**SECTION 10.235.** — To the Department of Mental Health  
For the Division of Behavioral Health  
For the purpose of funding a network of mental health providers trained in trauma informed and evidence based mental health treatments for children. The network should be operated by the Department of Mental Health, or under contract with the Department of Mental Health and operated by a private, not-for-profit agency, or a partnership between multiple private, not-for-profit agencies, with a demonstrated commitment and statewide expertise in providing evidence based mental health services to children and education to mental health providers and further provided that fifty percent (50%) flexibility is allowed between this section and sections indicated in Sections 10.110, 10.210, and 10.225 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System Demonstration Project

Expense and Equipment	
From General Revenue Fund (0101) .....	\$173,985
From Department of Mental Health Federal Fund (0148) .....	<u>326,015</u>
Total.....	\$500,000

**SECTION 10.300.** — To the Department of Mental Health  
For the Division of Behavioral Health  
For the purpose of funding Fulton State Hospital, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state operated facilities, and

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that ten percent (10%) flexibility is allowed between Fulton State Hospital and Fulton State Hospital Sexual Offender Rehabilitation and Treatment Services Program and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....\$38,028,467  
 Expense and Equipment..... 8,086,417  
 From General Revenue Fund (0101).....46,114,884

Personal Service.....980,485  
 Expense and Equipment..... 618,895  
 From Department of Mental Health Federal Fund (0148).....1,599,380

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees  
 Personal Service

From General Revenue Fund (0101).....671,436

For the purpose of funding Fulton State Hospital Sexual Offender Rehabilitation and Treatment Services Program, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state operated facilities, and ten percent (10%) flexibility is allowed between Fulton State Hospital Sexual Offender Rehabilitation and Treatment Services Program and Fulton State Hospital, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....8,090,335  
 Expense and Equipment..... 1,876,099  
 From General Revenue Fund (0101).....10,701,019

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees  
 Personal Service

From General Revenue Fund (0101)..... 63,149  
 Total (Not to exceed 1,175.82 F.T.E.).....\$58,415,283

**SECTION 10.305.** — To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding Northwest Missouri Psychiatric Rehabilitation Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....\$10,773,328

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Expense and Equipment..... 2,260,201  
 From General Revenue Fund (0101) ..... 13,033,529

Personal Service..... 815,503  
 Expense and Equipment..... 105,903  
 From Department of Mental Health Federal Fund (0148) ..... 921,406

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service  
 From General Revenue Fund (0101) ..... 170,110  
 From Department of Mental Health Federal Fund (0148) ..... 11,703  
 Total (Not to exceed 293.51 F.T.E.) ..... \$14,136,748

**SECTION 10.310.** — To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding St. Louis Psychiatric Rehabilitation Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service..... \$17,299,621  
 Expense and Equipment..... 2,748,160  
 From General Revenue Fund (0101) ..... 20,047,781

Personal Service..... 447,585  
 Expense and Equipment..... 93,210  
 From Department of Mental Health Federal Fund (0148) ..... 540,795

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service  
 From General Revenue Fund (0101) ..... 294,606  
 From Department of Mental Health Federal Fund (0148) ..... 969  
 Total (Not to exceed 472.14 F.T.E.) ..... \$20,884,151

**SECTION 10.315.** — To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding Southwest Missouri Psychiatric Rehabilitation Center

Personal Service  
 From Mental Health Earnings Fund (0288) (Not to exceed 25.00 F.T.E.) ..... \$1,488,938

**SECTION 10.320.** — To the Department of Mental Health

For the Division of Behavioral Health

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For the purpose of funding Metropolitan St. Louis Psychiatric Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$6,769,187
Expense and Equipment.....	<u>2,563,210</u>
From General Revenue Fund (0101).....	9,332,397

Personal Service	
From Department of Mental Health Federal Fund (0148).....	441,506

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101).....	17,471
From Department of Mental Health Federal Fund (0148).....	<u>1,189</u>
Total (Not to exceed 179.50 F.T.E.).....	\$9,792,563

**SECTION 10.325.** — To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding Southeast Missouri Mental Health Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state operated facilities, and that ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center and Southeast Missouri Mental Health Center Sexual Offender Rehabilitation and Treatment Services Program, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$17,549,408
Expense and Equipment.....	<u>3,048,206</u>
From General Revenue Fund (0101).....	20,597,614

Personal Service.....	299,171
Expense and Equipment.....	<u>219,538</u>
From Department of Mental Health Federal Fund (0148).....	518,709

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101).....	167,718

For the purpose of funding Southeast Missouri Mental Health Center - Sexual Offender Rehabilitation and Treatment Services Program, provided that

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fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state operated facilities, and that ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center - Sexual Offender Rehabilitation and Treatment Services Program and Southeast Missouri Mental Health Center, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	18,922,193
Expense and Equipment.....	<u>4,392,148</u>
From General Revenue Fund (0101) .....	23,482,059

Personal Service	
From Department of Mental Health Federal Fund (0148) .....	29,059

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101) .....	<u>87,242</u>
Total (Not to exceed 981.92 F.T.E.) .....	\$44,714,683

**SECTION 10.330.** — To the Department of Mental Health

For the Division of Behavioral Health

For the purpose of funding Center for Behavioral Medicine, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$12,746,682
Expense and Equipment.....	<u>2,268,965</u>
From General Revenue Fund (0101) .....	15,015,647

Personal Service.....	250,722
Expense and Equipment.....	<u>633,082</u>
From Department of Mental Health Federal Fund (0148) .....	883,804

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101) .....	<u>253,361</u>
Total (Not to exceed 318.05 F.T.E.) .....	\$16,152,812

**SECTION 10.335.** — To the Department of Mental Health

For the Division of Behavioral Health

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

For the purpose of funding Hawthorn Children's Psychiatric Hospital, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$6,514,640
Expense and Equipment.....	<u>959,196</u>
From General Revenue Fund (0101).....	7,473,836
Personal Service.....	1,922,387
Expense and Equipment.....	<u>197,901</u>
From Department of Mental Health Federal Fund (0148).....	2,120,288

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101).....	66,184
From Department of Mental Health Federal Fund (0148).....	<u>7,515</u>
Total (Not to exceed 216.80 F.T.E.).....	\$9,667,823

**SECTION 10.400.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding division administration and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$1,311,318
Expense and Equipment.....	<u>56,250</u>
From General Revenue Fund (0101).....	1,367,568
Personal Service.....	322,060
Expense and Equipment.....	<u>58,877</u>
From Department of Mental Health Federal Fund (0148).....	<u>380,937</u>
Total (Not to exceed 29.37 F.T.E.).....	\$1,748,505

**SECTION 10.405.** — To the Department of Mental Health

For the Division of Developmental Disabilities

To pay the state operated Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/ID) provider tax

Expense and Equipment

From General Revenue Fund (0101).....	\$6,000,000
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For the purpose of funding habilitation centers

Expense and Equipment

From Habilitation Center Room and Board Fund (0435).....	<u>3,416,027</u>
Total.....	\$9,416,027

**\*SECTION 10.410.** — To the Department of Mental Health

For the Division of Developmental Disabilities

Provided that residential services for non-medicaid eligibles shall not be reduced below the prior year expenditures as long as the person is evaluated to need the services

For the purpose of funding community programs  
 From General Revenue Fund (0101) .....\$332,953,248  
 From Department of Mental Health Federal Fund (0148) ..... 703,455,036  
 From DMH Local Tax Matching Fund (0930)..... 1,000,000

For the purpose of funding community programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.575  
 Personal Service..... 571,462  
 Expense and Equipment..... 31,425  
 From General Revenue Fund (0101) ..... 602,887

Personal Service..... 985,515  
 Expense and Equipment..... 177,376  
 From Department of Mental Health Federal Fund (0148) ..... 1,162,891

For consumer and family directed supports/in home services/choices for families  
 From Developmental Disabilities Waiting List Equity Trust Fund (0986) ..... 10,000

For the purpose of funding programs for persons with autism and their families  
 From General Revenue Fund (0101) ..... 4,825,588

For an Autism Center located in a home rule city with more than forty seven thousand but fewer than fifty two thousand inhabitants and partially located in any county of the first classification with more than one hundred fifteen thousand but fewer than one hundred fifty thousand inhabitants  
 From General Revenue Fund (0101) ..... 50,000

For the purpose of funding Autism Outreach Initiatives for Children in Northeast Missouri  
 From General Revenue Fund (0101) ..... 50,000

For the purpose of funding Regional Autism projects  
 From General Revenue Fund (0101) ..... 8,881,907

For services for children who are clients of the Department of Social Services  
 From Mental Health Interagency Payments Fund (0109)..... 9,916,325

For the purpose of funding the Developmental Disability Training Pilot Program in a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants and a county with a charter form of government and with more than nine hundred fifty thousand inhabitants  
 From General Revenue Fund (0101) ..... 500,000

For purposes of funding youth services  
 From Mental Health Interagency Payments Fund (0109)..... 213,832

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.  
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For Senate Bill 40 Board Tax Funds to be used as match for Medicaid initiatives  
 for clients of the division  
 From DMH Local Tax Matching Fund (0930)..... 10,728,609  
 Total (Not to exceed 24.59 F.T.E.) .....\$1,074,350,323

\*I hereby veto \$200,000 general revenue for the Developmental Disability Training Pilot Program.

For the purpose of funding the Development Disability Training Pilot Program.  
 From \$500,000 to \$300,000 from General Revenue Fund.  
 From \$1,074,350,323 to \$1,074,150,323 in total for the section.

MICHAEL L. PARSON  
 GOVERNOR

**SECTION 10.415.** — To the Department of Mental Health  
 For the Division of Developmental Disabilities  
 For the purpose of funding community support staff, provided that three percent  
 (3%) flexibility is allowed from this section to Section 10.575  
 Personal Service  
 From General Revenue Fund (0101) .....\$2,011,627  
 From Department of Mental Health Federal Fund (0148)..... 8,262,631  
 Total (Not to exceed 237.38 F.T.E.) .....\$10,274,258

**SECTION 10.420.** — To the Department of Mental Health  
 For the Division of Developmental Disabilities  
 For the purpose of funding developmental disabilities services, provided that ten  
 percent (10%) flexibility is allowed between personal service and expense  
 and equipment  
 Personal Service.....\$422,423  
 Expense and Equipment..... 1,146,512  
 From Department of Mental Health Federal Fund (0148) (Not to exceed 7.98  
 F.T.E.) .....\$1,568,935

**SECTION 10.425.** — To the Department of Mental Health  
 Funds are to be transferred out of the State Treasury, chargeable to the  
 Intermediate Care Facility Intellectually Disabled Reimbursement Allowance  
 Fund, to the General Revenue Fund as a result of recovering the Intermediate  
 Care Facility Intellectually Disabled Reimbursement Allowance Fund  
 From Intermediate Care Facility Intellectually Disabled Reimbursement  
 Allowance Fund (0901)..... \$2,300,000  
  
 Funds are to be transferred out of the State Treasury, chargeable to the  
 Intermediate Care Facility Intellectually Disabled Reimbursement Allowance  
 Fund, to Department of Mental Health Federal Fund  
 From Intermediate Care Facility Intellectually Disabled Reimbursement  
 Allowance Fund (0901)..... 3,650,000  
 Total.....\$5,950,000

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 Matter in bold-face type is proposed language.

**SECTION 10.500.** — To the Department of Mental Health  
 For the Division of Developmental Disabilities  
 For the purpose of funding the Central Missouri Regional Center, provided that fifty percent (50%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$3,216,670
Expense and Equipment.....	<u>176,937</u>
From General Revenue Fund (0101) .....	3,393,607
Expense and Equipment	
From Office of Administration Revolving Administrative Trust Fund (0505) .....	6,625
Personal Service.....	669,909
Expense and Equipment.....	<u>110,333</u>
From Department of Mental Health Federal Fund (0148) .....	<u>780,242</u>
Total (Not to exceed 98.70 F.T.E.) .....	\$4,180,474

**SECTION 10.505.** — To the Department of Mental Health  
 For the Division of Developmental Disabilities  
 For the purpose of funding the Kansas City Regional Center, provided that fifty percent (50%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$2,877,597
Expense and Equipment.....	<u>251,551</u>
From General Revenue Fund (0101) .....	3,129,148
Expense and Equipment	
From Office of Administration Revolving Administrative Trust Fund (0505) .....	23,000
Personal Service.....	1,254,332
Expense and Equipment.....	<u>111,314</u>
From Department of Mental Health Federal Fund (0148) .....	<u>1,365,646</u>
Total (Not to exceed 97.74 F.T.E.) .....	\$4,517,794

**SECTION 10.510.** — To the Department of Mental Health  
 For the Division of Developmental Disabilities  
 For the purpose of funding the Sikeston Regional Center, provided that fifty percent (50%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$1,725,381
Expense and Equipment.....	<u>128,008</u>
From General Revenue Fund (0101) .....	1,853,389
Expense and Equipment	
From Office of Administration Revolving Administrative Trust Fund (0505) .....	15,500

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Personal Service.....	245,058
Expense and Equipment.....	<u>27,582</u>
From Department of Mental Health Federal Fund (0148).....	<u>272,640</u>
Total (Not to exceed 49.57 F.T.E.) .....	\$2,141,529

**SECTION 10.515.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the Springfield Regional Center, provided that fifty percent (50%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$2,081,731
Expense and Equipment.....	<u>165,763</u>
From General Revenue Fund (0101) .....	2,247,494

Expense and Equipment	
From Office of Administration Revolving Administrative Trust Fund (0505).....	55,679

Personal Service.....	382,866
Expense and Equipment.....	<u>41,508</u>
From Department of Mental Health Federal Fund (0148).....	<u>424,374</u>
Total (Not to exceed 61.13 F.T.E.) .....	\$2,727,547

**SECTION 10.520.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the St. Louis Regional Center, provided that fifty percent (50%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$4,314,003
Expense and Equipment.....	<u>359,179</u>
From General Revenue Fund (0101) .....	4,673,182

Expense and Equipment	
From Office of Administration Revolving Administrative Trust Fund (0505).....	25,568

Personal Service.....	1,066,268
Expense and Equipment.....	<u>235,754</u>
From Department of Mental Health Federal Fund (0148).....	<u>1,302,022</u>
Total (Not to exceed 140.00 F.T.E.) .....	\$6,000,772

**SECTION 10.525.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the Bellefontaine Habilitation Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state operated facilities, and that ten percent (10%) flexibility is allowed between personal

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service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$6,146,358
Expense and Equipment.....	<u>258,099</u>
From General Revenue Fund (0101) .....	6,404,457

Personal Service.....	8,958,564
Expense and Equipment.....	<u>645,187</u>
From Department of Mental Health Federal Fund (0148) .....	9,603,751

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101) .....	938,651
From Department of Mental Health Federal Fund (0148) .....	<u>40,306</u>
Total (Not to exceed 445.85 F.T.E.) .....	\$16,987,165

**SECTION 10.530.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the Higginsville Habilitation Center, provided that thirty percent (30%) may be spent on transitioning clients to the community or to Northwest Community Services, and that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to other state operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$3,344,014
Expense and Equipment.....	<u>50,535</u>
From General Revenue Fund (0101) .....	3,394,549

Personal Service.....	6,658,880
Expense and Equipment.....	<u>366,517</u>
From Department of Mental Health Federal Fund (0148) .....	7,025,397

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101) .....	401,473
From Department of Mental Health Federal Fund (0148) .....	<u>96,093</u>
Total (Not to exceed 358.43 F.T.E.) .....	\$10,917,512

**SECTION 10.535.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the Northwest Community Services, provided that thirty percent (30%) may be spent on transitioning clients to the community or to Higginsville Habilitation Center, and that fifteen percent (15%) may be spent

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on the Purchase of Community Services, including transitioning clients to other state operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$5,577,321
Expense and Equipment.....	<u>421,162</u>
From General Revenue Fund (0101).....	5,998,483

Personal Service.....	12,302,592
Expense and Equipment.....	<u>562,239</u>
From Department of Mental Health Federal Fund (0148).....	12,864,831

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees  
Personal Service

From General Revenue Fund (0101).....	<u>746,412</u>
Total (Not to exceed 614.66 F.T.E.).....	\$19,609,726

**SECTION 10.540.** — To the Department of Mental Health  
For the Division of Developmental Disabilities

For the purpose of funding the Southwest Community Services, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$2,258,542
Expense and Equipment.....	<u>71,659</u>
From General Revenue Fund (0101).....	2,330,201

Personal Service.....	5,055,316
Expense and Equipment.....	<u>359,918</u>
From Department of Mental Health Federal Fund (0148).....	5,415,234

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees  
Personal Service

From General Revenue Fund (0101).....	9,470
From Department of Mental Health Federal Fund (0148).....	<u>228,915</u>
Total (Not to exceed 243.96 F.T.E.).....	\$7,983,820

**SECTION 10.545.** — To the Department of Mental Health  
For the Division of Developmental Disabilities

For the purpose of funding the St. Louis Developmental Disabilities Treatment Center, provided that seventy-five percent (75%) may be spent on the Purchase of Community Services, including transitioning clients to the community or

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other state operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$4,404,983
Expense and Equipment.....	<u>1,864,648</u>
From General Revenue Fund (0101) .....	6,269,631

Expense and Equipment	
From Office of Administration Revolving Administrative Trust Fund (0505) .....	1,500

Personal Service.....	12,935,796
Expense and Equipment.....	<u>718,656</u>
From Department of Mental Health Federal Fund (0148) .....	<u>13,654,452</u>
Total (Not to exceed 546.74 F.T.E.) .....	\$19,925,583

**SECTION 10.550.** — To the Department of Mental Health  
For the Division of Developmental Disabilities

For the purpose of funding Southeast Missouri Residential Services, provided that fifty percent (50%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$1,900,653
Expense and Equipment.....	<u>33,037</u>
From General Revenue Fund (0101) .....	1,933,690

Personal Service.....	5,205,134
Expense and Equipment.....	<u>633,271</u>
From Department of Mental Health Federal Fund (0148) .....	5,838,405

For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101) .....	192,522
From Department of Mental Health Federal Fund (0148) .....	<u>86,895</u>
Total (Not to exceed 249.19 F.T.E.) .....	\$8,051,512

**SECTION 10.575.** — To the Department of Mental Health

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

From General Revenue Fund (0101) .....	\$1
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**SECTION 10.600.** — To the Department of Health and Senior Services  
For the Office of the Director

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For the purpose of funding program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955	
Personal Service.....	\$227,065
Expense and Equipment.....	<u>16,705</u>
From General Revenue Fund (0101).....	243,770
Personal Service.....	846,463
Expense and Equipment.....	<u>65,910</u>
From Department of Health and Senior Services Federal Fund (0143).....	<u>912,373</u>
Total (Not to exceed 25.20 F.T.E.) .....	\$1,156,143

**SECTION 10.605.** — To the Department of Health and Senior Services

For the Division of Administration

For the purpose of funding program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955	
Personal Service.....	\$206,517
Expense and Equipment.....	<u>134,634</u>
From General Revenue Fund (0101).....	341,151

For the purpose of funding program operations and support

Personal Service.....	2,466,386
Expense and Equipment.....	<u>1,654,464</u>
From Department of Health and Senior Services Federal Fund (0143).....	4,120,850

Expense and Equipment	
From Nursing Facility Quality of Care Fund (0271).....	330,000

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

Expense and Equipment	
From Mammography Fund (0293).....	25,000

Personal Service.....	133,952
Expense and Equipment.....	<u>199,525</u>
From Missouri Public Health Services Fund (0298).....	333,477

Expense and Equipment	
From Professional and Practical Nursing Student Loan and Nurse Loan	
Repayment Fund (0565).....	30,000

Expense and Equipment	
From Department of Health and Senior Services Document Services Fund (0646).....	44,571

Expense and Equipment	
From Department of Health - Donated Fund (0658).....	30,000

Expense and Equipment	
From Putative Father Registry Fund (0780).....	25,000

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Expense and Equipment  
From Organ Donor Program Fund (0824) ..... 30,000

Expense and Equipment  
From Childhood Lead Testing Fund (0899) ..... 5,000  
Total (Not to exceed 70.73 F.T.E.) ..... \$5,365,049

**SECTION 10.610.** — To the Department of Health and Senior Services  
Funds are to be transferred out of the State Treasury, chargeable to the Health  
Initiatives Fund, to the Health Access Incentive Fund  
From Health Initiatives Fund (0275)..... \$759,624

**SECTION 10.615.** — To the Department of Health and Senior Services  
For the Division of Administration  
For the purpose of funding the payment of refunds set off against debts in  
accordance with Section 143.786, RSMo  
From Debt Offset Escrow Fund (0753)..... \$20,000

**SECTION 10.620.** — To the Department of Health and Senior Services  
For the Division of Administration  
For refunds  
From General Revenue Fund (0101) ..... \$50,000  
From Department of Health and Senior Services Federal Fund (0143)..... 100,000

For refunds, provided that one hundred percent (100%) flexibility is allowed  
between other funds  
From Nursing Facility Quality of Care Fund (0271) ..... 9,240  
From Health Access Incentive Fund (0276)..... 5,000  
From Mammography Fund (0293) ..... 1,000  
From Missouri Public Health Services Fund (0298) ..... 40,000  
From Endowed Cemetery Audit Fund (0562) ..... 2,899  
From Professional and Practical Nursing Student Loan and Nurse Loan  
Repayment Fund (0565)..... 2,500  
From Department of Health and Senior Services Document Services Fund (0646)..... 10,000  
From Department of Health - Donated Fund (0658) ..... 15,133  
From Criminal Record System Fund (0671)..... 333  
From Children's Trust Fund (0694) ..... 13,495  
From Brain Injury Fund (0742)..... 100  
  
From Organ Donor Program Fund (0824) ..... 25  
From Childhood Lead Testing Fund (0899) ..... 275  
Total..... \$250,000

**SECTION 10.625.** — To the Department of Health and Senior Services  
For the Division of Administration  
For the purpose of receiving and expending grants, donations, contracts, and payments  
from private, federal, and other governmental agencies which may become

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available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

Personal Service.....	\$103,535
Expense and Equipment.....	<u>3,000,001</u>
From Department of Health and Senior Services Federal Fund (0143).....	3,103,536

Personal Service.....	104,047
Expense and Equipment.....	<u>347,596</u>
From Department of Health - Donated Fund (0658).....	<u>451,643</u>
Total.....	\$3,555,179

**SECTION 10.700.** — To the Department of Health and Senior Services For the Division of Community and Public Health For the Adolescent Health Program, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Services	
From General Revenue Fund (0101) .....	\$15,227
Expense and Equipment	
From Department of Health and Senior Services Federal Fund (0143).....	133,521
From Health Initiatives Fund (0275).....	1,228

For the purpose of funding program operations and support, provided that thirty percent (30%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	6,467,734
Expense and Equipment.....	<u>70,900</u>
From General Revenue Fund (0101) .....	6,538,634

For the purpose of funding program operations and support, and provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	15,827,384
Expense and Equipment.....	<u>3,937,814</u>
From Department of Health and Senior Services Federal Fund (0143).....	19,765,198

Personal Service.....	1,020,115
Expense and Equipment.....	<u>553,785</u>
From Health Initiatives Fund (0275).....	1,573,900

Personal Service.....	417,103
Expense and Equipment.....	<u>68,053</u>
From Missouri Public Health Services Fund (0298) .....	485,156

Personal Service.....	74,992
Expense and Equipment.....	<u>68,048</u>
From Department of Health and Senior Services Document Services Fund (0646).....	143,040

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Personal Service.....	71,953
Expense and Equipment.....	<u>23,785</u>
From Environmental Radiation Monitoring Fund (0656).....	95,738
Personal Service.....	186,536
Expense and Equipment.....	<u>333,830</u>
From Department of Health - Donated Fund (0658).....	520,366
Personal Service.....	210,357
Expense and Equipment.....	<u>66,883</u>
From Hazardous Waste Fund (0676).....	277,240
Personal Service.....	80,063
Expense and Equipment.....	<u>27,748</u>
From Putative Father Registry Fund (0780).....	107,811
Personal Service.....	113,559
Expense and Equipment.....	<u>131,887</u>
From Organ Donor Program Fund (0824).....	245,446
Expense and Equipment	
From Governor's Council on Physical Fitness Institution Gift Trust Fund (0924).....	<u>47,500</u>
Total (Not to exceed 535.63 F.T.E.).....	\$29,950,005

**SECTION 10.705.** — To the Department of Health and Senior Services  
 For the Division of Community and Public Health  
 For the purpose of funding core public health functions and related expenses,  
 provided that three percent (3%) flexibility is allowed from this section to  
 Section 10.955

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

**SECTION 10.710.** — To the Department of Health and Senior Services  
 For the Division of Community and Public Health  
 For the Adolescent Health Program

Expense and Equipment	
From Department of Health and Senior Services Federal Fund (0143).....	\$2,086,539

For the purpose of funding the Missouri Donated Dental Services Program  
 Expense & Equipment

From General Revenue Fund (0101).....	90,000
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For Brain Injury Waiver

From General Revenue Fund (0101).....	266,836
From Department of Health and Senior Services Federal Fund (0143).....	500,000

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For the SAFE-CARE Program, including implementing a regionalized medical response to child abuse, providing daily review of cases of children less than four (4) years of age under investigation by the Missouri Department of Social Services, Children's Division and to provide medical forensics training to medical providers and multi-disciplinary team members

Expense & Equipment

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

For the purpose of Epilepsy Education

From Department of Health-Donated Fund (0658)..... 50,000

For the purpose of funding community health programs and related expenses, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

From General Revenue Fund (0101) ..... 8,483,452

From Department of Health and Senior Services Federal Fund (0143)..... 83,827,219

From Missouri Public Health Services Fund (0298) ..... 1,649,750

From Brain Injury Fund (0742)..... 874,900

From C & M Smith Memorial Endowment Trust Fund (0873) ..... 10,000

From Missouri Lead Abatement Loan Fund (0893)..... 1,000

From Children's Special Health Care Needs Service Fund (0950)..... 30,000

Total..... \$98,119,696

**SECTION 10.715.** — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the purpose of funding the Show Me Healthy Women's program in Missouri, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment

From General Revenue Fund (0101) ..... \$500,000

From Missouri Public Health Services Fund (0298) ..... 20,000

From Department of Health-Donated Fund (0658)..... 32,548

Personal Service..... 389,074

Expense and Equipment..... 1,894,132

From Department of Health and Senior Services Federal Fund (0143)..... 2,283,206

Total (Not to exceed 8.00 F.T.E.)..... \$2,835,754

**SECTION 10.718.** — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the purpose of tobacco cessation

Expense and Equipment

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

From Department of Health and Senior Services Federal Fund (0143)..... 50,000

Total ..... \$100,000

**SECTION 10.720.** — To the Department of Health and Senior Services

For the Division of Community and Public Health

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

For the purpose of funding family planning and family planning related services, pregnancy testing, sexually transmitted disease testing and treatment, including pap tests and pelvic exams, and follow up services provided that none of the funds appropriated herein may be paid, granted to, or expended to directly or indirectly fund procedures or administrative functions of an abortion facility or an abortion as defined in Section 188.015, RSMo, or abortion services as defined in Section 170.015, RSMo. Such services shall be available to uninsured women who are at least eighteen (18) to fifty five (55) years of age with a family Modified Adjusted Gross Income for the household size that does not exceed two hundred and one percent (201%) of the Federal Poverty Level (FPL) and who is a legal resident of the state

From General Revenue Fund (0101) ..... \$5,653,723

**SECTION 10.723.** — To the Department of Health and Senior Services  
 For the Division of Community and Public Health  
 For the Elks Mobile Dental Clinic  
 Expense and Equipment  
 From General Revenue Fund (0101) ..... \$200,000

**SECTION 10.725.** — To the Department of Health and Senior Services  
 For the Division of Community and Public Health  
 For the purpose of funding supplemental nutrition programs  
 Expense and Equipment  
 From Department of Health and Senior Services Federal Fund (0143).....\$194,680,851

**SECTION 10.730.** — To the Department of Health and Senior Services  
 For the Division of Community and Public Health  
 For the Offices of Primary Care and Rural Health and Women's Health  
 Personal Service..... \$755,953  
 Expense and Equipment..... 304,227  
 From Department of Health and Senior Services Federal Fund (0143)..... 1,060,180

Personal Service..... 98,602  
 Expense and Equipment..... 14,851  
 From Health Initiatives Fund (0275)..... 113,453

Personal Service..... 76,447  
 Expense and Equipment..... 8,900  
 From Professional and Practical Nursing Student Loan and Nurse Loan  
 Repayment Fund (0565)..... 85,347

For the purpose of funding other Office of Primary Care and Rural Health  
 programs and related expenses  
 Expense and Equipment  
 From Department of Health and Senior Services Federal Fund (0143)..... 1,148,866  
 From Department of Health Donated Fund (0658) ..... 655,000

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

For the purpose of funding contracts for the Sexual Violence Victims Services,  
 Awareness, and Education Program  
 Expense and Equipment  
 From Department of Health and Senior Services Federal Fund (0143)..... 792,134  
 Total (Not to exceed 18.20 F.T.E.) .....\$3,854,980

**SECTION 10.735.** — To the Department of Health and Senior Services  
 For the Division of Community and Public Health  
 For the purpose of funding the Primary Care Resource Initiative Program (PRIMO),  
 Financial Aid to Medical Students, and Loan Repayment Programs  
 Expense and Equipment  
 From General Revenue Fund (0101) ..... \$500,000  
 From Department of Health and Senior Services Federal Fund (0143)..... 174,446  
 From Health Access Incentive Fund (0276)..... 650,000  
 From Professional and Practical Nursing Student Loan and Nurse Loan  
 Repayment Fund (0565)..... 899,752  
 From Department of Health - Donated Fund (0658) ..... 706,236  
 Total.....\$2,930,434

**SECTION 10.740.** — To the Department of Health and Senior Services  
 For the Division of Community and Public Health  
 For the Office of Minority Health  
 For the purpose of funding program operations and support, provided that three  
 percent (3%) flexibility is allowed from this section to Section 10.955  
 Personal Service.....\$193,265  
  
 Expense and Equipment..... 194,240  
 From General Revenue Fund (0101) ..... 387,505  
  
 Personal Service  
 From Department of Health and Senior Services Federal Fund (0143)..... 30,943  
 Total (Not to exceed 4.48 F.T.E.).....\$418,277

**SECTION 10.745.** — To the Department of Health and Senior Services  
 For the Division of Community and Public Health  
 For the Office of Emergency Coordination, provided that \$1,000,000 be used to  
 assist in maintaining the Poison Control Hotline  
 From General Revenue Fund (0101) ..... \$500,000  
 From Insurance Dedicated Fund (0566)..... 500,000  
  
 Personal Service..... 1,767,682  
 Expense and Equipment and Program Distribution ..... 13,930,305  
 From Department of Health and Senior Services Federal Fund (0143)..... 15,697,787  
 Total (Not to exceed 33.02 F.T.E.) .....\$16,697,987

**SECTION 10.750.** — To the Department of Health and Senior Services  
 For the Division of Community Public Health

For the purpose of providing newborn screening services on weekends and holidays, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	\$114,541
Expense and Equipment.....	<u>79,998</u>
From General Revenue Fund (0101) .....	194,539

For the purpose of funding the State Public Health Laboratory, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	1,524,836
Expense and Equipment.....	<u>416,580</u>
From General Revenue Fund (0101) .....	1,941,416

Personal Service.....	996,847
Expense and Equipment.....	<u>1,797,527</u>
From Department of Health and Senior Services Federal Fund (0143).....	2,794,374

Personal Service.....	1,432,590
Expense and Equipment.....	<u>5,392,271</u>
From Missouri Public Health Services Fund (0298) .....	6,824,861

Expense and Equipment	
From Safe Drinking Water Fund (0679) .....	473,641

Personal Service.....	17,751
Expense and Equipment.....	<u>46,368</u>
From Childhood Lead Testing Fund (0899) .....	<u>64,119</u>
Total (Not to exceed 101.01 F.T.E.) .....	\$12,292,950

**SECTION 10.800.** — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For the purpose of funding program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	\$9,136,161
Expense and Equipment.....	<u>972,465</u>
From General Revenue Fund (0101) .....	10,108,626

Personal Service.....	10,503,206
Expense and Equipment.....	<u>1,174,210</u>
From Department of Health and Senior Services Federal Fund (0143).....	11,677,416

For the purpose of funding the Medicaid Home and Community Based Services Program reassessments provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	650,004
Expense and Equipment.....	<u>850,000</u>
From General Revenue Fund (0101) .....	1,500,004

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Personal Service.....	\$650,004
Expense and Equipment.....	<u>850,000</u>
From Department of Health and Senior Services Federal Fund (0143).....	<u>1,500,004</u>
Total (Not to exceed 488.31 F.T.E.) .....	\$24,786,050

**SECTION 10.805.** — To the Department of Health and Senior Services  
For the Division of Senior and Disability Services  
For the purpose of funding non-Medicaid reimbursable senior and disability programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment	
From General Revenue Fund (0101) .....	\$805,065
From Department of Health and Senior Services Federal Fund (0143).....	<u>167,028</u>
Total.....	\$972,093

**SECTION 10.806.** — To the Department of Health and Senior Services  
For the Division of Senior and Disability Services  
For the purpose of providing consumer directed personal care assistance services at a rate not to exceed sixty percent (60%) of the average monthly Medicaid cost of nursing facility care

Expense and Equipment	
From General Revenue Fund (0101) .....	\$168,783,054
From Department of Health and Senior Services Federal Fund (0143).....	<u>315,490,637</u>
Total.....	\$484,273,691

**SECTION 10.810.** — To the Department of Health and Senior Services  
For the Division of Senior and Disability Services  
For the purpose of funding respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home delivered meals, other related services, and program management under the Medicaid fee for service and managed care programs. Provided that individuals eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 19 CSR 30 81.030 and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs, provided that no payments are made for consumer-directed personal care assistance services, and further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet needs as determined by 19 CSR 30 81.030; and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute

Expense and Equipment	
From General Revenue Fund (0101) .....	\$148,666,259
From Department of Health and Senior Services Federal Fund (0143).....	<u>278,830,630</u>
Total.....	\$427,496,889

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Matter in bold-face type is proposed language.

**SECTION 10.815.** — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For the purpose of funding Home and Community Services grants to be distributed to the Area Agency on Aging, provided that ten percent (10%) flexibility is allowed between these services and meal services, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment

From General Revenue Fund (0101) .....	\$2,074,704
From Department of Health and Senior Services Federal Fund (0143).....	27,544,641

For the purpose of funding meals to be distributed to each Area Agency on Aging, provided that at least \$500,000 of general revenue be used for non-Medicaid meals to be distributed to each Area Agency on Aging in proportion to the actual number of meals served during the preceding fiscal year, provided that ten percent (10%) flexibility is allowed between these services and grant services, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment

From General Revenue Fund (0101) .....	9,731,016
From Department of Health and Senior Services Federal Fund (0143).....	6,955,359
From Elderly Home Delivered Meals Trust Fund (0296).....	62,958
Total.....	\$46,368,678

**SECTION 10.820.** — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For the purpose of funding Alzheimer's program grants to be used by organizations serving individuals with Alzheimer's disease and their caregivers as well as providing statewide respite assistance and support programs to Missouri families to ease burden, enhance quality of life and reducing the number of persons with Alzheimer's disease who are prematurely or unnecessarily institutionalized, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment

From General Revenue Fund (0101) .....	\$450,000
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Caregiver training programs which include in-home visits that delay the institutionalization of persons with dementia

Expense and Equipment

From General Revenue Fund (0101) .....	100,000
Total.....	\$550,000

**SECTION 10.825.** — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For the purpose of funding Naturally Occurring Retirement Communities provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment

From General Revenue Fund (0101) .....	\$300,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.  
Matter in bold-face type is proposed language.

**SECTION 10.830.** — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For the purpose of providing naturalization assistance to refugees and/or legal immigrants who: have resided in Missouri more than five years, are unable to benefit or attend classroom instruction, and who require special assistance to successfully attain the requirements to become a citizen. Services may include direct tutoring, assistance with identifying and completing appropriate waiver requests to the Immigration and Customs Enforcement agency, and facilitating proper documentation. The department shall award a contract under this section to a qualified not-for-profit organization which can demonstrate its ability to work with this population. A report shall be compiled for the General Assembly evaluating the program's effectiveness in helping senior refugees and immigrants in establishing citizenship and their ability to qualify individuals for Medicare Expense and Equipment

From General Revenue Fund (0101) ..... \$200,000

**\*SECTION 10.900.** — To the Department of Health and Senior Services

For the Division of Regulation and Licensure

For the purpose of funding program operations and support provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service..... \$8,169,965

Expense and Equipment..... 741,416

From General Revenue Fund (0101) ..... 8,911,381

Personal Service..... 12,024,247

Expense and Equipment..... 1,964,178

From Department of Health and Senior Services Federal Fund (0143)..... 13,988,425

Personal Service..... 895,819

Expense and Equipment..... 222,832

From Nursing Facility Quality of Care Fund (0271) ..... 1,118,651

Personal Service..... 66,019

Expense and Equipment..... 13,110

From Mammography Fund (0293) ..... 79,129

Personal Service..... 221,617

Expense and Equipment..... 57,197

From Early Childhood Development, Education and Care Fund (0859) ..... 278,814

For nursing home quality initiatives

Expense and Equipment

From Nursing Facility Reimbursement Allowance Fund (0196)..... 725,000

For the purpose of funding the Bureau of Narcotics and Dangerous Drugs operations and support

Personal Service..... 281,961

Expense and Equipment..... 4,620

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

From General Revenue Fund (0101) .....	286,581
Personal Service.....	77,252
Expense and Equipment.....	<u>10,970</u>
From Health Access Incentive Care Fund (0276).....	88,222
For the Bureau of Narcotics and Dangerous Drugs for a Physician Prescription Monitoring Program	
Personal Service.....	241,156
Expense and Equipment.....	<u>134,257</u>
From General Revenue Fund (0101) .....	375,413
For the purpose of expending Civil Monetary Penalty Funding on Federally approved nursing facility activities and projects	
Expense and Equipment	
From Nursing Facility Quality Care Fund (0271) .....	<u>1,800,000</u>
Total (Not to exceed 462.96 F.T.E.) .....	\$27,651,616

\*I hereby veto \$153,546 general revenue for the Time Critical Diagnosis Unit.

Personal Service by \$153,546 from \$8,169,965 to \$8,016,419 from General Revenue Fund.  
From \$8,911,381 to \$8,757,835 in total from General Revenue Fund.  
From \$27,651,616 to \$27,498,070 in total for the section.

MICHAEL L. PARSON  
GOVERNOR

**SECTION 10.905.** — To the Department of Health and Senior Services  
For the Division of Regulation and Licensure  
For the purpose of funding activities to improve the quality of childcare, increase the availability of early childhood development programs, before and after school care, in home services for families with newborn children, and for general administration of the program

Expense and Equipment  
From Department of Health and Senior Services Federal Fund (0143)..... \$436,675

**SECTION 10.955.** — To the Department of Health and Senior Services  
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund  
From General Revenue Fund (0101) .....\$1

**PART 2**

**SECTION 10.1000.** — To the Department of Mental Health and the Department of Health and Senior Services  
In reference to Sections 10.105, 10.110, 10.113, 10.115, 10.210, 10.225, 10.806 and 10.810 of Part 1 of this act:

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

No funds shall be expended in furtherance of provider rates greater than 101.5% of the rate in effect on January 1, 2018.

In reference to Private Duty Nursing in Sections 10.806 and 10.810 of Part 1 of this act: No funds shall be expended in furtherance of provider rates greater than 104.5% of the rate in effect on January 1, 2018.

**SECTION 10.1005.** — To the Department of Mental Health and the Department of Health and Senior Services

In reference to all sections in Part 1 of this act:

No funds shall be expended on any program that performs abortions or that counsels women to have an abortion other than the exceptions required by federal law.

**SECTION 10.1010.** — To the Department of Mental Health and the Department of Health and Senior Services

In reference to all sections in Part 1 of this act:

No funds shall be expended for the purpose of Medicaid expansion as outlined under the Affordable Care Act.

### PART 3

**SECTION 10.1100.** — To the Department of Mental Health and the Department of Health and Senior Services

In reference to all sections in Part 1 and Part 2 of this act:

No funds shall be expended to any abortion facility as defined in Section 188.015, RSMo, or any affiliate or associate thereof.

#### Department of Mental Health Totals

General Revenue Fund .....	\$812,560,798
Federal Funds .....	1,369,899,271
Other Funds .....	<u>48,752,530</u>
Total .....	\$2,231,212,599

#### Department of Health and Senior Services Totals

General Revenue Fund .....	\$381,771,049
Federal Funds .....	999,652,867
Other Funds .....	<u>22,645,497</u>
Total .....	\$1,404,069,413

Approved June 29, 2018

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CCS SCS HCS HB 2011

**Appropriates money for the expenses, grants, and distributions of the Department of Social Services**

AN ACT To appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**PART 1**

**SECTION 11.000.** — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Social Services in implementing the appropriations found in Part 1 and Part 2 of this act.

**SECTION 11.005.** — To the Department of Social Services for the Office of the Director, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Personal Service.....	\$104,564
Annual salary adjustment in accordance with Section 105.005, RSMo.....	503
Expense and Equipment.....	<u>33,543</u>
From General Revenue Fund (0101) .....	138,610
Personal Service.....	147,765
Annual salary adjustment in accordance with Section 105.005, RSMo.....	76
Expense and Equipment.....	<u>1,197</u>
From Department of Social Services Federal Fund (0610).....	149,038
Personal Service.....	31,081
Annual salary adjustment in accordance with Section 105.005, RSMo.....	<u>63</u>

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

From Child Support Enforcement Fund (0169).....	<u>31,144</u>
Total (Not to exceed 3.25 F.T.E.).....	\$318,792

**SECTION 11.010.** — To the Department of Social Services

For the Office of the Director

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

From Department of Social Services Federal Fund (0610).....	\$4,443,552
From Family Services Donations Fund (0167).....	<u>33,999</u>
Total.....	\$4,477,551

**SECTION 11.015.** — To the Department of Social Services

For the Office of the Director

For the Human Resources Center, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Personal Service.....	\$268,421
Expense and Equipment.....	<u>11,036</u>
From General Revenue Fund (0101) .....	279,457

Personal Service.....	203,515
Expense and Equipment.....	<u>29,749</u>

From Department of Social Services Federal Fund (0610).....	<u>233,264</u>
Total (Not to exceed 10.52 F.T.E.) .....	\$512,721

**SECTION 11.020.** — To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Personal Service.....	\$1,202,202
Expense and Equipment.....	<u>185,578</u>
From General Revenue Fund (0101) .....	1,387,780

Personal Service.....	1,628,718
Expense and Equipment.....	<u>860,039</u>

From Department of Social Services Federal Fund (0610).....	2,488,757
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Expense and Equipment

From Recovery Audit and Compliance Fund (0974).....	82,087
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Personal Service.....	91,115
Expense and Equipment.....	<u>141,886</u>

From Medicaid Provider Enrollment Fund (0990).....	<u>233,001</u>
Total (Not to exceed 76.05 F.T.E.) .....	\$4,191,625

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

**SECTION 11.025.** — To the Department of Social Services  
 For the Office of the Director  
 For the Missouri Medicaid Audit and Compliance Unit  
 For the purpose of funding a case management, provider enrollment, and a fraud  
 abuse and detection system, provided that not more than three percent (3%)  
 flexibility is allowed from this section to Section 11.600  
 Expense and Equipment

From General Revenue Fund (0101) .....	\$917,552
From Department of Social Services Federal Fund (0610).....	<u>4,082,448</u>
Total.....	\$5,000,000

**SECTION 11.030.** — To the Department of Social Services  
 For the Office of the Director  
 For the purpose of funding recovery audit services  
 Expense and Equipment

From Recovery Audit and Compliance Fund (0974).....	\$1,200,000
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**SECTION 11.035.** — To the Department of Social Services  
 For the Division of Finance and Administrative Services, provided that not more  
 than three percent (3%) flexibility is allowed from this section to Section 11.600

Personal Service.....	\$1,769,812
Expense and Equipment.....	<u>375,468</u>
From General Revenue Fund (0101) .....	2,145,280

Personal Service.....	1,078,374
Expense and Equipment.....	<u>170,113</u>
From Department of Social Services Federal Fund (0610).....	1,248,487

Personal Service

From Child Support Enforcement Fund (0169).....	49,281
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Personal Service.....	4,184
Expense and Equipment.....	<u>317</u>
From Department of Social Services Administrative Trust Fund (0545).....	4,501

For the purpose of funding the centralized inventory system, for reimbursable  
 goods and services provided by the department, and for related equipment  
 replacement and maintenance expenses

From Department of Social Services Administrative Trust Fund (0545) .....	<u>1,200,000</u>
Total (Not to exceed 65.95 F.T.E.) .....	\$4,647,549

**SECTION 11.040.** — To the Department of Social Services  
 For the Division of Finance and Administrative Services  
 For the payment of fees to contractors who engage in revenue maximization  
 projects on behalf of the Department of Social Services

From Department of Social Services Federal Fund (0610).....	\$3,250,000
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 Matter in bold-face type is proposed language.

**SECTION 11.045.** — To the Department of Social Services  
For the Division of Finance and Administrative Services  
For the purpose of funding the receipt and disbursement of refunds and incorrectly deposited receipts to allow the over collection of accounts receivables to be paid back to the recipient

From Title XIX Federal Fund (0163) .....	\$5,821,789
From Federal and Other Fund (0189) .....	1,500,000
From Temporary Assistance for Needy Families Federal Fund (0199).....	27,000
From Department of Social Services Federal Fund (0610).....	5,000,000
From Pharmacy Rebates Fund (0114) .....	25,000
From Third Party Liability Collections Fund (0120).....	369,000
From Premium Fund (0885).....	<u>2,827,100</u>
Total.....	\$15,569,889

**SECTION 11.050.** — To the Department of Social Services  
For the Division of Finance and Administrative Services  
For the purpose of funding payments to counties and the City of St. Louis toward the care and maintenance of each delinquent or dependent child as provided in Section 211.156, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

From General Revenue Fund (0101) .....	\$1,354,000
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**SECTION 11.055.** — To the Department of Social Services  
For the Division of Legal Services, provided that any positions added to this section in fiscal year 2019 include not less than one investigator position dedicated to child fatality investigations, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Personal Service.....	\$1,807,412
Expense and Equipment.....	<u>49,322</u>
From General Revenue Fund (0101) .....	1,856,734
Personal Service.....	3,157,637
Expense and Equipment.....	<u>390,834</u>
From Department of Social Services Federal Fund (0610).....	3,548,471
Personal Service.....	588,048
Expense and Equipment.....	<u>90,076</u>
From Third Party Liability Collections Fund (0120).....	678,124
Personal Service	
From Child Support Enforcement Fund (0169).....	<u>168,409</u>
Total (Not to exceed 129.88 F.T.E.) .....	\$6,251,738

**SECTION 11.060.** — To the Department of Social Services  
For the Family Support Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Personal Service.....	\$1,374,154
Expense and Equipment.....	<u>8,407</u>

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Matter in bold-face type is proposed language.

From General Revenue Fund (0101) .....	1,382,561
Personal Service.....	655,576
Expense and Equipment.....	<u>1,906,084</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	2,561,660
Personal Service.....	4,745,088
Expense and Equipment.....	<u>8,974,775</u>
From Department of Social Services Federal Fund (0610).....	13,719,863
Personal Service	
From Child Support Enforcement Fund (0169).....	<u>569,159</u>
Total (Not to exceed 166.10 F.T.E.) .....	<u>\$18,233,243</u>

**SECTION 11.065.** — To the Department of Social Services

For the Family Support Division

For the income maintenance field staff and operations, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Personal Service.....	\$14,960,986
Expense and Equipment.....	<u>3,207,874</u>
From General Revenue Fund (0101) .....	18,168,860
Personal Service.....	20,255,815
Expense and Equipment.....	<u>2,654,182</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	22,909,997
Personal Service.....	33,076,314
Expense and Equipment.....	<u>8,050,631</u>
From Department of Social Services Federal Fund (0610).....	41,126,945
Personal Service.....	820,916
Expense and Equipment.....	<u>27,917</u>
From Health Initiatives Fund (0275).....	<u>848,833</u>
Total (Not to exceed 2,052.73 F.T.E.) .....	<u>\$83,054,635</u>

**SECTION 11.070.** — To the Department of Social Services

For the Family Support Division

For income maintenance and child support staff training, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Expense and Equipment	
From General Revenue Fund (0101) .....	\$111,397
From Department of Social Services Federal Fund (0610).....	<u>131,270</u>
Total.....	<u>\$242,667</u>

**SECTION 11.075.** — To the Department of Social Services

For the Family Support Division

For the purpose of funding the electronic benefit transfers (EBT) system

Expense and Equipment	
From General Revenue Fund (0101) .....	<u>\$1,696,622</u>

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

From Temporary Assistance for Needy Families Federal Fund (0199).....	146,888
From Department of Social Services Federal Fund (0610).....	<u>1,399,859</u>
Total.....	\$3,243,369

**SECTION 11.080.** — To the Department of Social Services

For the Family Support Division

For the purpose of funding the receipt of funds from the Polk County and Bolivar Charitable Trust for the exclusive benefit and use of the Polk County Office

From Family Services Donations Fund (0167).....	\$10,000
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**SECTION 11.085.** — To the Department of Social Services

For the Family Support Division

For the purpose of funding contractor, hardware, and other costs associated with planning, development, and implementation of a Family Assistance Management Information System (FAMIS), provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600 Expense and Equipment

From General Revenue Fund (0101) .....	\$575,453
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,084,032
From Department of Social Services Federal Fund (0610).....	<u>138,339</u>
Total.....	\$1,797,824

**SECTION 11.090.** — To the Department of Social Services

For the Family Support Division

For the purpose of planning, designing, and purchasing an eligibility and enrollment system, provided the Department of Social Services shall procure a contractor to provide verification of initial and ongoing eligibility data for assistance under the supplemental nutrition assistance program, temporary assistance for needy families, MO HealthNet, child care services, and any other assistance programs as directed by the General Assembly; the contractor shall utilize public records as well as other established, credible data sources to evaluate income, resources, and assets of each applicant on no less than a quarterly basis; the contractor shall also, on a monthly basis, identify participants of covered programs who have died, moved out of state, or been incarcerated longer than 90 days, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Expense and Equipment

From General Revenue Fund (0101) .....	\$7,566,986
From Department of Social Services Federal Fund (0610).....	63,459,631
From Health Initiatives Fund (0275).....	<u>1,000,000</u>
Total.....	\$72,026,617

**SECTION 11.095.** — To the Department of Social Services

For the Family Support Division

For grants and contracts to Community Partnerships and other community initiatives and related expenses, provided that not more than ten percent (10%) flexibility is allowed between this section and Section 11.110, and

further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

From General Revenue Fund (0101) .....	\$632,328
From Temporary Assistance for Needy Families Federal Fund (0199).....	4,201,624
From Department of Social Services Federal Fund (0610).....	3,402,175

For the Missouri Mentoring Partnership

From Temporary Assistance for Needy Families Federal Fund (0199).....	508,700
From Department of Social Services Federal Fund (0610).....	935,000

For a program for adolescents with the goal of preventing teen pregnancies to be distributed to an organization that: provides structured after school and summer activities for at risk youth; provides tested and proven programs other than the Adolescent Program funded herein; utilizes trained youth development personnel; and maintains a dedicated youth centric facility and provides services at a minimum of 10 locations throughout the state

From Temporary Assistance for Needy Families Federal Fund (0199).....	600,000
Total.....	\$10,279,827

**SECTION 11.100.** — To the Department of Social Services

For the Family Support Division

For the purpose of funding the Food Nutrition and Employment Training Programs.....	\$14,343,755
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For the purpose of funding the Missouri SkillUp Program.....	5,500,000
From Department of Social Services Federal Fund (0610).....	\$19,843,755

**SECTION 11.105.** — To the Department of Social Services

For the Family Support Division

For the purpose of funding the Healthcare Industry Training and Education (HITE) Program, under the provisions of the Health Profession Opportunity Grant (HPOG) From Department of Social Services Federal Fund (0610).....	\$3,000,000
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**SECTION 11.110.** — To the Department of Social Services

For the Family Support Division, provided that not more than ten percent (10%) flexibility is allowed between this section and Section 11.095, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

For the purpose of funding Temporary Assistance for Needy Families (TANF) benefits; Temporary Assistance (TA) Diversion transitional benefits and payments to qualified agencies for TANF or TANF Maintenance of Effort activities, provided that total funding herein is sufficient to fund TANF benefits

From General Revenue Fund (0101) .....	\$3,856,800
From Temporary Assistance for Needy Families Federal Fund (0199).....	39,507,541

For the purpose of funding work assistance programs

From General Revenue Fund (0101) .....	1,855,554
From Temporary Assistance for Needy Families Federal Fund (0199).....	35,394,658

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

For support to Food Banks' effort to provide services and food to low income individuals From Temporary Assistance for Needy Families Federal Fund (0199).....	10,000,000
For the purpose of funding payments to qualified agencies for TANF or TANF maintenance of effort after school and out of school support programs From Temporary Assistance for Needy Families Federal Fund (0199).....	3,000,000
For the Summer Jobs Program From Temporary Assistance for Needy Families Federal Fund (0199).....	5,500,000
For the purpose of funding the attendance of low-income individuals at adult high schools as designated by the Department of Elementary and Secondary Education From Temporary Assistance for Needy Families Federal Fund (0199).....	3,000,000
For the purpose of funding the Foster Care Jobs program From Temporary Assistance for Needy Families Federal Fund (0199).....	1,000,000
For the purpose of funding an evidence-based program through a school-based early warning and response system that improves student attendance, behavior and course performance in reading and math by identifying the root causes for student absenteeism, classroom disruption and course failure From Temporary Assistance for Needy Families Federal Fund (0199).....	500,000
For the purpose of funding services that provide assistance and engagement to address critical areas of need for low-income individuals, families, and children located in a city not within a county From Temporary Assistance for Needy Families Federal Fund (0199).....	100,000
For Jobs for America's Graduates From Temporary Assistance for Needy Families Federal Fund (0199).....	1,000,000
Total.....	\$104,714,553

**SECTION 11.115.** — To the Department of Social Services

For the Family Support Division	
For the purpose of funding alternatives to abortion services, including the provision of diapers and other infant hygiene products to women who qualify for alternative to abortion services	
From General Revenue Fund (0101) .....	\$2,033,561
From Temporary Assistance for Needy Families Federal Fund (0199).....	4,300,000
From Department of Social Services Federal Fund (0610).....	50,000
For the alternatives to abortion public awareness program From General Revenue Fund (0101) .....	75,000
For the purpose of funding a healthy marriage and fatherhood initiative From Temporary Assistance for Needy Families Federal Fund (0199).....	2,500,000
Total.....	\$8,958,561

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

**SECTION 11.120.** — To the Department of Social Services  
 For the Family Support Division  
 For the purpose of funding supplemental payments to aged or disabled persons  
 From General Revenue Fund (0101) ..... \$25,525

**SECTION 11.125.** — To the Department of Social Services  
 For the Family Support Division  
 For the purpose of funding nursing care payments to aged, blind, or disabled  
 persons, and for personal funds to recipients of Supplemental Nursing Care  
 payments as required by Section 208.030, RSMo  
 From General Revenue Fund (0101) ..... \$25,420,885

**SECTION 11.130.** — To the Department of Social Services  
 For the Family Support Division  
 For the purpose of funding Blind Pension and supplemental payments to blind  
 persons, provided that the Department of Social Services, whenever it  
 calculates a new estimated rate or rates for the Blind Pension and/or  
 supplemental payments to blind persons for the upcoming fiscal year, shall  
 transmit the new estimated rate or rates, as well as the accompanying  
 assumptions and calculations used to create the new estimated rate or rates,  
 to the following organizations: Missouri Council for the Blind, National  
 Federation of the Blind of Missouri, and the State Rehabilitation Council  
 From General Revenue Fund (0101) ..... \$3,917,114  
 From Blind Pension Fund (0621)..... 35,762,368

For payments to Eligible Members in accordance with the class action settlement  
 agreement entered into by the Department of Social Services in resolution  
 of case number 06AC-CC00123-03  
 From General Revenue Fund (0101) ..... 15,750,000  
 Total..... \$55,429,482

**SECTION 11.135.** — To the Department of Social Services  
 For the Family Support Division  
 For the purpose of funding benefits and services as provided by the Refugee Act  
 of 1980 as amended  
 From Department of Social Services Federal Fund (0610)..... \$35,000

**SECTION 11.140.** — To the Department of Social Services  
 For the Family Support Division  
 For the purpose of funding community services programs provided by  
 Community Action Agencies or other not-for-profit organizations under the  
 provisions of the Community Services Block Grant  
 From Department of Social Services Federal Fund (0610)..... \$23,637,000

**SECTION 11.145.** — To the Department of Social Services  
 For the Family Support Division  
 For the purpose of funding the Emergency Solutions Grant Program  
 From Department of Social Services Federal Fund (0610)..... \$4,130,000

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

**SECTION 11.150.** — To the Department of Social Services  
 For the Family Support Division  
 For the purpose of funding the Food Distribution Program and the receipt and  
 disbursement of Donated Food Program payments  
 From Department of Social Services Federal Fund (0610).....\$1,500,000

**SECTION 11.155.** — To the Department of Social Services  
 For the Family Support Division  
 For the purpose of funding the Low Income Home Energy Assistance Program,  
 provided that ten percent (10%), up to \$7,750,000, be used for the Low-  
 Income Weatherization Assistance Program (LIWAP) administered by the  
 Division of Energy within the Department of Economic Development  
 From Department of Social Services Federal Fund (0610).....\$77,547,867

For the Low-Income Weatherization Assistance Program (LIWAP) administered by the  
 Division of Energy within the Department of Economic Development, in addition  
 to any other appropriations made for this purpose elsewhere in this section  
 From Energy Futures Fund (0935).....1,000,000  
 Total.....\$78,547,867

**SECTION 11.160.** — To the Department of Social Services  
 For the Family Support Division  
 For the purpose of funding grants to not-for-profit organizations for services and  
 programs to assist victims of domestic violence, provided that not more than  
 three percent (3%) flexibility is allowed from this section to Section 11.600  
 From General Revenue Fund (0101) .....\$5,000,000  
 From Temporary Assistance for Needy Families Federal Fund (0199)..... 1,600,000  
 From Department of Social Services Federal Fund (0610).....3,956,524

For the purpose of funding emergency shelter services to assist victims of  
 domestic violence  
 From Temporary Assistance for Needy Families Federal Fund (0199).....562,137  
 Total.....\$11,118,661

**SECTION 11.165.** — To the Department of Social Services  
 For the Family Support Division  
 For the Victims of Crime Program  
     Personal Service.....\$357,750  
     Expense and Equipment..... 201,097  
 Program Specific Distribution.....45,125,000  
 From Department of Social Services Federal Fund (0610) (Not to exceed 9.00  
 F.T.E.).....\$45,683,847

**SECTION 11.170.** — To the Department of Social Services  
 For the Family Support Division  
 For the purpose of funding grants to not-for-profit organizations for services and  
 programs to assist victims of sexual assault, provided that not more than  
 three percent (3%) flexibility is allowed from this section to Section 11.600

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From General Revenue Fund (0101) .....	\$750,000
From Department of Social Services Federal Fund (0610).....	<u>160,000</u>
Total.....	\$910,000

**SECTION 11.175.** — To the Department of Social Services

For the Family Support Division

For the purpose of funding administration of blind services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Personal Service.....	\$801,541
Expense and Equipment.....	<u>132,737</u>
From General Revenue Fund (0101) .....	934,278

Personal Service.....	3,097,139
Expense and Equipment.....	<u>743,274</u>
From Department of Social Services Federal Fund (0610).....	<u>3,840,413</u>
Total (Not to exceed 102.69 F.T.E.) .....	\$4,774,691

**SECTION 11.180.** — To the Department of Social Services

For the Family Support Division

For the purpose of funding services for the visually impaired, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

From General Revenue Fund (0101) .....	\$1,483,831
From Department of Social Services Federal Fund (0610).....	6,372,075
From Family Services Donations Fund (0167).....	99,995
From Blindness Education, Screening and Treatment Program Fund (0892).....	<u>349,000</u>
Total.....	\$8,304,901

**SECTION 11.185.** — To the Department of Social Services

For the Family Support Division

For the purpose of supporting business enterprise programs for the blind

From Department of Social Services Federal Fund (0610).....	\$35,000,000
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**SECTION 11.190.** — To the Department of Social Services

For the Family Support Division

For the purpose of funding Child Support Enforcement field staff and operations, provided that no more than ten percent (10%) flexibility is allowed between personal service and expense and equipment within this section to allow staff or contractual services to complete child support interstate collection activities, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Personal Service.....	\$2,998,060
Expense and Equipment.....	<u>3,867,086</u>
From General Revenue Fund (0101) .....	6,865,146

Personal Service.....	16,236,785
Expense and Equipment.....	<u>7,192,819</u>

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From Department of Social Services Federal Fund (0610).....	23,429,604
Personal Service.....	2,210,255
Expense and Equipment.....	<u>959,784</u>
From Child Support Enforcement Fund (0169).....	3,170,039
For Child Support Mediation	
Expense and Equipment	
From Child Support Enforcement Fund (0169).....	<u>615,000</u>
Total (Not to exceed 651.24 F.T.E.) .....	<u>\$34,079,789</u>

**SECTION 11.195.** — To the Department of Social Services

For the Family Support Division

For the purpose of funding reimbursements to counties and the City of St. Louis and contractual agreements with local governments providing child support services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

From General Revenue Fund (0101) .....	\$2,240,491
From Department of Social Services Federal Fund (0610).....	14,886,582
From Child Support Enforcement Fund (0169).....	<u>400,212</u>
Total.....	<u>\$17,527,285</u>

**SECTION 11.200.** — To the Department of Social Services

For the Family Support Division

For the purpose of funding reimbursements to the federal government for federal Temporary Assistance for Needy Families payments, refunds of bonds, refunds of support payments or overpayments, and distributions to families

From Department of Social Services Federal Fund (0610).....	\$51,500,000
From Debt Offset Escrow Fund (0753).....	<u>9,000,000</u>
Total.....	<u>\$60,500,000</u>

**SECTION 11.205.** — To the Department of Social Services

Funds are to be transferred out of the State Treasury, chargeable to the Debt Offset Escrow Fund, to the Department of Social Services Federal Fund

From Debt Offset Escrow Fund (0753).....	\$955,000
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Funds are to be transferred out of the State Treasury, chargeable to the Debt Offset Escrow Fund, to the Child Support Enforcement Fund

From Debt Offset Escrow Fund (0753).....	<u>245,000</u>
Total.....	<u>\$1,200,000</u>

**SECTION 11.210.** — To the Department of Social Services

For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Personal Service.....	\$719,758
Expense and Equipment.....	<u>30,236</u>
From General Revenue Fund (0101) .....	749,994

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.  
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Personal Service.....	3,293,538
Expense and Equipment.....	<u>2,661,367</u>
From Department of Social Services Federal Fund (0610).....	5,954,905
Personal Service.....	47,124
Expense and Equipment.....	<u>11,548</u>
From Early Childhood Development, Education and Care Fund (0859) .....	58,672
Expense and Equipment	
From Third Party Liability Collections Fund (0120).....	<u>50,000</u>
Total (Not to exceed 87.94 F.T.E.) .....	\$6,813,571

**SECTION 11.215.** — To the Department of Social Services

For the Children's Division, provided that not more than ten percent (10%) flexibility is allowed between this section and Section 11.250, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

For the Children's Division field staff and operations

Personal Service.....	\$32,285,090
Expense and Equipment.....	<u>2,629,691</u>
From General Revenue Fund (0101) .....	34,914,781

Personal Service.....	46,264,039
Expense and Equipment.....	<u>4,665,971</u>
From Department of Social Services Federal Fund (0610).....	50,930,010

Personal Service.....	73,208
Expense and Equipment.....	<u>27,846</u>
From Health Initiatives Fund (0275).....	101,054

For the purpose of funding recruitment and retention services

From General Revenue Fund (0101) .....	572,787
From Department of Social Services Federal Fund (0610).....	<u>793,132</u>
Total (Not to exceed 1,958.38 F.T.E.) .....	\$87,311,764

**SECTION 11.220.** — To the Department of Social Services

For the Children's Division

For Children's Division staff training, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Expense and Equipment	
From General Revenue Fund (0101) .....	\$949,616
From Department of Social Services Federal Fund (0610).....	<u>477,142</u>
Total.....	\$1,426,758

**SECTION 11.225.** — To the Department of Social Services

For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

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

For the purpose of funding children's treatment services including, but not limited to, home based services, day treatment services, preventive services, child care, family reunification services, or intensive in home services

From General Revenue Fund (0101) .....	\$12,493,368
From Temporary Assistance for Needy Families Federal Fund (0199).....	2,573,418
From Department of Social Services Federal Fund (0610).....	7,088,175
For the purpose of funding crisis care	
From General Revenue Fund (0101) .....	<u>2,050,000</u>
Total.....	\$24,204,961

**SECTION 11.230.** — To the Department of Social Services

For the Children's Division

For the purpose of funding grants to community-based programs to strengthen the child welfare system locally to prevent child abuse and neglect and divert children from entering into the custody of the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

From General Revenue Fund (0101) .....	\$3,074,500
From Temporary Assistance for Needy Families Federal Fund (0199).....	<u>1,290,000</u>
Total.....	\$4,364,500

**SECTION 11.235.** — To the Department of Social Services

For the Children's Division

For the purpose of funding placement costs including foster care payments; related services; expenses related to training of foster parents; residential treatment placements and therapeutic treatment services; and for the diversion of children from inpatient psychiatric treatment and services provided through comprehensive, expedited permanency systems of care for children and families, provided that no children enrolled in or receiving foster care services shall have any additional behavioral health services administered through a managed care entity, other than the services required pursuant to the MO HealthNet managed care contract in effect on May 1, 2018, until the Department of Social Services and the Department of Mental Health have jointly submitted a plan regarding the design of the management of additional behavioral health services for children in foster care to any interested stakeholders and the House Budget and Senate Appropriations Committees, and such plan has been approved in the respective budgets, and further provided that not more than five percent (5%) flexibility is allowed between this section and Sections 11.255 and 11.265

From General Revenue Fund (0101) .....	\$82,072,392
From Department of Social Services Federal Fund (0610).....	40,731,528
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,366,385

For the purpose of funding placement costs in an outdoor learning residential licensed or accredited program located in south central Missouri related to the treatment of foster children

From General Revenue (0101).....	<u>183,385</u>
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.  
Matter in bold-face type is proposed language.

From Department of Social Services Federal Fund (0610).....	316,615
For the purpose of funding awards to licensed community based foster care and adoption recruitment programs	
From Foster Care and Adoptive Parents Recruitment and Retention Fund (0979).....	15,000
Total.....	\$124,685,305

**SECTION 11.240.** — To the Department of Social Services

For the Children's Division	
For the purpose of funding contractual payments for expenses related to training of foster parents	
From General Revenue Fund (0101) .....	\$403,479
From Department of Social Services Federal Fund (0610).....	172,920
Total.....	\$576,399

**SECTION 11.245.** — To the Department of Social Services

For the Children's Division	
For the purpose of funding costs associated with attending post-secondary education including, but not limited to: tuition, books, fees, room, and board for current or former foster youth, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600	
From General Revenue Fund (0101) .....	\$188,848
From Temporary Assistance for Needy Families Federal Fund (0199).....	450,000
From Department of Social Services Federal Fund (0610).....	1,050,000
Total.....	\$1,688,848

**SECTION 11.250.** — To the Department of Social Services

For the Children's Division	
For the purpose of providing comprehensive case management contracts through community based organizations as described in Section 210.112, RSMo; the purpose of these contracts shall be to provide a system of care for children living in foster care, independent living, or residential care settings; services eligible under this provision may include, but are not limited to, case management, foster care, residential treatment, intensive in home services, family reunification services, and specialized recruitment and training of foster care families, provided that not more than ten percent (10%) flexibility is allowed between this section and Section 11.215, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600	
From General Revenue Fund (0101) .....	\$21,814,120
From Department of Social Services Federal Fund (0610).....	17,369,683
Total.....	\$39,183,803

**SECTION 11.255.** — To the Department of Social Services

For the Children's Division	
For the purpose of funding Adoption and Guardianship subsidy payments and related services, provided that not more than five percent (5%) flexibility is allowed between this section and Sections 11.235 and 11.265	

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Matter in bold-face type is proposed language.

From General Revenue Fund (0101) .....	\$66,044,996
From Department of Social Services Federal Fund (0610).....	<u>23,916,291</u>
Total.....	\$89,961,287

**SECTION 11.260.** — To the Department of Social Services

For the Children's Division

For the purpose of funding Adoption Resource Centers, provided that not more than fifty percent (50%) flexibility is allowed between this subsection and the extreme recruitment program within this section

From General Revenue Fund (0101) .....	\$875,000
From Department of Social Services Federal Fund (0610).....	600,000

For the purpose of funding extreme recruitment for older youth with significant mental health and behavioral issues, provided that not more than fifty percent (50%) flexibility is allowed between this subsection and adoption resource centers within this section

From General Revenue Fund (0101) .....	875,000
From Department of Social Services Federal Fund (0610).....	900,000

For the purpose of funding the Community Connections for Youth Program for an adoption resource center located in southwest Missouri and one center located in western Missouri to provide advocacy support services for youth between the ages of sixteen and twenty-six to: prevent foster care youth from becoming missing, locate missing foster care youth, prevent sex trafficking of foster care youth, and assist youth who have aged out of the foster care system

From Department of Social Services Federal Fund (0610).....	<u>600,000</u>
Total.....	\$3,850,000

**SECTION 11.265.** — To the Department of Social Services

For the Children's Division

For the purpose of funding independent living placements and transitional living services, provided that not more than five percent (5%) flexibility is allowed between this section and Sections 11.235 and 11.255

From General Revenue Fund (0101) .....	\$2,097,584
From Department of Social Services Federal Fund (0610).....	<u>3,821,203</u>
Total.....	\$5,918,787

**SECTION 11.270.** — To the Department of Social Services

For the Children's Division

For the purpose of funding Regional Child Assessment Centers, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

From General Revenue Fund (0101) .....	\$1,649,475
From Department of Social Services Federal Fund (0610).....	800,000
From Health Initiatives Fund (0275).....	<u>501,048</u>
Total.....	\$2,950,523

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

**SECTION 11.275.** — To the Department of Social Services  
 For the Children's Division  
 For the purpose of funding residential placement payments to counties for  
 children in the custody of juvenile courts  
 From Department of Social Services Federal Fund (0610)..... \$400,000

**SECTION 11.280.** — To the Department of Social Services  
 For the Children's Division  
 For the purpose of funding CASA IV-E allowable training costs  
 From Department of Social Services Federal Fund (0610)..... \$200,000

**SECTION 11.285.** — To the Department of Social Services  
 For the Children's Division  
 For the purpose of funding the Child Abuse and Neglect Prevention Grant and  
 Children's Justice Act Grant  
 From Department of Social Services Federal Fund (0610)..... \$188,316

Section 11.290. To the Department of Social Services  
 For the Children's Division  
 For the purpose of funding transactions involving personal funds of children in  
 the custody of the Children's Division  
 From Alternative Care Trust Fund (0905)..... \$13,000,000

**SECTION 11.295.** — To the Department of Social Services  
 For the Children's Division, provided that not more than three percent (3%)  
 flexibility is allowed from this section to Section 11.600  
 For the purpose of funding child care services, the general administration of the  
 programs, including development and implementation of automated  
 systems to enhance time, attendance reporting, contract compliance and  
 payment accuracy, and to support the Educare Program; provided that the  
 income thresholds for childcare subsidies shall be a full benefit for  
 individuals with an income which is less than or equal to 138 percent of the  
 federal poverty level; a benefit of 75 percent for individuals with an income  
 which is less than or equal to 165 percent of the federal poverty level but  
 greater than 138 percent of the federal poverty level; a benefit of 50 percent  
 for individuals with an income which is less than or equal to 190 percent of  
 the federal poverty level but greater than 165 percent of federal poverty  
 level; a benefit of 25 percent for individuals with an income which is less  
 than or equal to 215 percent of the federal poverty level but greater than 190  
 percent of federal poverty level, and further provided that all funds available  
 for disproportionate share rate increases shall go only to licensed or  
 religiously exempt in compliance providers who are accredited or making  
 progress toward accreditation, and further provided that the Children's  
 Division may provide one time funding to providers, not to exceed \$5,000  
 per provider, to assist providers who otherwise meet the department's  
 qualifications, to meet requirements for accreditation  
 From General Revenue Fund (0101) ..... \$33,782,158  
**From Department of Social Services Federal Fund (0610)..... 113,059,215**

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

From Temporary Assistance for Needy Families Fund (0199) .....	37,857,515
From Early Childhood Development, Education and Care Fund (0859) .....	7,574,500
Personal Service	
From General Revenue Fund (0101) .....	13,662
Personal Service	
From Department of Social Services Federal Fund (0610).....	488,679
For the purpose of funding early childhood development, education, and care programs for low income families	
From General Revenue Fund (0101) .....	3,500,000
For the purpose of funding the Hand Up pilot program	
From General Revenue Fund (0101) .....	40,000
From Department of Social Services Federal Fund (0610).....	60,000
Total (Not to exceed 12.00 F.T.E.) .....	\$196,375,729

**SECTION 11.300.** — To the Department of Social Services

For the Division of Youth Services

For the purpose of funding Central Office and regional offices, provided that not  
more than three percent (3%) flexibility is allowed from this section to  
Section 11.600

Personal Service.....	\$1,214,553
Expense and Equipment.....	80,694
From General Revenue Fund (0101) .....	1,295,247
Personal Service.....	515,128
Expense and Equipment.....	100,340
From Department of Social Services Federal Fund (0610).....	615,468
Expense and Equipment	
From Youth Services Treatment Fund (0843) .....	999
Total (Not to exceed 39.30 F.T.E.) .....	\$1,911,714

**SECTION 11.305.** — To the Department of Social Services

For the Division of Youth Services

For the purpose of funding treatment services, including foster care and  
contractual payments, provided that not more than three percent (3%)  
flexibility is allowed from this section to Section 11.600

Personal Service.....	\$15,982,661
Expense and Equipment.....	740,399
From General Revenue Fund (0101) .....	16,723,060
Personal Service.....	22,714,815
Expense and Equipment.....	6,299,111
From Department of Social Services Federal Fund (0610).....	29,013,926
Personal Service.....	3,267,564

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Expense and Equipment.....	<u>3,852,302</u>
From DOSS Educational Improvement Fund (0620) .....	7,119,866
Personal Service.....	138,387
Expense and Equipment.....	<u>9,106</u>
From Health Initiatives Fund (0275).....	147,493
Expense and Equipment	
From Youth Services Products Fund (0764).....	5,000
For the purpose of paying overtime to non-exempt state employees and/or paying otherwise authorized personal service expenditures in lieu of such overtime payments; non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds to be used to pay overtime to any other state employees	
From General Revenue Fund (0101) .....	895,221
For the purpose of funding payment distribution of Social Security benefits received on behalf of youth in care	
From Division of Youth Services Child Benefits Fund (0727) .....	<u>200,000</u>
Total (Not to exceed 1,164.88 F.T.E.) .....	<u>\$54,104,566</u>

**SECTION 11.310.** — To the Department of Social Services

For the Division of Youth Services	
For the purpose of funding incentive payments to counties for community based treatment programs for youth, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600	
From General Revenue Fund (0101) .....	\$3,479,486
From Gaming Commission Fund (0286) .....	<u>500,000</u>
Total.....	<u>\$3,979,486</u>

**SECTION 11.400.** — To the Department of Social Services

For the MO HealthNet Division	
For the purpose of funding administrative services, provided that not more than one-quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.435, 11.455, 11.470, 11.480, 11.505, and 11.510, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600	
Personal Service.....	\$2,971,252
Expense and Equipment.....	<u>8,963,766</u>
From General Revenue Fund (0101) .....	11,935,018
Personal Service.....	5,895,206
Expense and Equipment.....	<u>11,604,743</u>
From Department of Social Services Federal Fund (0610).....	17,499,949
Personal Service.....	422,795
Expense and Equipment.....	<u>55,553</u>

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From Pharmacy Rebates Fund (0114).....	478,348
Personal Service.....	402,781
Expense and Equipment.....	<u>488,041</u>
From Third Party Liability Collections Fund (0120).....	890,822
Personal Service.....	98,453
Expense and Equipment.....	<u>7,708</u>
From Federal Reimbursement Allowance Fund (0142).....	106,161
Personal Service.....	26,777
Expense and Equipment.....	<u>356</u>
From Pharmacy Reimbursement Allowance Fund (0144).....	27,133
Personal Service.....	86,951
Expense and Equipment.....	<u>10,281</u>
From Nursing Facility Quality of Care Fund (0271).....	97,232
Personal Service.....	433,997
Expense and Equipment.....	<u>41,385</u>
From Health Initiatives Fund (0275).....	475,382
Personal Service.....	45,167
Expense and Equipment.....	<u>372</u>
From Ground Emergency Medical Transportation Fund (0422).....	45,539
Personal Service.....	
From Missouri Rx Plan Fund (0779).....	358,726
Personal Service.....	18,590
Expense and Equipment.....	<u>3,466</u>
From Ambulance Service Reimbursement Allowance Fund (0958).....	<u>22,056</u>
Total (Not to exceed 234.70 F.T.E.).....	\$31,936,366

**SECTION 11.405.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding clinical services management related to the administration of the MO HealthNet Pharmacy fee for service and managed care programs and administration of the Missouri Rx Plan, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Expense and Equipment	
From General Revenue Fund (0101).....	\$461,917
From Department of Social Services Federal Fund (0610).....	12,214,032
From Pharmacy Rebates Fund (0114).....	1,497,648
From Third Party Liability Collections Fund (0120).....	924,911
From Missouri Rx Plan Fund (0779).....	<u>62,947</u>
Total.....	\$15,161,455

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**SECTION 11.410.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding women and minority health care outreach programs, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.435, 11.455, 11.460, 11.465, 11.470, 11.480, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

Expense and Equipment

From General Revenue Fund (0101) .....	\$529,796
From Department of Social Services Federal Fund (0610).....	<u>568,625</u>
Total.....	\$1,098,421

**SECTION 11.415.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding fees associated with third party collections and other revenue maximization cost avoidance fees

Expense and Equipment

From Department of Social Services Federal Fund (0610).....	\$4,250,000
From Third Party Liability Collections Fund (0120).....	<u>4,250,000</u>
Total.....	\$8,500,000

**SECTION 11.420.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding the operation of the information systems, provided that not more than one-quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.435, 11.455, 11.470, 11.480, 11.505, and 11.510, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

From General Revenue Fund (0101) .....	\$21,575,946
From Department of Social Services Federal Fund (0610).....	61,206,127
From Health Initiatives Fund (0275).....	1,591,687
From Uncompensated Care Fund (0108).....	<u>430,000</u>
Total.....	\$84,803,760

**SECTION 11.425.** — To the Department of Social Services

For the MO HealthNet Division

For Healthcare Technology Incentives and administration

From Federal Stimulus Social Services Fund (2292).....	\$28,000,000
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**SECTION 11.430.** — To the Department of Social Services

For the MO HealthNet Division

For the Money Follows the Person Program

From Department of Social Services Federal Fund (0610).....	\$532,549
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**SECTION 11.435.** — To the Department of Social Services

For the MO HealthNet Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.  
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For the purpose of funding: pharmaceutical payments under the MO HealthNet fee for service program, professional fees for pharmacists, professional fees implementing the CMS Covered Outpatient Therapy rule, a generic incentive adjustment of \$1, a comprehensive chronic care risk management program, and clinical medication therapy services (MTS) provided by pharmacists with MTS Certificates as allowed under 338.010 RSMo. to MO HealthNet (MHD) participants, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.480, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595, and further provided that not more than one-quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.400 and 11.420

From General Revenue Fund (0101) .....	\$79,111,633
From Title XIX - Federal Fund (0163) .....	761,603,995
From Pharmacy Rebates Fund (0114) .....	236,745,912
From Third Party Liability Collections Fund (0120) .....	4,217,574
From Pharmacy Reimbursement Allowance Fund (0144) .....	64,827,527
From Health Initiatives Fund (0275) .....	3,543,350
From Life Sciences Research Trust Fund (0763) .....	10,556,250
From Premium Fund (0885) .....	3,800,000

For the purpose of funding Medicare Part D Clawback payments, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.480, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595, and further provided that not more than one-quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.400 and 11.420

From General Revenue Fund (0101) .....	<u>226,750,733</u>
Total .....	\$1,391,156,974

**SECTION 11.436.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding pharmaceutical payments under the Missouri Rx Plan authorized by Sections 208.780 through 208.798, RSMo. for individuals who are eligible for both MO HealthNet and Medicare

From General Revenue Fund (0101) .....	\$6,715,564
From Missouri Rx Plan Fund (0779) .....	<u>4,655,326</u>
Total .....	\$11,370,890

**SECTION 11.440.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding Pharmacy Reimbursement Allowance payments as provided by law

From Pharmacy Reimbursement Allowance Fund (0144) .....	\$108,308,926
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**SECTION 11.445.** — To the Department of Social Services

Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Pharmacy Reimbursement Allowance Fund

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Matter in bold-face type is proposed language.

From General Revenue Fund (0101) .....\$38,737,111

**SECTION 11.450.** — To the Department of Social Services

Funds are to be transferred out of the State Treasury, chargeable to the Pharmacy Reimbursement Allowance Fund, to the General Revenue Fund as a result of recovering the Pharmacy Reimbursement Allowance Fund

From Pharmacy Reimbursement Allowance Fund (0144) .....\$38,737,111

**SECTION 11.455.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician sponsored services and fees, laboratory and x ray services, asthma related services, and family planning services under the MO HealthNet fee for service program, and for a comprehensive chronic care risk management program and Major Medical Prior Authorization, and for piloting the development of health homes for children in foster care, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.410, 11.435, 11.460, 11.465, 11.470, 11.480, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595, and further provided that not more than one-quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.400 and 11.420

From General Revenue Fund (0101) .....\$101,848,400  
 From Title XIX - Federal Fund (0163) .....282,586,490  
 From Third Party Liability Collections Fund (0120)..... 241,046  
 From Pharmacy Reimbursement Allowance Fund (0144) ..... 10,000  
 From Health Initiatives Fund (0275)..... 1,427,081  
 From Healthy Families Trust Fund (0625)..... 11,825,877

For the purpose of funding a pilot program that focuses on providing clinical and case management support for pregnant women who are opioid addicted or display key risk factors which indicate a likelihood for addiction; the primary objective of such program(s) shall be avoiding births requiring extraordinary care due to Neonatal Abstinence Syndrome; the secondary objective is the treatment of the mother for substance use

From General Revenue Fund (0101) ..... 486,808  
 From Title XIX - Federal Fund (0163)..... 912,185

For a supplemental case management fee to support evidence-based, limited duration mental health treatments to children who have experienced severe physical, sexual, or emotional trauma as a result of abuse or neglect, provided that providers of these evidence-based services document appropriate training or certification in these models

Expense and Equipment

From General Revenue Fund (0101) ..... 500,000  
 From Title XIX - Federal Fund (0163)..... 750,000  
 Total.....\$400,587,887

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**SECTION 11.460.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding dental services under the MO HealthNet fee for service program, including adult dental procedure codes (Tier 1-6), provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.410, 11.435, 11.455, 11.465, 11.470, 11.480, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595

From General Revenue Fund (0101) .....	\$627,005
From Title XIX - Federal Fund (0163) .....	3,766,919
From Health Initiatives Fund (0275) .....	71,162
From Healthy Families Trust Fund (0625) .....	<u>848,773</u>
Total .....	\$5,313,859

**SECTION 11.465.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding payments to third party insurers, employers, or policyholders for health insurance, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.410, 11.435, 11.455, 11.460, 11.470, 11.480, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

From General Revenue Fund (0101) .....	\$87,263,154
From Title XIX - Federal Fund (0163) .....	<u>176,777,094</u>
Total .....	\$264,040,248

**SECTION 11.470.** — To the Department of Social Services

For the MO HealthNet Division

For funding long term care services

For the purpose of funding care in nursing facilities under the MO HealthNet fee-for-service program and for contracted services to develop model policies and practices that improve the quality of life for long-term care residents, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.480, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595, and further provided that not more than one-quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.400 and 11.420

From General Revenue Fund (0101) .....	\$155,639,773
From Title XIX - Federal Fund (0163) .....	423,806,060
From Uncompensated Care Fund (0108) .....	58,516,478
From Third Party Liability Collections Fund (0120) .....	6,992,981
From Healthy Families Trust Fund (0625) .....	17,973

For the purpose of funding home health for the elderly under the MO HealthNet fee-for-service program, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.480, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595, and further provided that not more than one-quarter of one percent

(0.25%) flexibility is allowed between this subsection and Sections 11.400 and 11.420

From General Revenue Fund (0101) .....	1,683,162
From Title XIX - Federal Fund (0163).....	3,441,394
From Health Initiatives Fund (0275).....	<u>159,305</u>
Total.....	\$650,257,126

**SECTION 11.475.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of paying publicly funded long term care services and support contracts and funding supplemental payments for care in nursing facilities under the nursing facility upper payment limit

From Title XIX - Federal Fund (0163).....	\$7,140,229
From Long Term Support UPL Fund (0724).....	<u>3,810,539</u>
Total.....	\$10,950,768

**SECTION 11.480.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding all other non-institutional services including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses under the MO HealthNet fee-for-service program, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division, payment of ground ambulance mileage during patient transportation from mile zero to the 5th mile, and annual patient safety and quality services for ambulance service through the Missouri Center for Patient Safety, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595, and further provided that not more than one-quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.400 and 11.420

From General Revenue Fund (0101) .....	\$86,032,609
From Title XIX - Federal Fund (0163).....	175,239,465
From Nursing Facility Reimbursement Allowance Fund (0196).....	1,414,043
From Health Initiatives Fund (0275).....	194,881
From Healthy Families Trust Fund (0625).....	831,745
From Ambulance Service Reimbursement Allowance Fund (0958).....	24,180,182

For the purpose of adopting a new CPT code for, and making payment under said code to, paramedics who provide treatment to a MO HealthNet patient who would otherwise be transported to an emergency department via ambulance service; services may include on-site treatment for the patient or some other service rendered to effect treatment of the patient's issue for which the call for service was made; the amount of reimbursement shall be set by the department and shall be less than reimbursement which would otherwise be provided if the emergency personnel had transported the

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patient to an emergency department; the department shall request any state plan amendment necessary to implement the new code	
From General Revenue Fund (0101) .....	486,850
From Title XIX - Federal (0163).....	912,143
For the purpose of funding non-emergency medical transportation, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595, and further provided that not more than one-quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.400 and 11.420	
From General Revenue Fund (0101) .....	14,141,287
From Title XIX - Federal Fund (0163).....	26,918,461
For the purpose of funding the federal share of MO HealthNet reimbursable non-emergency medical transportation for public entities	
From Title XIX - Federal Fund (0163).....	6,460,100
Total.....	\$336,811,766

**SECTION 11.485.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding payments to providers of ground emergency medical transportation

From Title XIX - Federal Fund (0163).....	\$54,744,599
From Ground Emergency Medical Transportation Fund (0422).....	29,215,647
Total.....	\$83,960,246

**SECTION 11.490.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding complex rehabilitation technology items classified within the Medicare program as of January 1, 2014 as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary to prevent hospitalization and/or institutionalization of a complex needs patient; such items shall include, but not be limited to, complex rehabilitation power wheelchairs, highly configurable manual wheelchairs, adaptive seating and positioning systems, and other specialized equipment such as standing frames and gait trainers; provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.480, 11.505, 11.510, 11.550, 11.555, and 11.595, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

From General Revenue Fund (0101) .....	\$3,903,482
From Title XIX - Federal Fund (0163).....	7,309,986
Total.....	\$11,213,468

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**SECTION 11.495.** — To the Department of Social Services

Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Ambulance Service Reimbursement Allowance Fund

From General Revenue Fund (0101) .....\$20,837,332

**SECTION 11.500.** — To the Department of Social Services

Funds are to be transferred out of the State Treasury, chargeable to the Ambulance Service Reimbursement Allowance Fund, to the General Revenue Fund as a result of recovering the Ambulance Service Reimbursement Allowance Fund

From Ambulance Service Reimbursement Allowance Fund (0958) .....\$20,837,332

**SECTION 11.505.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding the payment to comprehensive prepaid health care plans as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152(16), RSMo., provided the department shall implement programs or measures to achieve cost-savings through emergency room services reform, and further provided that MO HealthNet Managed Care eligibles described in Section 501(a)(1)(D) of Title V of the Social Security Act may voluntarily enroll in the Managed Care Program, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.480, 11.490, 11.510, 11.550, 11.555, and 11.595, and further provided that not more than one-quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.400 and 11.420

From General Revenue Fund (0101) .....\$371,662,190

From Title XIX - Federal Fund (0163) .....1,325,551,985

From CHIP Increased Enhancement Fund (0492) ..... 81,200,000

From Uncompensated Care Fund (0108) ..... 33,848,436

From Federal Reimbursement Allowance Fund (0142)..... 135,309,879

From Health Initiatives Fund (0275)..... 18,590,380

From Healthy Families Trust Fund (0625).....22,883,390

From Life Sciences Research Trust Fund (0763) .....27,793,024

From Premium Fund (0885)..... 9,259,854

From Ambulance Service Reimbursement Allowance Fund (0958) ..... 1,702,257

For supplemental Medicare parity payments to primary care physicians relating to maternal-fetal medicine, neonatology, and pediatric cardiology

From General Revenue Fund (0101) ..... 1,460,422

From Title XIX - Federal Fund (0163) .....2,736,556

For a pilot program to seek a waiver or state plan amendment to provide postpartum care for up to twelve (12) months under the MO HealthNet managed care program, as well as the MO HealthNet Pharmacy fee-for-

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service program, to women with substance use disorder, provided the cost of the program funded by state match shall not exceed \$749,737, and further provided that this program shall be budget neutral to overall state and federal spending, and further provided that funds shall only be expended for this purpose in accordance with a state law, excluding appropriations acts, passed by the General Assembly in the Second Regular Session of the Ninety-Ninth General Assembly

From General Revenue Fund (0101) .....	500,000
From Title XIX - Federal Fund (0163) .....	809,685
From Federal Reimbursement Allowance Fund (0142).....	95,664

For supplemental payments to Tier 1 Safety Net Hospitals, or to any affiliated physician group that provides physicians for any Tier 1 Safety Net Hospital, for physician and other healthcare professional services as approved by the Centers for Medicare and Medicaid Services

From Title XIX - Federal Fund (0163) .....	15,417,301
From Department of Social Services Intergovernmental Transfer Fund (0139) .....	8,973,303
Total .....	\$2,057,794,326

**\*SECTION 11.510.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding hospital care under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, provided that the MO HealthNet Division shall track payments to out of state hospitals by location, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.480, 11.490, 11.505, 11.550, 11.555, and 11.595, and further provided that not more than one-quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.400 and 11.420

From General Revenue Fund (0101) .....	\$31,409,136
From Title XIX - Federal Fund (0163) .....	353,837,447
From Federal Reimbursement Allowance Fund (0142).....	87,906,216
From Pharmacy Reimbursement Allowance Fund (0144) .....	15,709

For Safety Net Payments

From Healthy Families Trust Fund (0625).....	30,365,444
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For Graduate Medical Education

From Healthy Families Trust Fund (0625).....	10,000,000
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For the purpose of funding a community-based care coordinating program that includes in home visits and/or phone contact by a nurse care manager or electronic monitor; the purpose of such program shall be to ensure that patients are discharged from hospitals to an appropriate level of care and services and that targeted MO HealthNet beneficiaries with chronic illnesses and high-risk pregnancies receive care in the most cost-effective setting

From General Revenue Fund (0101) .....	100,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.  
Matter in bold-face type is proposed language.

From Title XIX - Federal Fund (0163)..... 300,000  
 From Federal Reimbursement Allowance Fund (0142)..... 200,000

For the purpose of continuing funding of the pager project facilitating medication compliance for chronically ill MO HealthNet participants identified by the division as having high utilization of acute care because of poor management of their condition

From General Revenue Fund (0101) ..... 100,000  
 From Title XIX - Federal Fund (0163)..... 315,000  
 From Federal Reimbursement Allowance Fund (0142)..... 215,000  
 Total.....\$514,763,952

\*I hereby veto \$400,000, including \$200,000 general revenue, including \$200,000 for the in-home telemonitoring program and \$200,000 for the pager project.

For the purpose of funding a community-based care coordinating program that includes in-home visits and/or phone contact by a nurse care manager or electronic monitor.

From \$100,000 to \$0 from General Revenue Fund.  
 From \$300,000 to \$200,000 from Title XIX - Federal Fund.

For the purpose of continuing funding of the pager project facilitating medication compliance.

From \$100,000 to \$0 from General Revenue Fund.  
 From \$315,000 to \$215,000 from Title XIX - Federal Fund.  
 From \$514,763,952 to \$514,363,952 in total for the section.

MICHAEL L. PARSON  
 GOVERNOR

**SECTION 11.515.** — To the Department of Social Services

For the MO HealthNet Division

For payment to Tier 1 Safety Net Hospitals, by maximizing eligible costs for federal Medicaid funds, utilizing current state and local funding sources as match for services that are not currently matched with federal Medicaid payments

From Title XIX - Federal Fund (0163).....\$15,722,792

**SECTION 11.520.** — To the Department of Social Services

For the MO HealthNet Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

For the purpose of funding grants to Federally Qualified Health Centers

From General Revenue Fund (0101) .....\$5,385,934  
 From Title XIX - Federal Fund (0163)..... 5,747,428

For the purpose of funding a community health worker initiative that focuses on providing casework services to high utilizers of MO HealthNet services

From General Revenue Fund (0101) ..... 1,000,000  
 From Title XIX - Federal Fund (0163)..... 1,000,000  
 Total.....\$13,133,362

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

**SECTION 11.525.** — To the Department of Social Services  
 For the MO HealthNet Division  
 For the purpose of funding medical homes affiliated with public entities and  
 hospital-owned medical homes  
 From Title XIX - Federal Fund (0163).....\$7,554,883  
 From Federal Reimbursement Allowance Fund (0142)..... 4,082,919  
 Total.....\$11,637,802

**SECTION 11.530.** — To the Department of Social Services  
 For the MO HealthNet Division  
 For the purpose of funding payments to hospitals under the Federal  
 Reimbursement Allowance Program including state costs to pay for an  
 independent audit of Disproportionate Share Hospital payments as required  
 by the Centers for Medicare and Medicaid Services, for the expenses of the  
 Poison Control Center in order to provide services to all hospitals within the  
 state, and for the Gateway to Better Health 1115 Demonstration  
 For the purpose of funding a continuation of the services provided through  
 Medicaid Emergency Psychiatric Demonstration as required by Section  
 208.152(16), RSMo.  
 From Federal Reimbursement Allowance Fund (0142).....\$1,280,818,734

**SECTION 11.535.** — To the Department of Social Services  
 Funds are to be transferred out of the State Treasury, chargeable to the  
 Department of Social Services Intergovernmental Transfer Fund, to the  
 General Revenue Fund for the purpose of providing the state match for  
 Medicaid payments  
 From Department of Social Services Intergovernmental Transfer Fund (0139).....\$96,885,215

**SECTION 11.540.** — To the Department of Social Services  
 For the MO HealthNet Division  
 For the purpose of funding payments to the Tier 1 Safety Net Hospitals and other  
 public hospitals using intergovernmental transfers  
 From Title XIX - Federal Fund (0163).....\$23,765,348  
 From Department of Social Services Intergovernmental Transfer Fund (0139)..... 14,375,498  
 Total.....\$38,140,846

**SECTION 11.545.** — To the Department of Social Services  
 For the MO HealthNet Division  
 For the purpose of funding payments to the Department of Mental Health  
 From Title XIX - Federal Fund (0163).....\$500,077,646  
 From Department of Social Services Intergovernmental Transfer Fund (0139)..... 180,569,348  
 Total.....\$680,646,994

**SECTION 11.550.** — To the Department of Social Services  
 For the MO HealthNet Division  
 For funding programs to enhance access to care for uninsured children using fee-  
 for-services, prepaid health plans, or other alternative service delivery and  
 reimbursement methodology approved by the director of the Department of

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Social Services, provided that families of children receiving services under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than or equal to 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than or equal to 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent on the amount of a family's income which is less than or equal to 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than or equal to 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program, and further provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.480, 11.490, 11.505, 11.510, 11.555, and 11.595

From General Revenue Fund (0101) .....	\$11,930,111
From Title XIX - Federal Fund (0163).....	61,357,166
From Federal Reimbursement Allowance Fund (0142).....	<u>7,719,204</u>
Total.....	\$81,006,481

**SECTION 11.551.** — To the Department of Social Services

Funds are to be transferred out of the State Treasury, chargeable to the Title XIX - Federal Fund , to the CHIP Increased Enhancement Fund

From Title XIX - Federal Fund (0163).....	\$40,500,000
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**SECTION 11.555.** — To the Department of Social Services

For the MO HealthNet Division

For the Show-Me Healthy Babies Program authorized by Section 208.662, RSMo, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.480, 11.490, 11.505, 11.510, 11.550, and 11.595, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

From General Revenue Fund (0101) .....	\$3,731,999
From Title XIX - Federal Fund (0163).....	11,948,028
From Department of Social Services Federal Fund (0610).....	<u>20,000</u>
Total.....	\$15,700,027

**SECTION 11.560.** — To the Department of Social Services

Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Federal Reimbursement Allowance Fund

From General Revenue Fund (0101) .....	\$653,701,378
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**SECTION 11.565.** — To the Department of Social Services

Funds are to be transferred out of the State Treasury, chargeable to the Federal Reimbursement Allowance Fund, to the General Revenue Fund as a result of recovering the Federal Reimbursement Allowance Fund

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.  
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From Federal Reimbursement Allowance Fund (0142).....\$653,701,378

**SECTION 11.570.** — To the Department of Social Services

Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Nursing Facility Reimbursement Allowance Fund

From General Revenue Fund (0101) .....\$210,950,510

**SECTION 11.575.** — To the Department of Social Services

Funds are to be transferred out of the State Treasury, chargeable to the Nursing Facility Reimbursement Allowance Fund, to the General Revenue Fund as a result of recovering the Nursing Facility Reimbursement Allowance Fund

From Nursing Facility Reimbursement Allowance Fund (0196).....\$210,950,510

**SECTION 11.580.** — To the Department of Social Services

Funds are to be transferred out of the State Treasury, chargeable to the Nursing Facility Reimbursement Allowance Fund, to the Nursing Facility Quality of Care Fund

From Nursing Facility Reimbursement Allowance Fund (0196).....\$1,500,000

**SECTION 11.585.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding Nursing Facility Reimbursement Allowance payments as provided by law

From Nursing Facility Reimbursement Allowance Fund (0196).....\$351,448,765

**SECTION 11.590.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding MO HealthNet services for the Department of Elementary and Secondary Education under the MO HealthNet fee-for-service program

From General Revenue Fund (0101) .....\$242,525

From Title XIX - Federal Fund (0163).....34,653,770

Total.....\$34,896,295

**SECTION 11.595.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding medical benefits for blind individuals ineligible for MO HealthNet coverage who receive the Missouri Blind Pension cash grant, provided that individuals under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent of the federal poverty level but greater than or equal to 150 percent of the federal poverty level; eight percent of the amount on a family's income which is less than 225 percent of the federal poverty level but greater than or equal to 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than 300

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percent of the federal poverty level but greater than or equal to 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income equal to or greater than 300 percent of the federal poverty level are ineligible for this program, and further provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.480, 11.490, 11.505, 11.510, 11.550, and 11.555, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.600

From General Revenue Fund (0101) .....\$24,655,738

**SECTION 11.600.** — To the Department of Social Services

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

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

**PART 2**

**SECTION 11.700.** — To the Department of Social Services

In reference to Sections 11.225, 11.235, 11.250, 11.255 and 11.305 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2018.

**SECTION 11.705.** — To the Department of Social Services

In reference to Sections 11.455, 11.460, 11.490, and 11.520 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 101.5% of the rate in effect on January 1, 2018.

**SECTION 11.706.** — To the Department of Social Services

In reference to Section 11.480 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 101.5% of the rate in effect on January 1, 2018, except for providers of non-emergency medical transportation, for whom no funds shall be expended in furtherance of provider rates greater than 103.2% of the rate in effect on January 1, 2018; and further except for providers of hospice care, for whom no funds shall be expended in furtherance of provider rates greater than 102.28% of the rate in effect on January 1, 2018.

**SECTION 11.710.** — To the Department of Social Services

In reference to Section 11.470 of Part 1 of this act:

No funds shall be expended in furtherance of nursing facility provider rates greater than \$8.30 per bed day of the rate in effect on January 1, 2018.

**SECTION 11.715.** — To the Department of Social Services

In reference to all sections in Part 1 of this act:

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No funds shall be expended on any program that performs abortions or that counsels women to have an abortion other than the exceptions required by federal law.

**SECTION 11.720.** — To the Department of Social Services

In reference to all sections in Part 1 of this act:

No funds shall be expended for the purpose of Medicaid expansion as outlined under the Affordable Care Act.

**SECTION 11.730.** — To the Department of Social Services

In reference to Sections 11.435 through 11.600 of Part 1 of this act:

The department may suggest changes in the payment methodology for Medicaid hospital services through both the MO HealthNet managed care and fee-for service programs during state fiscal year 2019 only after engaging stakeholders through public hearings for such changes. The department shall also notify the chairs of the House Budget Committee and the Senate Appropriations Committee before such changes can be implemented. The department shall also determine the impact on the Federal Reimbursement Allowance provider tax that such payment methodology changes will have before implementing such changes.

**PART 3**

**SECTION 11.800.** — To the Department of Social Services

In reference to all sections in Part 1 and Part 2 of this act:

No funds shall be expended to any abortion facility as defined in Section 188.015, RSMo, or any affiliate or associate thereof.

**Bill Totals**

General Revenue Fund.....	\$1,651,031,157
Federal Funds.....	4,940,169,320
Other Funds.....	<u>2,709,853,630</u>
Total.....	\$9,301,054,107

Approved June 29, 2018

CCS SCS HCS HB 2012

**Appropriates money for the expenses, grants, refunds, and distributions of statewide elected officials, the Judiciary, Office of the State Public Defender, and General Assembly**

AN ACT To appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including

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salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**SECTION 12.005.** — To the Governor

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) .....	\$2,554,760
From Vocational Rehabilitation Fund (0104) .....	1,600
From DOLIR Administrative Fund (0122) .....	51,424
From Department of Mental Health Federal Fund (0148) .....	3,453
From Elevator Safety Fund (0257) .....	983
From Division of Tourism Supplemental Revenue Fund (0274) .....	24,524
From Gaming Commission Fund (0286) .....	6,563
From Veterans Commission Capital Improvement Trust Fund (0304) .....	6,563
From DNR Cost Allocation Fund (0500) .....	41,234
From State Facilities Maintenance and Operation Fund (0501) .....	17,977
From Office of Administration Revolving Administrative Trust Fund (0505) .....	433
From DIFP Administrative Fund (0503) .....	13,999
From Department of Economic Development Administrative Fund (0547) .....	30,430
From Division of Credit Unions Fund (0548) .....	864
From Division of Finance Fund (0550) .....	1,727
From Deaf Relay Service and Equipment Distribution Program Fund (0559) .....	864
From Insurance Dedicated Fund (0566) .....	26,242
From Chemical Emergency Preparedness Fund (0587) .....	631
From Professional Registration Fees Fund (0689) .....	29,375
From Boiler and Pressure Vessels Safety Fund (0744) .....	631
From Missouri Explosives Safety Act Administration Fund (0804) .....	279
From Guaranty Agency Operating Fund (0880) .....	1,499
From Agriculture Protection Fund (0970) .....	35,743

Personal Service and/or Expense and Equipment for the Mansion

From General Revenue Fund (0101) .....	99,549
Total (Not to exceed 36.00 F.T.E.) .....	\$2,951,347

**SECTION 12.010.** — To the Governor

For expenses incident to emergency duties performed by the National Guard when ordered out by the Governor

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From General Revenue Fund (0101) .....\$4,000,001

**SECTION 12.015.** — To the Governor

For conducting special audits

From General Revenue Fund (0101) ..... \$30,000

**SECTION 12.035.** — To the Lieutenant Governor

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) ..... 540,903

For the purpose of funding legal services

Expense and Equipment

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

Total (Not to exceed 8.00 F.T.E.)..... \$590,903

**SECTION 12.055.** — To the Secretary of State

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) .....\$9,301,174

From Secretary of State - Federal Fund (0195)..... 484,020

From Secretary of State's Technology Trust Fund Account (0266).....3,539,997

From Local Records Preservation Fund (0577)..... 1,358,870

From Wolfner Library Trust Fund (0928)..... 84,500

From Investor Education and Protection Fund (0829) ..... 1,749,345

From Election Administration Improvements Fund (0157) ..... 280,813

Total (Not to exceed 269.30 F.T.E.) .....\$16,798,719

**SECTION 12.060.** — To the Secretary of State

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

From Secretary of State - Federal Fund (0166)..... \$200,000

**SECTION 12.065.** — To the Secretary of State

For refunds of securities, corporations, uniform commercial code, and miscellaneous collections of the Secretary of State's Office

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

From Secretary of State's Technology Trust Fund Account (0266)..... 10,000

Total..... \$60,000

**SECTION 12.070.** — To the Secretary of State

For reimbursement to victims of securities fraud and other violations pursuant to Section 409.407, RSMo

From Investor Restitution Fund (0741) ..... \$2,000,000

**SECTION 12.075.** — To the Secretary of State

For implementation of the Missouri Family Trust Company Act

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From Family Trust Company Fund (0810)..... \$20,000

**SECTION 12.080.** — To the Secretary of State

For expenses of initiative referendum and constitutional amendments, provided that ten percent (10%) flexibility is allowed from this section to Section 12.125

From General Revenue Fund (0101) ..... \$6,000,001

**SECTION 12.085.** — To the Secretary of State

For election costs associated with absentee ballots

From General Revenue Fund (0101) ..... \$125,000

**SECTION 12.090.** — To the Secretary of State

For election reform grants, transactions costs, election administration improvements within Missouri, and support of Help America Vote Act activities

From Election Administration Improvements Fund (0157) ..... \$13,966,495

From Election Improvement Revolving Loan Fund (0158) ..... \$50,000

Total..... \$14,016,495

**SECTION 12.095.** — To the Secretary of State

Funds are to be transferred out of the State Treasury to the State Election Subsidy Fund

From General Revenue Fund (0101) ..... \$4,084,000

**SECTION 12.100.** — To the Secretary of State

For the state's share of special election costs as required by Chapter 115, RSMo

From State Election Subsidy Fund (0686) ..... \$400,000

**SECTION 12.105.** — To the Secretary of State

Funds are to be transferred out of the State Treasury, to the Election Administration Improvements Fund

From State Election Subsidy Fund (0686) ..... \$4,034,443

**SECTION 12.110.** — To the Secretary of State

For historical repository grants

From Secretary of State Records - Federal Fund (0150)..... \$50,000

**SECTION 12.115.** — To the Secretary of State

For local records preservation grants

From Local Records Preservation Fund (0577)..... \$400,000

**SECTION 12.120.** — To the Secretary of State

For preserving legal, historical, and genealogical materials and making them available to the public

From State Document Preservation Fund (0836) ..... \$25,000

For costs related to establishing and operating a St. Louis Record Center

From Missouri State Archives - St. Louis Trust Fund (0770) ..... 1

Total..... \$25,001

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Matter in bold-face type is proposed language.

<b>SECTION 12.125.</b> — To the Secretary of State	
For aid to public libraries	
From General Revenue Fund (0101) .....	\$2,323,776
<b>SECTION 12.130.</b> — To the Secretary of State	
For the Remote Electronic Access for Libraries Program	
From General Revenue Fund (0101) .....	\$2,000,000
<b>SECTION 12.135.</b> — To the Secretary of State	
For all allotments, grants, and contributions from the federal government or from any sources that may be deposited in the State Treasury for the use of the Missouri State Library	
From Secretary of State - Federal Fund (0195).....	\$4,125,000
<b>SECTION 12.140.</b> — To the Secretary of State	
For library networking grants and other grants and donations	
From Library Networking Fund (0822).....	\$1,110,000
<b>SECTION 12.145.</b> — To the Secretary of State	
Funds are to be transferred out of the State Treasury to the Library Networking Fund	
From General Revenue Fund (0101) .....	\$800,000
<b>SECTION 12.150.</b> — To the Secretary of State	
For the publication of the Official Manual of Missouri by the University of Missouri Press, provided that all copies are sold at cost and proceeds are deposited into the Blue Book Printing Fund	
From Blue Book Printing Fund (0471).....	\$50,000
<b>SECTION 12.155.</b> — To the Secretary of State	
Funds are to be transferred out of the State Treasury to the Blue Book Printing Fund	
From General Revenue Fund (0101) .....	\$50,000
<b>SECTION 12.165.</b> — To the State Auditor	
Personal Service and/or Expense and Equipment	
From General Revenue Fund (0101) .....	\$6,730,208
From State Auditor - Federal Fund (0115).....	924,380
From Conservation Commission Fund (0609) .....	48,704
From Parks Sales Tax Fund (0613).....	23,022
From Soil and Water Sales Tax Fund (0614).....	22,213
From Petition Audit Revolving Trust Fund (0648) .....	900,017
Total (Not to exceed 168.77 F.T.E.) .....	\$8,648,544
<b>SECTION 12.185.</b> — To the State Treasurer	
Personal Service and/or Expense and Equipment	
From State Treasurer's General Operations Fund (0164).....	\$1,931,983
From Central Check Mailing Service Revolving Fund (0515).....	237,557
For Unclaimed Property Division administrative costs including personal service, expense and equipment for auctions, advertising, and promotions	

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Matter in bold-face type is proposed language.

From Abandoned Fund Account (0863) .....	2,177,336
For preparation and dissemination of information or publications, or for refunding overpayments	
From Treasurer's Information Fund (0255).....	8,000
Total (Not to exceed 50.40 F.T.E.) .....	\$4,354,876

**SECTION 12.190.** — To the State Treasurer  
For issuing duplicate checks or drafts and outlawed checks as provided by law  
From General Revenue Fund (0101) ..... \$2,000,000

**SECTION 12.195.** — To the State Treasurer  
For payment of claims for abandoned property transferred by holders to the state  
From Abandoned Fund Account (0863) ..... \$49,000,000

**SECTION 12.200.** — To the State Treasurer  
For transfer of such sums as may be necessary to make payment of claims from  
the Abandoned Fund Account pursuant to Chapter 447, RSMo  
From General Revenue Fund (0101) ..... \$2,000,000

**SECTION 12.205.** — To the State Treasurer  
Funds are to be transferred out of the State Treasury to the General Revenue Fund  
From Abandoned Fund Account (0863) ..... \$55,000,000

**SECTION 12.210.** — To the State Treasurer  
For refunds of excess interest from the Linked Deposit Program  
From General Revenue Fund (0101) ..... \$2,500

**SECTION 12.215.** — To the State Treasurer  
Funds are to be transferred out of the State Treasury to the General Revenue Fund  
From Debt Offset Escrow Fund (0753)..... \$100,000

**SECTION 12.220.** — To the State Treasurer  
Funds are to be transferred out of the State Treasury to the General Revenue Fund  
From Other Funds (Various) ..... \$1,000,000

**SECTION 12.225.** — To the State Treasurer  
Funds are to be transferred out of the State Treasury to the State Public School Fund  
From Abandoned Fund Account (0863) ..... \$3,000,000

**SECTION 12.245.** — To the Attorney General  
Personal Service and/or Expense and Equipment  
From General Revenue Fund (0101) ..... \$13,570,966  
From Attorney General - Federal Fund (0136)..... 2,685,519  
From Gaming Commission Fund (0286)..... 146,373  
From Natural Resources Protection Fund Water Pollution Permit Fee Subaccount  
(0568)..... 43,845  
From Solid Waste Management Fund (0570)..... 44,345  
From Petroleum Storage Tank Insurance Fund (0585)..... 27,887

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From Motor Vehicle Commission Fund (0588) .....	51,902
From Health Spa Regulatory Fund (0589) .....	5,000
From Natural Resources Protection Fund Air Pollution-Permit Fee Subaccount (0594) .....	43,810
From Attorney General's Court Costs Fund (0603) .....	187,000
From Soil and Water Sales Tax Fund (0614) .....	15,303
From Merchandising Practices Revolving Fund (0631) .....	3,808,959
From Workers' Compensation Fund (0652) .....	486,123
From Workers' Compensation - Second Injury Fund (0653) .....	3,158,725
From Lottery Enterprise Fund (0657) .....	58,501
From Antitrust Revolving Fund (0666) .....	649,076
From Hazardous Waste Fund (0676) .....	315,762
From Safe Drinking Water Fund (0679) .....	15,336
From Inmate Incarceration Reimbursement Act Revolving Fund (0828) .....	144,852
From Mined Land Reclamation Fund (0906) .....	15,298
Total (Not to exceed 395.05 F.T.E.) .....	\$25,474,582

**SECTION 12.250.** — To the Attorney General

For law enforcement, domestic violence, victims' services, sexual assault evidence collection, testing, and tracking in collaboration with the Departments of Public Safety and Social Services through a Memorandum of Understanding (MOU), provided that ten percent (10%) flexibility is allowed from this section to Section 12.245 if the Attorney General receives such grant

Expense and Equipment

From Attorney General - Federal Fund (0136) ..... \$3,100,000

**SECTION 12.255.** — To the Attorney General

For a Medicaid fraud unit

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) ..... \$728,073

From Attorney General - Federal Fund (0136) ..... 2,090,588

Total (Not to exceed 28.00 F.T.E.) ..... \$2,818,661

**SECTION 12.260.** — To the Attorney General

For the Missouri Office of Prosecution Services

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) ..... \$185,834

From Attorney General - Federal Fund (0136) ..... 1,136,332

From Missouri Office of Prosecution Services Fund (0680) ..... 2,041,560

From Missouri Office of Prosecution Services Revolving Fund (0844) ..... 150,350

Total (Not to exceed 10.00 F.T.E.) ..... \$3,514,076

**SECTION 12.265.** — To the Attorney General

Funds are to be transferred out of the State Treasury to the Missouri Office of Prosecution Services Fund

From Attorney General - Federal Fund (0136) ..... \$100,000

**SECTION 12.270.** — To the Attorney General

For the fulfillment or failure of conditions, or other such developments, necessary to determine the appropriate disposition of such funds, to those individuals, entities, or accounts within the State Treasury, certified by the Attorney General as being entitled to receive them

Expense and Equipment  
 From Attorney General Trust Fund (0794) .....\$4,000,000

**SECTION 12.275.** — To the Attorney General

Funds are to be transferred out of the State Treasury to the Attorney General's Court Costs Fund

From General Revenue Fund (0101) .....\$165,600

**SECTION 12.280.** — To the Attorney General

Funds are to be transferred out of the State Treasury to the Antitrust Revolving Fund

From General Revenue Fund (0101) .....\$69,000

**SECTION 12.300.** — To the Supreme Court

For the salaries of Supreme Court Judges and Chief Justice, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service .....\$1,224,131

For the purpose of funding Judicial Proceedings and Review, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Services .....3,151,915  
 Expense and Equipment..... 1,012,409  
 From General Revenue Fund (0101) .....5,388,455

Personal Service  
 From Judiciary - Federal Fund (0137) ..... 518,532

Expense and Equipment  
 From Supreme Court Publications Revolving Fund (0525) ..... 150,000  
 Total (Not to exceed 83.00 F.T.E.) .....\$6,056,987

**SECTION 12.305.** — To the Supreme Court

For the purpose of funding the State Courts Administrator and implementing and supporting an integrated case management system, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

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

Personal Service.....	\$6,899,443
Expense and Equipment.....	<u>4,761,082</u>
From General Revenue Fund (0101).....	11,660,525
Expense and Equipment	
From State Court Administration Revolving Fund (0831) .....	60,000
Expense and Equipment	
From Crime Victims' Compensation Fund (0681) .....	<u>887,200</u>
Total (Not to exceed 136.00 F.T.E.) .....	\$12,607,725

**SECTION 12.310.** — To the Supreme Court

For the purpose of funding court improvement projects and receiving grants and contributions of funds from the federal government or from any other source which may be deposited into the State Treasury for use of the Supreme Court and other state courts, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service.....	\$2,419,416
Expense and Equipment.....	<u>5,609,649</u>
From Judiciary - Federal Fund (0137).....	8,029,065
Personal Service.....	93,632
Expense and Equipment.....	4,866
Program Specific Distribution .....	<u>5,000,000</u>
From Basic Civil Legal Services Fund (0757).....	<u>5,098,498</u>
Total (Not to exceed 48.25 F.T.E.) .....	\$13,127,563

**SECTION 12.315.** — To the Supreme Court

For the purpose of funding the development and implementation of a program of statewide court automation, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service.....	\$1,655,364
Expense and Equipment.....	<u>3,595,125</u>
From Statewide Court Automation Fund (0270) (Not to exceed 34.00 F.T.E.).....	\$5,250,489

**SECTION 12.320.** — To the Supreme Court

Funds are to be transferred out of the State Treasury to the Judiciary Education and Training Fund

From General Revenue Fund (0101).....

	\$1,387,567
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**SECTION 12.325.** — To the Supreme Court

For Judicial Education and Training, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment,

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and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service.....	\$593,454
Expense and Equipment.....	<u>843,688</u>
From Education and Training Fund (0847).....	1,437,142
Expense and Equipment	
From Judiciary - Federal Fund (0137).....	<u>225,000</u>
Total (Not to exceed 11.00 F.T.E.) .....	\$1,662,142

**SECTION 12.330.** — To the Supreme Court

For the purpose of funding the production and distribution of a report measuring and assessing judicial performance in the appellate and circuit courts of the state, including a judicial weighted workload model and clerical weighted workload model pursuant to Section 477.405, RSMo

Expense and Equipment, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From General Revenue Fund (0101) .....	\$100,000
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**SECTION 12.335.** — To the Supreme Court

For the salaries of Appeals Court Judges, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service .....	\$5,083,142
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For the purpose of funding the three (3) Courts of Appeals, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service.....	6,053,754
Expense and Equipment.....	<u>1,045,691</u>
From General Revenue Fund (0101) (Not to exceed 159.35 F.T.E.).....	\$12,182,587

**SECTION 12.340.** — To the Supreme Court

For the salaries of the Circuit Court Judges, Associate Circuit Court Judges, Senior Judges, Probate Commissioners, Deputy Probate Commissioners, Drug Court Commissioners, and Family Court Commissioners, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service	
From General Revenue Fund (0101) .....	\$54,253,657

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For the purpose of funding the Circuit Courts, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service.....	87,172,034
Annual salary adjustment in accordance with section 476.405, RSMo .....	28,764
Expense and Equipment.....	<u>3,128,404</u>
From General Revenue Fund (0101).....	90,329,202
Personal Service.....	3,876,060
Expense and Equipment.....	<u>1,829,661</u>
From Judiciary - Federal Fund (0137).....	5,705,721
Personal Service.....	272,190
Expense and Equipment.....	<u>128,039</u>
From Third Party Liability Collections Fund (0120).....	400,229
Expense and Equipment	
From State Court Administration Revolving Fund (0831) .....	170,000

For the payment to counties for salaries of juvenile court personnel as provided by Sections 211.393 and 211.394, RSMo, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From General Revenue Fund (0101).....	7,579,900
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For the purpose of making payments due from litigants in court proceedings under set-off against debts authority as provided in Section 488.020(3), RSMo, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From Circuit Court Escrow Fund (0718) .....	<u>2,524,249</u>
Total (Not to exceed 2,961.70 F.T.E.).....	\$160,962,958

**SECTION 12.345.** — To the Supreme Court

For the purpose of funding the court-appointed special advocacy program statewide office, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From General Revenue Fund (0101).....	\$500,000
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For the purpose of funding court-appointed special advocacy programs as provided in Section 476.777, RSMo, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further

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provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From Missouri CASA Fund (0590).....	<u>100,000</u>
Total.....	\$600,000

**SECTION 12.350.** — To the Supreme Court  
 For the purpose of funding costs associated with creating the handbook and other programs as provided in Section 452.554, RSMo, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From Domestic Relations Resolution Fund (0852) .....	\$300,000
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**SECTION 12.355.** — To the Commission on Retirement, Removal, and Discipline of Judges  
 For the purpose of funding the expenses of the Commission, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service.....	\$210,850
Expense and Equipment.....	<u>42,667</u>
From General Revenue Fund (0101) (Not to exceed 2.75 F.T.E.) .....	\$253,517

**SECTION 12.360.** — To the Supreme Court  
 For the purpose of funding the expenses of the members of the Appellate Judicial Commission and the several circuit judicial commissions in circuits having the non-partisan court plan, and for services rendered by clerks of the Supreme Court, courts of appeals, and clerks in circuits having the non-partisan court plan for giving notice of and conducting elections as ordered by the Supreme Court, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

From General Revenue Fund (0101) .....	\$7,741
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**SECTION 12.365.** — To the Supreme Court  
 Funds are to be transferred out of the State Treasury to the Drug Court Resources Fund

From General Revenue Fund (0101) .....	\$8,056,745
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**SECTION 12.370.** — To the Supreme Court  
 For the purpose of funding drug courts, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 thru 12.370, excluding Sections 12.320 and 12.365

Personal Service.....	\$210,943
Expense and Equipment.....	<u>6,759,038</u>

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For the purpose of funding treatment programs focused on medication assisted treatment for Missourians with substance use disorder related to alcohol and opioid addiction. The Drug Courts Coordinating Commission shall enter into agreements with drug courts, DWI courts, veteran's courts, and other treatment courts of this state in order to fund medication assisted treatment programs. The Drug Courts Coordinating Commission shall submit an annual report to both the Chairperson of the House Budget Committee and the Chairperson of the Senate Appropriations Committee that includes information concerning the contracts entered into and the impact of the medication assisted treatment programs on rate of recidivism

Expense and Equipment.....	<u>1,000,000</u>
From Drug Court Resources Fund (0733) (Not to exceed 4.00 F.T.E.).....	\$7,969,981

**\*SECTION 12.400.** — To the Office of the State Public Defender

For the purpose of funding the State Public Defender System

Personal Service and/or Expense and Equipment .....	\$41,780,244
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For payment of expenses as provided by Chapter 600, RSMo, associated with the defense of violent crimes and/or the contracting of criminal representation with entities outside of the Missouri Public Defender System .....

	<u>4,721,071</u>
From General Revenue Fund (0101) .....	46,501,315

For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo

Personal Service.....	136,012
Expense and Equipment.....	<u>2,850,756</u>
From Legal Defense and Defender Fund (0670) .....	2,986,768

For refunds set off against debts as required by Section 143.786, RSMo

From Debt Offset Escrow Fund (0753).....	1,200,000
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For all grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Office of the State Public Defender

From Office of State Public Defender - Federal Funds (0112).....	<u>125,000</u>
Total (Not to exceed 606.13 F.T.E.) .....	\$50,813,083

\*I hereby veto \$487,000 general revenue for juvenile advocacy units in the Kansas City and St. Louis regions.

Personal Service and/or Expense and Equipment by \$487,000 from \$41,780,244 to \$41,293,244 from General Revenue Fund.  
 From \$46,501,315 to \$46,014,315 in total from General Revenue Fund.  
 From \$50,813,083 to \$50,326,083 in total for the section.

MICHAEL L. PARSON  
GOVERNOR

**SECTION 12.500.** — To the Senate

Salaries of Members .....	\$1,226,610
Mileage of Members .....	87,406
Members' Per Diem .....	306,100
Senate Contingent Expenses .....	10,495,045
Joint Contingent Expenses .....	<u>225,000</u>
From General Revenue Fund (0101) .....	12,340,161

Senate Contingent Expenses	
From Senate Revolving Fund (0535) .....	<u>40,000</u>
Total (Not to exceed 221.04 F.T.E.) .....	\$12,380,161

**SECTION 12.505.** — To the House of Representatives

Salaries of Members .....	\$5,861,145
Mileage of Members .....	395,491
Members' Per Diem .....	1,500,000
Representatives' Expense Vouchers .....	1,371,041
House Contingent Expenses .....	<u>12,633,502</u>
From General Revenue Fund (0101) .....	21,761,179

House Contingent Expenses	
From House of Representatives Revolving Fund (0520) .....	<u>45,000</u>
Total (Not to exceed 435.88 F.T.E.) .....	\$21,806,179

**SECTION 12.510.** — To the House of Representatives

For payment of organizational dues	
From General Revenue Fund (0101) .....	\$288,850

**\*SECTION 12.515.** — To the Committee on Legislative Research

For payment of expenses of members, salaries and expenses of employees, and other necessary operating expenses, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment	
For the Legislative Research Administration .....	\$564,444
For the Oversight Division .....	931,723

For an audit and/or program evaluation of the Regional Convention and Sports	
Complex authority .....	<u>100,000</u>
From General Revenue Fund (0101) .....	1,596,167

For the purpose of funding consulting and auditing services to be performed by a private firm and managed by a MO HealthNet Task Force that consists of no more than three members of the Missouri House of Representatives and three members of the Missouri Senate	
From General Revenue Fund (0101) .....	75,000
From Title XIX Federal Fund (0163) .....	75,000

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For an actuarial analysis of the cost impact to MO HealthNet if the state required the MO HealthNet Division to reimburse marital and family therapist services provided to MO HealthNet participants

From Marital and Family Therapists' Fund (0820).....	25,000
Total (Not to exceed 25.00 F.T.E.) .....	\$1,771,167

\*I hereby veto \$150,000, including \$75,000 general revenue, for private sector consulting and auditing services on the MO HealthNet program.

For the purpose of funding consulting and auditing services to be performed by a private firm and managed by a MO HealthNet Task Force.  
 From \$75,000 to \$0 from General Revenue Fund.  
 From \$75,000 to \$0 from Title XIX Federal Fund.  
 From \$1,771,167 to \$1,621,167 in total for the section.

MICHAEL L. PARSON  
GOVERNOR

**SECTION 12.520.** — To the Committee on Legislative Research  
 For paper, printing, binding, editing, proofreading, and other necessary expenses of publishing the Supplement to the Revised Statutes of the State of Missouri  
 From Statutory Revision Fund (0546) (Not to exceed 1.25 F.T.E.)..... \$286,549

**SECTION 12.525.** — To the Joint Committees of the General Assembly  
 For the Joint Committee on Administrative Rules..... \$140,206  
 For the Joint Committee on Public Employee Retirement..... 170,719  
 For the Joint Committee on Education ..... 76,595  
 From General Revenue Fund (0101) (Not to exceed 6.00 F.T.E.) ..... \$387,520

**Elected Officials Totals**  
 General Revenue Fund.....\$57,408,845  
 Federal Funds.....29,098,200  
 Other Funds..... 78,509,627  
 Total.....\$165,016,672

**Judiciary Totals**  
 General Revenue Fund.....\$191,699,896  
 Federal Funds..... 14,478,318  
 Other Funds..... 12,421,916  
 Total.....\$218,600,130

**Public Defender Totals**  
 General Revenue Fund.....\$46,501,315  
 Federal Funds..... 125,000  
 Other Funds..... 2,986,768  
 Total.....\$49,613,083

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 Matter in bold-face type is proposed language.

**General Assembly Totals**

General Revenue Fund.....	\$36,448,877
Federal Funds.....	75,000
Other Funds.....	396,549
Total.....	\$36,920,426

Approved June 29, 2018

**SCS HCS HB 2013**

**Appropriates money for real property leases and related services**

AN ACT To appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**SECTION 13.005.** — To the Office of Administration  
 For the Division of Facilities Management, Design and Construction  
 For the payment of real property leases, utilities, systems furniture, and structural modifications provided that five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) between federal funds within this section, and further provided that three percent (3%) flexibility is allowed from this section to Section 13.021

For the Department of Elementary and Secondary Education  
 Expense and Equipment

From General Revenue Fund (0101) .....	\$404,550
From Assistive Technology Federal Fund (0188) .....	41,002
From DESE - Federal Fund (0105).....	5,539
From Vocational Rehabilitation Fund (0104) .....	1,976,710
From Assistive Technology Loan Revolving Fund (0889) .....	12,301
From Deaf Relay Service and Equipment Distribution Program Fund (0559) .....	28,697

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For the Department of Revenue Expense and Equipment From General Revenue Fund (0101) .....	539,025
For the Department of Revenue For the State Lottery Commission Expense and Equipment From Lottery Enterprise Fund (0657) .....	358,877
For the Office of Administration Expense and Equipment From General Revenue Fund (0101) .....	675,435
From OA Revolving Administrative Trust Fund (0505) .....	134,453
From State Facility Maintenance and Operation Fund (0501) .....	250,128
For the Ethics Commission Expense and Equipment From General Revenue Fund (0101) .....	102,142
For the Department of Agriculture Expense and Equipment From General Revenue Fund (0101) .....	224,897
From Department of Agriculture Federal Fund (0133) .....	4,529
From Agriculture Protection Fund (0970) .....	2,165
From Grain Inspection Fee Fund (0647) .....	68,399
From Petroleum Inspection Fund (0662) .....	6,428
For the Department of Natural Resources Expense and Equipment From General Revenue Fund (0101) .....	420,180
From DNR - Federal Fund (0140) .....	355,654
From Missouri Air Emission Reduction Fund (0267) .....	23,540
From State Park Earnings Fund (0415) .....	70,277
From Historic Preservation Revolving Fund (0430) .....	2,229
From DNR Cost Allocation Fund (0500) .....	83,080
From Natural Resources Protection Fund (0555) .....	12,423
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568) .....	98,674
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) .....	30,091
From Solid Waste Management Fund (0570) .....	127,258
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584) .....	19,818
From Petroleum Storage Tank Insurance Fund (0585) .....	24,468
From Underground Storage Tank Regulation Program Fund (0586) .....	5,610
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594) .....	252,916
From Parks Sales Tax Fund (0613) .....	89,390
From Environmental Radiation Monitoring Fund (0656) .....	1,517

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From Hazardous Waste Fund (0676).....	122,126
From Safe Drinking Water Fund (0679) .....	99,347
For the Department of Economic Development	
Expense and Equipment	
From General Revenue Fund (0101) .....	43,420
From Job Development and Training Fund (0155) .....	1,324,869
From Division of Tourism Supplemental Revenue Fund (0274) .....	4,182
From Manufactured Housing Fund (0582) .....	21,209
From Missouri Arts Council Trust Fund (0262) .....	53,673
From Public Service Commission Fund (0607).....	952,870
From Special Employment Security Fund (0949) .....	217,397
For the Department of Insurance, Financial Institutions and Professional Registration	
Expense and Equipment	
From Division of Finance Fund (0550) .....	53,862
From Insurance Dedicated Fund (0566) .....	7,268
From Insurance Examiners Fund (0552) .....	11,767
From Professional Registration Fees Fund (0689) .....	7,668
For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund (0101) .....	6,204
From DOLIR - Commission on Human Rights - Federal Fund (0117).....	11,279
From DOLIR Administrative Fund (0122) .....	2,351
From Unemployment Compensation Administration Fund (0948) .....	84,951
From Workers' Compensation Fund (0652).....	351,809
For the Department of Public Safety	
Expense and Equipment	
From State Emergency Management - Federal Fund (0145).....	7,320
From Justice Assistance Grant Program Fund (0782).....	11,068
From Veterans' Commission Capital Improvement Trust Fund (0304) .....	207,869
From Division of Alcohol and Tobacco Control Fund (0544) .....	162,312
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From General Revenue Fund (0101) .....	181,063
From Department of Public Safety - Federal Fund (0152) .....	6,821
From State Highways and Transportation Department Fund (0644) .....	1,142,893
For the Department of Public Safety	
For the Adjutant General	
Expense and Equipment	
From General Revenue Fund (0101) .....	30,770
From Adjutant General - Federal Fund (0190) .....	1,659,477

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Matter in bold-face type is proposed language.

For the Department of Public Safety For the Missouri Gaming Commission Expense and Equipment From Gaming Commission Fund (0286) .....	392,031
For the Department of Corrections Expense and Equipment From General Revenue Fund (0101) .....	6,253,363
From Working Capital Revolving Fund (0510).....	162,606
For the Department of Mental Health Expense and Equipment From General Revenue Fund (0101) .....	2,121,082
For the Department of Health and Senior Services Expense and Equipment From General Revenue Fund (0101) .....	1,864,954
From Department of Health and Senior Services - Federal Fund (0143).....	2,155,211
For the Department of Social Services Expense and Equipment From General Revenue Fund (0101) .....	9,650,688
From DSS Federal and Other Sources Fund (0610).....	5,467,266
From Nursing Facility Quality of Care Fund (0271).....	79,924
For the General Assembly Expense and Equipment From General Revenue Fund (0101) .....	7,903
For the Attorney General Expense and Equipment From General Revenue Fund (0101) .....	412,578
From Attorney General - Federal Fund (0136) .....	129,979
From Merchandising Practices Revolving Fund (0631) .....	95,134
From Workers' Compensation - Second Injury Fund (0653).....	83,544
From Workers' Compensation Fund (0652).....	83,544
From Hazardous Waste Fund (0676).....	7,248
From Missouri Office of Prosecution Services Fund (0680) .....	35,243
For the Secretary of State Expense and Equipment From General Revenue Fund (0101) .....	773,784
From Local Records Preservation Fund (0577).....	2,265
For the State Auditor Expense and Equipment From General Revenue Fund (0101) .....	10,435

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Matter in bold-face type is proposed language.

## For the Judiciary

## Expense and Equipment

From General Revenue Fund (0101) .....	2,369,047
From Judiciary - Federal Fund (0137) .....	20,365
From Judiciary Education and Training Fund (0847) .....	130,077
Total.....	\$45,546,518

**SECTION 13.010.** — To the Office of Administration

## For the Division of Facilities Management, Design and Construction

For operation of state owned facilities, utilities, systems furniture, and structural modifications provided that five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) flexibility between federal funds within this section, and further provided that three percent (3%) flexibility is allowed from this section to Section 13.021

## For the Department of Elementary and Secondary Education

## Expense and Equipment

From General Revenue Fund (0101) .....	\$337,451
From Vocational Rehabilitation Fund (0104) .....	826,670
From DESE - Federal Fund (0105).....	341,738

## For the Department of Higher Education

## Expense and Equipment

From General Revenue Fund (0101) .....	119,011
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## For the Department of Revenue

## Expense and Equipment

From General Revenue Fund (0101) .....	1,910,039
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## For the Office of Administration

## Expense and Equipment

From General Revenue Fund (0101) .....	2,786,784
From State Facility Maintenance and Operation Fund (0501).....	523,484
From Children's Trust Fund (0694) .....	13,492

## For the Department of Agriculture

## Expense and Equipment

From General Revenue Fund (0101) .....	86,340
From Department of Agriculture - Federal Fund (0133).....	18,020
From Animal Health Laboratory Fee Fund (0292).....	31,381
From Animal Care Reserve Fund (0295).....	3,031
From Commodity Council Merchandising Fund (0406) .....	2,901
From Single - Purpose Animal Facilities Loan Program Fund (0408) .....	3,598
From State Milk Inspection Fees Fund (0645).....	3,784
From Grain Inspection Fees Fund (0647).....	3,244
From Petroleum Inspection Fund (0662).....	102,409

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From Missouri Wine and Grape Fund (0787).....	9,680
From Agriculture Development Fund (0904) .....	1,350
From Agriculture Protection Fund (0970).....	255,040
For the Department of Natural Resources	
Expense and Equipment	
From General Revenue Fund (0101) .....	283,570
From DNR - Federal Fund (0140) .....	213,570
From Missouri Air Emission Reduction Fund (0267).....	68,431
From Historic Preservation Revolving Fund (0430) .....	6,133
From DNR Cost Allocation Fund (0500).....	96,242
From Natural Resources Protection Fund (0555) .....	172
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	136,940
From Solid Waste Management Fund - Scrap Tire Subaccount (0569) .....	5,122
From Solid Waste Management Fund (0570).....	9,897
From Metallic Minerals Waste Management Fund (0575).....	524
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).....	2,221
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).....	70,103
From Soil and Water Sales Tax Fund (0614).....	34,018
From Hazardous Waste Fund (0676).....	26,480
From Safe Drinking Water Fund (0679) .....	105,965
From Mined Land Reclamation Fund (0906) .....	11,253
For the Department of Economic Development	
Expense and Equipment	
From General Revenue Fund (0101) .....	198,637
From Job Development and Training Fund (0155) .....	704,082
From Energy Federal Fund (0866).....	45,099
From Division of Tourism Supplemental Revenue Fund (0274).....	103,827
From Department of Economic Development Administrative Fund (0547).....	44,816
From Public Service Commission Fund (0607).....	97,154
From Energy Set-Aside Program Fund (0667) .....	24,283
For the Department of Insurance, Financial Institutions and Professional Registration	
Expense and Equipment	
From Division of Credit Unions Fund (0548).....	24,713
From Division of Finance Fund (0550).....	181,545
From Insurance Examiners Fund (0552).....	93,827
From Insurance Dedicated Fund (0566).....	353,999
From Professional Registration Fees Fund (0689) .....	219,517
For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund (0101) .....	50,630
From DOLIR - Commission on Human Rights - Federal Fund (0117).....	53,305

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From DOLIR Administrative Fund (0122).....	261,617
From Division of Labor Standards - Federal Fund (0186).....	4,626
From Unemployment Compensation Administration Fund (0948).....	964,392
From Workers' Compensation Fund (0652).....	383,371
From Special Employment Security Fund (0949).....	48,418
For the Department of Public Safety	
Expense and Equipment	
From General Revenue Fund (0101).....	239,250
From Division of Alcohol and Tobacco Control Fund (0544).....	15,764
From Missouri Disaster Fund (0663).....	16,805
From Veterans' Commission Capital Improvement Trust Fund (0304).....	108,635
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From State Highways and Transportation Department Fund (0644).....	152,800
For the Department of Public Safety	
For the Missouri Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund (0286).....	79,789
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund (0101).....	906,789
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101).....	843,585
From Department of Mental Health - Federal Fund (0148).....	192,362
From Compulsive Gamblers Fund (0249).....	1,457
From Health Initiatives Fund (0275).....	6,569
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101).....	798,147
From Department of Health and Senior Services - Federal Fund (0143).....	922,371
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101).....	5,559,573
From Temporary Assistance for Needy Families Fund (0199).....	131,024
From DOSS Federal and Other Sources Fund (0610).....	751,195
From Health Initiatives Fund (0275).....	17,455
From Department of Social Services Educational Improvement Fund (0620).....	5,364
For the Governor	

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Expense and Equipment From General Revenue Fund (0101) .....	433,352
For the Lieutenant Governor Expense and Equipment From General Revenue Fund (0101) .....	34,108
For the General Assembly Expense and Equipment From General Revenue Fund (0101) .....	1,821,038
For the Secretary of State Expense and Equipment From General Revenue Fund (0101) .....	920,741
From Secretary of State's Technology Trust Fund Account (0266) .....	10,819
From Local Records Preservation Fund (0577) .....	5,214
From Investor Education and Protection Fund (0829) .....	21,183
For the State Auditor Expense and Equipment From General Revenue Fund (0101) .....	184,480
For the Attorney General Expense and Equipment From General Revenue Fund (0101) .....	480,777
From Attorney General - Federal Fund (0136) .....	144,299
From Natural Resources Protection Water Pollution Permit Fee Subaccount Fund (0568) .....	9,770
From Workers' Compensation Fund (0652) .....	31,272
From Workers' Compensation Second Injury Fund (0653) .....	31,272
From Hazardous Waste Fund (0676) .....	9,770
From Inmate Incarceration Reimbursement Act Revolving Fund (0828) .....	9,770
For the State Treasurer Expense and Equipment From State Treasurer's General Operations Fund (0164) .....	188,526
For the Judiciary Expense and Equipment From General Revenue Fund (0101) .....	235,529
Total .....	\$27,628,807

**SECTION 13.015.** — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the operation of institutional facilities, utilities, systems furniture, and structural modifications provided that five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between and within departments and one

hundred percent (100%) flexibility between federal funds within this section, further provided that three percent (3%) flexibility is allowed from this section to Section 13.021

For the Department of Elementary and Secondary Education Expense and Equipment From General Revenue Fund (0101) .....	\$4,135,411
For the Department of Agriculture Expense and Equipment From State Fair Fee Fund (0410) .....	573,422
For the Department of Public Safety Expense and Equipment From Veterans' Commission Capital Improvement Trust Fund (0304) .....	2,897,448
For the Department of Public Safety For the State Highway Patrol Expense and Equipment From General Revenue Fund (0101) .....	499,684
From State Highways and Transportation Department Fund (0644) .....	1,652,903
For the Department of Mental Health Expense and Equipment From General Revenue Fund (0101) .....	21,213,790
For the Department of Health and Senior Services Expense and Equipment From General Revenue Fund (0101) .....	10,787
From Department of Health and Senior Services - Federal Fund (0143) .....	12,467
For the Department of Social Services Expense and Equipment From General Revenue Fund (0101) .....	3,381,460
From DOSS Federal and Other Sources Fund (0610).....	<u>793,412</u>
Total.....	\$35,170,784

**SECTION 13.020.** — To the Office of Administration

For the Division of Facilities Management, Design and Construction For the collection and payment of costs associated with state-owned, institutional, and state leased space occupied by non-state agencies Expense and Equipment From Office of Administration Revolving Administrative Trust Fund (0505) .....	\$1,500,000
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**SECTION 13.021.** — To the Office of Administration

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

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

**Bill Totals**

General Revenue Fund.....	\$73,692,484
Federal Funds.....	19,397,477
Other Funds.....	<u>14,214,116</u>
Total.....	\$107,174,077

Approved June 29, 2018

HCS HB 2014

**To appropriate money for supplemental purposes for the several departments and offices of state government**

AN ACT To appropriate money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the fiscal period ending June 30, 2018.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period ending June 30, 2018, as follows:

**SECTION 14.005.** — To the Department of Elementary and Secondary Education  
For distributions to the free public schools for Early Childhood Special Education  
From General Revenue Fund (0101) ..... \$4,000,000

**SECTION 14.010.** — To the Department of Elementary and Secondary Education  
For distributions to providers of vocational education programs  
From Elementary and Secondary Education - Federal Fund (0105) ..... \$1,000,000

**SECTION 14.015.** — To the Department of Elementary and Secondary Education  
For distributions of charter school closure refunds  
From General Revenue Fund (0101) ..... \$208,164

**SECTION 14.020.** — To the Department of Higher Education  
For distribution to community colleges as provided in Section 163.191, RSMo  
For the payment of refunds set off against debt as required by Section 143.786, RSMo  
From Debt Offset Escrow Fund (0753) ..... \$250,000

**SECTION 14.025.** — To Missouri State University  
For the payment of refunds set off against debt as required by Section 143.786, RSMo  
From Debt Offset Escrow Fund (0753) ..... \$50,000

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**SECTION 14.030.** — To the Department of Revenue  
 For distribution to cities and counties of all funds accruing to the Motor Fuel Tax  
 Fund under the provisions of Sections 30(a) and 30(b), Article IV, of the  
 Constitution of Missouri  
 From Motor Fuel Tax Fund (0673).....\$4,000,000

**SECTION 14.035.** — To the Department of Revenue  
 For refunds and distributions of motor fuel taxes  
 From State Highways and Transportation Department Fund (0644).....\$5,200,000

**SECTION 14.040.** — To the Department of Revenue  
 For apportionments to the several counties and the City of St. Louis to offset  
 credits taken against the County Stock Insurance Tax  
 From General Revenue Fund (0101)..... \$5,188

**SECTION 14.045.** — To the Department of Revenue  
 For the State Lottery Commission  
 For payments to vendors for costs of the design, manufacture, licensing, leasing,  
 processing, and delivery of games administered by the State Lottery  
 Commission excluding pull tab machines .....\$4,500,000

For payments to vendors for costs of the design, manufacture, licensing, leasing,  
 processing, and delivery of no more than 215 pull tab machines located in  
 fraternal organizations only..... 920,000  
 From Lottery Enterprise Fund (0657).....\$5,420,000

**SECTION 14.055.** — To the Department of Revenue  
 Funds are to be transferred out of the State Treasury, chargeable to the State  
 Lottery Fund, to the Lottery Enterprise Fund  
 From State Lottery Fund (0682).....\$5,420,000

**SECTION 14.060.** — To the Department of Revenue  
 Funds are to be transferred out of the State Treasury, chargeable to the State  
 Lottery Fund, to the Lottery Proceeds Fund  
 From State Lottery Fund (0682).....\$5,000,000

**SECTION 14.065.** — To the Department of Transportation  
 For the Motor Carrier Safety Assistance Program  
 From Motor Carrier Safety Assistance Program/Division of Transportation -  
 Federal Fund (0185) .....\$1,000,000

**SECTION 14.070.** — To the Department of Transportation  
 For Multimodal Operations  
 For reimbursements to the State Road Fund for providing professional and  
 technical services and administrative support of the multimodal program  
 From Railroad Expense Fund (0659).....\$420,000

**SECTION 14.075.** — To the Department of Transportation  
 For the Aviation Program

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For construction, capital improvements, and maintenance of publicly owned airfields, including land acquisition, and for printing charts and directories  
From Aviation Trust Fund (0952).....\$1,260,000

**SECTION 14.080.** — To the Department of Transportation  
For the Waterways Program  
For grants to port authorities for assistance in port planning, acquisition, or construction within the port districts  
From General Revenue Fund (0101) ..... \$94,230

**SECTION 14.085.** — To the Office of Administration  
Funds are to be transferred out of the State Treasury, chargeable to the Proceeds of Surplus Property Sales Fund, to various state agency funds  
From Proceeds of Surplus Property Sales Fund (0710) ..... \$750,000

**SECTION 14.090.** — To the Office of Administration  
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Sections 105.711 through 105.726, RSMo, to the State Legal Expense Fund  
From General Revenue Fund (0101) .....\$2,625,000  
From Federal and Other Funds (Various)..... 7,900,000  
Total.....\$10,525,000

**SECTION 14.100.** — To the Office of Administration  
Funds are to be transferred out of the State Treasury, such amounts as may be necessary for corrections to fund balances  
From General Revenue Fund (0101) ..... \$46,105

**SECTION 14.105.** — To the Office of Administration  
For transferring funds for the state's contribution to the Missouri Consolidated Health Care Plan to the Missouri Consolidated Health Care Plan Benefit Fund  
From General Revenue Fund (0101) .....\$4,000,000

**SECTION 14.110.** — To the Office of Administration  
For the Division of General Services  
For the provision of workers' compensation benefits to state employees through either a self-insurance program administered by the Office of Administration and/or by contractual agreement with a private carrier and for administrative and legal expenses authorized, in part, by Section 105.810, RSMo  
From General Revenue Fund (0101) .....\$1,152,234

**SECTION 14.115.** — To the Office of Administration  
Funds are to be transferred out of the State Treasury, chargeable to various funds, amounts paid from the General Revenue Fund for workers' compensation benefits provided to employees paid from these other funds, to the General Revenue Fund  
From Federal and Other Funds (Various).....\$1,212,208

**SECTION 14.120.** — To the Office of Administration

For the Division of General Services

For workers' compensation tax payments pursuant to Section 287.690, RSMo

From General Revenue Fund (0101) .....\$1,150,000

From Conservation Commission Fund (0609) ..... 22,000

Total.....\$1,172,000

**SECTION 14.121.** — To the Department of Natural Resources

For the Missouri Geological Survey

Funds are to be transferred out of the State Treasury to the Multipurpose

Water Resource Program Fund

From General Revenue Fund (0101) .....\$750,000

**SECTION 14.130.** — To the Department of Economic Development

For the Division of Business and Community Services

For business recruitment and marketing

From Economic Development Advancement Fund (0783).....\$1,800,000

**SECTION 14.135.** — To the Department of Economic Development

For the Division of Business and Community Services

For the Missouri Community Service Commission Program Specific Distribution

From Community Service Commission Fund (0197).....\$400,000

**SECTION 14.140.** — To the Department of Public Safety

For the State Highway Patrol

For fringe benefits, including retirement contributions for members of the

Missouri Department of Transportation and Highway Patrol Employees'

Retirement System, and insurance premiums

Expense and Equipment

From Gaming Commission Fund (0286).....\$60,000

From Water Patrol Division Fund (0400)..... 10,000

From Highway Patrol Academy Fund (0674) ..... 7,000

From Highway Patrol Inspection Fund (0297) ..... 5,000

Total.....\$82,000

**SECTION 14.142.** — To the Department of Public Safety

For the Missouri Veterans' Commission

For Missouri Veterans' Homes

Personal Service

From Missouri Veterans' Homes Fund (0460).....\$535,535

**SECTION 14.145.** — To the Department of Public Safety

For the State Emergency Management Agency

To provide matching funds for federal grants and for emergency assistance

expenses of the State Emergency Management Agency as provided in

Section 44.032, RSMo

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

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To provide for expenses of any state agency responding during a declared emergency at the direction of the governor provided the services furnish immediate aid and relief

From General Revenue Fund (0101) .....	<u>1,500,000</u>
Total.....	<u>\$2,500,000</u>

**SECTION 14.150.** — To the Department of Corrections  
For the Division of Offender Rehabilitative Services  
For contractual services for offender physical and mental health care  
From General Revenue Fund (0101) ..... \$5,035,680

**SECTION 14.155.** — To the Department of Corrections  
For the transfer of refunds set off against debts as required by Section 143.786, RSMo  
From Debt Offset Escrow Fund (0753)..... \$2,000,000

**SECTION 14.160.** — To the Department of Mental Health  
For the Office of the Director  
For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees  
From General Revenue Fund (0101) ..... \$5,992,979

**SECTION 14.165.** — To the Department of Mental Health  
For Medicaid payments related to intergovernmental payments  
From Department of Mental Health Federal Fund (0148)..... \$3,400,000  
From Mental Health Intergovernmental Transfer Fund (0147)..... 1,600,000  
Total..... \$5,000,000

**SECTION 14.170.** — To the Department of Mental Health  
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Department of Social Services Intergovernmental Transfer Fund for the purpose of providing the state match for the Department of Mental Health payments  
From General Revenue Fund (0101) ..... \$35,260,689

**SECTION 14.175.** — To the Department of Mental Health  
Funds are to be transferred out of the State Treasury, chargeable to the Department of Mental Health Federal Fund, to the General Revenue Fund for the purpose of providing the state match for the Department of Mental Health payments  
From Department of Mental Health Federal Fund (0148)..... \$35,260,689

**SECTION 14.180.** — To the Department of Mental Health  
For the Division of Behavioral Health  
For the purpose of funding adult community programs  
From Department of Mental Health Federal Fund (0148)..... \$1,221,980  
From DMH Local Tax Matching Fund (0930)..... 679,638  
Total..... \$1,901,618

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**SECTION 14.185.** — To the Department of Mental Health  
 For the Division of Behavioral Health  
 For the purpose of reimbursing attorneys, physicians, and counties for fees in  
 involuntary civil commitment procedures  
 From General Revenue Fund (0101) ..... \$181,304

**SECTION 14.190.** — To the Department of Health and Senior Services  
 For the Division of Community and Public Health  
 For the purpose of funding community health programs and related expenses  
 From Department of Health and Senior Services Federal Fund (0143)..... \$9,141,265

**SECTION 14.195.** — To the Department of Health and Senior Services  
 For the Division of Senior and Disability Services  
 For the purpose of funding program operations and support  
 Personal Service  
 From General Revenue Fund (0101) ..... \$640,482  
 From Department of Health and Senior Services Federal Fund (0143)..... 640,482  
 Total..... \$1,280,964

**SECTION 14.200.** — To the Department of Health and Senior Services  
 For the Division of Senior and Disability Services  
 For the purpose of providing consumer directed personal care assistance services  
 at a rate not to exceed sixty percent (60%) of the average monthly Medicaid  
 cost of nursing facility care  
 From General Revenue Fund (0101) ..... \$15,102,314  
 From Department of Health and Senior Services Federal Fund (0143)..... 13,233,863  
 Total..... \$28,336,177

**SECTION 14.205.** — To the Department of Social Services  
 For the Children's Division  
 For the purpose of funding placement costs including foster care payments; related  
 services; expenses related to training of foster parents; residential treatment  
 placements and therapeutic treatment services; and for the diversion of children  
 from inpatient psychiatric treatment and services provided through  
 comprehensive, expedited permanency systems of care for children and families  
 From General Revenue Fund (0101) ..... \$713,150  
 From Department of Social Services Federal Fund (0610)..... 737,347  
 Total..... \$1,450,497

**SECTION 14.210.** — To the Department of Social Services  
 For the Children's Division  
 For the purpose of funding Adoption and Guardianship subsidy payments and  
 related services  
 From General Revenue Fund (0101) ..... \$1,274,942  
 From Department of Social Services Federal Fund (0610)..... 207,549  
 Total..... \$1,482,491

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**SECTION 14.215.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding the payment to comprehensive prepaid health care plans for supplemental Medicare parity payments to primary care physicians relating to maternal-fetal medicine, neonatology, and pediatric cardiology, and for administration of said plans, as provided by federal or state law, provided that MO HealthNet Managed Care eligibles described in Section 501(a)(1)(D) of Title V of the Social Security Act may voluntarily enroll in the Managed Care Program, and further provided that not more than thirty percent (30%) flexibility is allowed between this section and Section 14.230

From General Revenue Fund (0101) .....	\$1,500,000
From Title XIX - Federal Fund (0163) .....	<u>2,696,978</u>
Total.....	\$4,196,978

**SECTION 14.220.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding payments to the Department of Mental Health

From Title XIX - Federal Fund (0163) .....	\$195,415,689
From Department of Social Services Intergovernmental Transfer Fund (0139) .....	<u>38,016,424</u>
Total.....	\$233,432,113

**SECTION 14.225.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding: pharmaceutical payments under the MO HealthNet fee for service program, professional fees for pharmacists, professional fees implementing the CMS Covered Outpatient Therapy rule, a generic incentive adjustment of \$1, a comprehensive chronic care risk management program, and clinical medication therapy services (MTS) provided by pharmacists with MTS Certificates as allowed under Section 338.010 RSMo, to MO HealthNet (MHD) participants

From Pharmacy Rebates Fund (0114) .....	\$2,000,000
From Pharmacy Reimbursement Allowance Fund (0144) .....	<u>5,300,000</u>
Total.....	\$7,300,000

**SECTION 14.230.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician sponsored services and fees, laboratory and x ray services, asthma related services, and family planning services under the MO HealthNet fee for service program, and for administration of these programs, and for a comprehensive chronic care risk management program and Major Medical Prior Authorization, and for piloting the development of health homes for children in foster care, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 14.235, 14.240, 14.245, and 14.250

From General Revenue Fund (0101) .....	\$44,777,630
From Title XIX - Federal Fund (0163) .....	<u>93,184,758</u>

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Total.....\$137,962,388

**SECTION 14.235.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding dental services under the MO HealthNet fee for service program, including adult dental procedure codes (Tier 1 6), provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 14.230, 14.240, 14.245, and 14.250

From General Revenue Fund (0101) .....\$1,007,710

From Title XIX - Federal Fund (0163)..... 1,654,903

Total.....\$2,662,613

**SECTION 14.240.** — To the Department of Social Services

For the MO HealthNet Division

For funding long term care services

For the purpose of funding care in nursing facilities or other long term care services under the MO HealthNet fee for service program and for contracted services to develop model policies and practices that improve the quality of life for long term care residents, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 14.230, 14.235, 14.245, and 14.250

From General Revenue Fund (0101) .....\$1,281,468

From Uncompensated Care Fund (0108)..... 34,866

From Third Party Liability Collections Fund (0120)..... 3,500,000

Total.....\$4,816,334

**SECTION 14.245.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding all other non-institutional services including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses under the MO HealthNet fee for service program, and for administration of these services, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division, provided that additional funding shall be used to increase ground ambulance base rates for basic life support and advanced life support, payment of ground ambulance mileage during patient transportation from mile zero to the 5th mile, and annual patient safety and quality services for ambulance service through the Missouri Center for Patient Safety, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 14.230, 14.235, 14.240, and 14.250

From General Revenue Fund (0101) .....\$14,825,136

From Title XIX - Federal Fund (0163).....29,834,257

For the purpose of funding non-emergency medical transportation, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 14.230, 14.235, 14.240, and 14.250

From General Revenue Fund (0101) ..... 224,336

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Total.....\$44,883,729

**SECTION 14.250.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding hospital care under the MO HealthNet fee for service program, and for a comprehensive chronic care risk management program, and for administration of these programs, provided that the MO HealthNet Division shall track payments to out of state hospitals by location, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 14.230, 14.235, 14.240, and 14.245

From General Revenue Fund (0101) .....\$44,826,079

From Title XIX - Federal Fund (0163).....175,790,318

From Federal Reimbursement Allowance Fund (0142)..... 57,216,413

Total.....\$277,832,810

**SECTION 14.255.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding payments to hospitals under the Federal Reimbursement Allowance Program including state costs to pay for an independent audit of Disproportionate Share Hospital payments as required by the Centers for Medicare and Medicaid Services, for the expenses of the Poison Control Center in order to provide services to all hospitals within the state, and for the Gateway to Better Health 1115 Demonstration

For the purpose of funding a continuation of the services provided through Medicaid Emergency Psychiatric Demonstration as required by Section 208.152(16), RSMo

From Federal Reimbursement Allowance Fund (0142).....\$89,308,321

**SECTION 14.260.** — To the Department of Social Services

For the MO HealthNet Division

For the Show Me Healthy Babies Program authorized by Section 208.662, RSMo

From General Revenue Fund (0101) .....\$3,616,454

From Title XIX - Federal Fund (0163)..... 10,789,388

Total.....\$14,405,842

**SECTION 14.265.** — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding Nursing Facility Reimbursement Allowance payments as provided by law

From Nursing Facility Reimbursement Allowance Fund (0196).....\$6,859,814

**SECTION 14.270.** — To the Secretary of State

For the state's share of special election costs as required by Chapter 115, RSMo

From State Election Subsidy Fund (0686) ..... \$500,000

**SECTION 14.275.** — To the State Treasurer

For issuing duplicate checks or drafts and outlawed checks as provided by law

From General Revenue Fund (0101) .....\$1,750,000

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

**SECTION 14.280.** — To the State Treasurer  
 For payment of claims for abandoned property transferred by holders to the state  
 From Abandoned Fund Account (0863) .....\$9,700,000

**SECTION 14.285.** — To the State Treasurer  
 For transfer of such sums as may be necessary to make payment of claims from  
 the Abandoned Fund Account pursuant to Chapter 447, RSMo  
 From General Revenue Fund (0101) .....\$3,000,000

**Bill Totals**  
 General Revenue Fund.....\$162,072,421  
 Federal Funds.....344,933,088  
 Other Funds.....197,638,587  
 Total.....\$704,644,096

Approved April 5, 2018

HB 2015

**To appropriate money for supplemental purposes for the expenses, grants and distributions of the Department of Economic Development**

AN ACT To appropriate money for supplemental purposes for the expenses, grants and distributions of the Department of Economic Development to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2018.

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

There is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated, for the period ending June 30, 2018, as follows:

**SECTION 15.005.** — To the Department of Economic Development  
 For the Division of Business and Community Services  
 For the Community Development Block Grant Program  
 For projects awarded before July 1, 2017  
 Expense and Equipment  
 From Department of Economic Development - Community Development Block  
 Grant (Pass through) Fund (0118).....\$10,000,000

Approved May 9, 2018

HCS HB 2017

AN ACT To appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2018, and ending June 30, 2019.

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

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

There is appropriated out of the State Treasury, for the agency, program, and purpose stated, chargeable to the fund designated, for the period beginning July 1, 2018, and ending June 30, 2019, the unexpended balances available as of June 30, 2018, but not to exceed the amounts stated herein, as follows:

**SECTION 17.005.** — To the Office of Administration  
For the Department of Elementary and Secondary Education  
For repair and renovations to facilities statewide  
Representing expenditures originally authorized under the provisions of House Bill Section 19.135, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.005, an Act of the 99th General Assembly, First Regular Session  
From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$1,130,599

**SECTION 17.010.** — To the Office of Administration  
For the Department of Elementary and Secondary Education  
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide  
Representing expenditures originally authorized under the provisions of House Bill Section 18.005, an Act of the 99th General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund (0124)..... \$1,096,895

**SECTION 17.015.** — To the Coordinating Board for Higher Education  
For repair and renovations including masonry and roof repairs and window replacements at Crowder College  
Representing expenditures originally authorized under the provisions of House Bill Section 19.020, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.015, an Act of the 99th General Assembly, First Regular Session  
From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$194,147

**SECTION 17.020.** — To the Coordinating Board for Higher Education  
For repair and renovations including fire safety improvements, parking lot repairs, HVAC system repair and renovations, and roof replacements at Metropolitan Community College  
Representing expenditures originally authorized under the provisions of House Bill Section 19.035, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.030, an Act of the 99th General Assembly, First Regular Session  
From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$70,632

**SECTION 17.025.** — To the Coordinating Board for Higher Education  
For repair and renovations including energy efficiency improvements, interior remodeling, and roof replacements at Mineral Area College

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

Representing expenditures originally authorized under the provisions of House Bill Section 19.040, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.035, an Act of the 99th General Assembly, First Regular Session  
From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$331,792

**SECTION 17.030.** — To the Coordinating Board for Higher Education  
For repair and renovations including plumbing upgrades, roof repair, and window replacements at Moberly Area Community College  
Representing expenditures originally authorized under the provisions of House Bill Section 19.045, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.040, an Act of the 99th General Assembly, First Regular Session  
From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$189,987

**SECTION 17.035.** — To the Coordinating Board for Higher Education  
For repair and renovations including automated accessibility doors, boiler, HVAC system, and parking lot replacement at St. Charles Community College  
Representing expenditures originally authorized under the provisions of House Bill Section 19.060, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.045, an Act of the 99th General Assembly, First Regular Session  
From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$587,962

**SECTION 17.040.** — To the Coordinating Board for Higher Education  
For repair and renovations including updating science labs and new finishes for ceilings, floors, and walls at St. Louis Community College  
Representing expenditures originally authorized under the provisions of House Bill Section 19.065, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.050, an Act of the 99th General Assembly, First Regular Session  
From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$2,222,883

**SECTION 17.045.** — To the Coordinating Board for Higher Education  
For repair and renovations including electrical, elevator and HVAC systems upgrades, and parking lot and sidewalk repairs at Three Rivers Community College  
Representing expenditures originally authorized under the provisions of House Bill Section 19.075, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.060, an Act of the 99th General Assembly, First Regular Session  
From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$314,877

**SECTION 17.050.** — To State Technical College of Missouri  
For repair and renovations including foundation and parking lot repairs, HVAC system, and door and window replacements  
Representing expenditures originally authorized under the provisions of House Bill Section 19.080, an Act of the 98th General Assembly, First Regular Session

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and most recently authorized under the provisions of House Bill Section 17.065,  
 an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$255,691

**SECTION 17.055.** — To the University of Central Missouri  
 For repair and renovations including cabinetry, flooring, lighting, support  
 infrastructure repair, and exterior renovations  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 19.085, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.070,  
 an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$3,107,685

**SECTION 17.060.** — To Southeast Missouri State University  
 For repair and renovations including accessibility and fire safety improvements,  
 electrical, mechanical, plumbing systems, roof, and window replacements  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 19.090, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.075,  
 an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$3,906,377

**SECTION 17.065.** — To Missouri State University  
 For repair and renovations including exterior masonry and parking lot upgrades,  
 sprinkler system installation, electrical, plumbing, fire safety, and HVAC  
 system replacements  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 19.095, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.080,  
 an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$3,218,680

**SECTION 17.070.** — To Lincoln University  
 For repair and renovations including foundation and exterior masonry repairs,  
 electrical, HVAC, mechanical, plumbing system, and roof replacement  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 19.100, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.085,  
 an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$148,866

**SECTION 17.075.** — To Northwest Missouri State University  
 For repair and renovations including electrical system repairs and window  
 replacements  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 19.110, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.095,  
 an Act of the 99th General Assembly, First Regular Session

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From Board of Public Buildings Bond Proceeds Fund (Various) .....\$4,514,444

**SECTION 17.080.** — To Missouri Southern State University

For planning, design, renovation, and construction of science laboratories in Reynolds Hall, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo

Representing expenditures originally authorized under the provisions of House Bill Section 2021.062, an Act of the 97th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.105, an Act of the 99th General Assembly, First Regular Session

From General Revenue Fund (0101) .....\$1,500,000

**SECTION 17.085.** — To Missouri Southern State University

For planning, design, renovation, and construction of Reynolds Hall on Missouri Southern State University campus

Representing expenditures originally authorized under the provisions of House Bill Section 2018.075, an Act of the 98th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill Section 17.110, an Act of the 99th General Assembly, First Regular Session

From General Revenue Fund (0101) .....\$3,325,000

**SECTION 17.090.** — To Missouri Western State University

For repair and renovations including entryway repairs, bathroom renovations, ceiling, floor, fiber optic cable, HVAC system, and window replacements

Representing expenditures originally authorized under the provisions of House Bill Section 19.120, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.115, an Act of the 99th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) .....\$360,449

**SECTION 17.095.** — To Harris Stowe State University

For repair and renovations including hazmat remediation, upgrades to windows, HVAC, electrical systems, plumbing, and finishes for Vashon Center

Representing expenditures originally authorized under the provisions of House Bill Section 19.125, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.125, an Act of the 99th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) .....\$1,683,037

**SECTION 17.100.** — To the University of Missouri

For planning, design, renovation, and construction of an applied learning center at the Columbia campus, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo

Representing expenditures originally authorized under the provisions of House Bill Section 2021.040, an Act of the 97th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.150, an Act of the 99th General Assembly, First Regular Session

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Matter in bold-face type is proposed language.

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

**SECTION 17.105.** — To the University of Missouri

For repair and renovations including accessibility and fire safety improvements, repair of Benton Hall, science laboratory renovations, and HVAC replacements

Representing expenditures originally authorized under the provisions of House Bill Section 19.130, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.160, an Act of the 99th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) .....\$18,190,313

**SECTION 17.110.** — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For emergency requirements, unprogrammed requirements, appraisals and surveys, assessment, abatement, removal remediation, and management of hazardous materials and pollutants, energy conservation, and project administration requirements for facilities statewide

Representing expenditures originally authorized under the provisions of House Bill Section 18.015, an Act of the 99th General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund (0124).....\$4,087,801

For elevator modernization at the Prince Hall Family Support Center

Representing expenditures originally authorized under the provisions of House Bill Section 18.015, an Act of the 99th General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund (0124)..... 1,477,899

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at state facilities

Representing expenditures originally authorized under the provisions of House Bill Section 18.015, an Act of the 99th General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund (0124)..... 15,958,677

Total.....\$21,524,377

**SECTION 17.120.** — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For emergency and unprogrammed requirements at state facilities

Representing expenditures originally authorized under the provisions of House Bill Section 2018.020, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.180, an Act of the 99th General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund (0124).....\$5,074,055

**SECTION 17.130.** — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For statewide assessment, abatement, removal, remediation, and management of hazardous materials and pollutants at state facilities

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

Representing expenditures originally authorized under the provisions of House Bill Section 2018.025, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.190, an Act of the 99th General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund (0124)..... \$178,361

**SECTION 17.140.** — To the Office of Administration  
For the Division of Facilities Management, Design and Construction  
For the statewide roofing management system at statewide facilities  
Representing expenditures originally authorized under the provisions of House Bill Section 2018.026, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.200, an Act of the 99th General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund (0124)..... \$726,400

**SECTION 17.150.** — To the Office of Administration  
For the Division of Facilities Management, Design and Construction  
For statewide electrical improvements at state facilities  
Representing expenditures originally authorized under the provisions of House Bill Section 2018.022, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.210, an Act of the 99th General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund (0124)..... \$750,000

**SECTION 17.155.** — To the Office of Administration  
For the Division of Facilities Management, Design and Construction  
For maintenance, repairs and replacements, and improvements at state facilities  
Representing expenditures originally authorized under the provisions of House Bill Section 18.025, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.220, an Act of the 99th General Assembly, First Regular Session  
From Special Employment Security Fund (0949) ..... \$20,390  
From Department of Social Services - Federal and Other Fund (0610)..... 63,844  
From State Highways and Transportation Department Fund (0644) ..... 285,433  
Total..... \$369,667

**SECTION 17.160.** — To the Office of Administration  
For the Division of Facilities Management, Design and Construction  
For maintenance, repairs, replacements, appraisals and surveys, and improvements at state facilities  
Representing expenditures originally authorized under the provisions of House Bill Section 2018.030, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.225, an Act of the 99th General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund (0124)..... \$4,798,589  
From Veterans Commission Capital Improvement Trust Fund (0304) ..... 100,000  
Total..... \$4,898,589

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

<b>SECTION 17.170.</b> — To the Office of Administration	
For the Division of Facilities Management, Design and Construction	
For the statewide life safety improvements at state facilities	
Representing expenditures originally authorized under the provisions of House Bill Section 2018.024, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.235, an Act of the 99th General Assembly, First Regular Session	
From Facilities Maintenance Reserve Fund (0124).....	\$748,321
 <b>SECTION 17.180.</b> — To the Office of Administration	
For the Division of Facilities Management, Design and Construction	
For statewide heating, ventilation, and air conditioning improvements at state facilities	
Representing expenditures originally authorized under the provisions of House Bill Section 2018.023, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.245, an Act of the 99th General Assembly, First Regular Session	
From Facilities Maintenance Reserve Fund (0124).....	\$554,905
 <b>SECTION 17.190.</b> — To the Office of Administration	
For the Division of Facilities Management, Design and Construction	
For statewide plumbing improvements at state facilities	
Representing expenditures originally authorized under the provisions of House Bill Section 2018.021, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.255, an Act of the 99th General Assembly, First Regular Session	
From Facilities Maintenance Reserve Fund (0124).....	\$638,087
 <b>SECTION 17.200.</b> — To the Office of Administration	
For the Division of Facilities Management, Design and Construction	
For security improvements at state facilities	
Representing expenditures originally authorized under the provisions of House Bill Section 2018.027, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.265, an Act of the 99th General Assembly, First Regular Session	
From Facilities Maintenance Reserve Fund (0124).....	\$748,000
 <b>SECTION 17.210.</b> — To the Office of Administration	
For the Division of Facilities Management, Design and Construction	
For projects that are identified as having an energy savings payback and renewable energy opportunities at all state owned facilities from grants and contributions, but not loans	
Representing expenditures originally authorized under the provisions of House Bill Section 2018.035, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.275, an Act of the 99th General Assembly, First Regular Session	
From Facilities Maintenance Reserve Fund (0124).....	\$196,507

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**SECTION 17.215.** — To the Office of Administration  
 For the Division of Facilities Management, Design and Construction  
 For receipt and disbursement of federal or state emergency management funds  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 18.030, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.295,  
 an Act of the 99th General Assembly, First Regular Session  
 From Office of Administration Federal and Other Fund (0135) ..... \$250,000

**SECTION 17.220.** — To the Office of Administration  
 For the Division of Facilities Management, Design and Construction  
 For projects that are identified as having an energy savings payback and  
 renewable energy opportunities at all state owned facilities from grants and  
 contributions, but not loans  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 18.035, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.300,  
 an Act of the 99th General Assembly, First Regular Session  
 From Grants and Contributions Fund (0723) ..... \$250,000

**SECTION 17.225.** — To the Office of Administration  
 For the Division of Facilities Management, Design and Construction  
 For the receipt and disbursement of recovered costs related to capital improvements  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 18.040, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.305,  
 an Act of the 99th General Assembly, First Regular Session  
 From Office of Administration Revolving Administrative Trust Fund (0505) ..... \$241,582

**SECTION 17.230.** — To the State Historical Society  
 For the planning, design, and construction of the State Historical Society building  
 and museum located in any home rule city with more than one hundred eight  
 thousand but fewer than one hundred sixteen thousand inhabitants  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 19.221, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.325,  
 an Act of the 99th General Assembly, First Regular Session  
 From Missouri Development Finance Board Bond Proceeds Fund (Various) ..... \$32,026,736

**SECTION 17.235.** — To the Office of Administration  
 For repairs and renovations to the exterior of the State Capitol Building  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 18.070, an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$24,756,826

**SECTION 17.240.** — To the Office of Administration  
 For the Department of Agriculture

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide  
 Representing expenditures originally authorized under the provisions of House Bill Section 18.020, an Act of the 99th General Assembly, First Regular Session  
 From Facilities Maintenance Reserve Fund (0124).....\$2,021,584

**SECTION 17.245.** — To the Office of Administration

For the Department of Agriculture  
 For repair and renovations at State Fair facilities  
 Representing expenditures originally authorized under the provisions of House Bill Section 19.155, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.330, an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various).....\$1,284,519

**SECTION 17.250.** — To the Department of Natural Resources

For the Division of State Parks  
 For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants  
 Representing expenditures originally authorized under the provisions of House Bill Section 18.030, an Act of the 99th General Assembly, First Regular Session  
 From Department of Natural Resources Federal Fund (0140) ..... \$500,000  
 From State Park Earnings Fund (0415) ..... 3,933,434  
 From Historic Preservation Revolving Fund (0430) ..... 500,000  
 From Parks Sales Tax Fund (0613)..... 1,676,420  
 Total..... \$6,609,854

**SECTION 17.255.** — To the Department of Natural Resources

For the Division of State Parks  
 For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants  
 Representing expenditures originally authorized under the provisions of House Bill Section 18.030, an Act of the 97th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.340, an Act of the 99th General Assembly, First Regular Session  
 From Parks Sales Tax Fund (0613).....\$581,000

**SECTION 17.260.** — To the Department of Natural Resources

For the Division of State Parks

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

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants  
 Representing expenditures originally authorized under the provisions of House Bill Section 18.045, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.350, an Act of the 99th General Assembly, First Regular Session

From State Park Earnings Fund (0415) .....	\$121,572
From Department of Natural Resources Federal Fund (0140) .....	500,000
From Parks Sales Tax Fund (0613).....	<u>624,969</u>
Total.....	\$1,246,541

**SECTION 17.265.** — To the Department of Natural Resources  
 For the Division of State Parks

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, provided the purchase does not add more than 20 acres to any existing park site, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants  
 Representing expenditures originally authorized under the provisions of House Bill Section 2018.040, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.355, an Act of the 99th General Assembly, First Regular Session

From State Park Earnings Fund (0415) .....	\$330,046
From Department of Natural Resources Federal Fund (0140) .....	1,000,000
From Parks Sales Tax Fund (0613).....	<u>1,855,237</u>
Total.....	\$3,185,283

**SECTION 17.270.** — To the Department of Natural Resources  
 For the Division of State Parks

For repair and renovation at state parks and historic sites in the Central region  
 Representing expenditures originally authorized under the provisions of House Bill Section 19.191, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.360, an Act of the 99th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) .....	\$216,010
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**SECTION 17.275.** — To the Department of Natural Resources  
 For the Division of State Parks

For repair and renovation at state parks and historic sites in the Lakes region  
 Representing expenditures originally authorized under the provisions of House Bill Section 19.196, an Act of the 98th General Assembly, First Regular Session

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 Matter in bold-face type is proposed language.

and most recently authorized under the provisions of House Bill Section 17.365,  
 an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$1,624,432

**SECTION 17.280.** — To the Department of Natural Resources  
 For the Division of State Parks  
 For repair and renovation at state parks and historic sites in the Northeast region  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 19.201, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.370,  
 an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$1,503,890

**SECTION 17.285.** — To the Department of Natural Resources  
 For the Division of State Parks  
 For repair and renovation at state parks and historic sites in the Kansas City region  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 19.206, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.375,  
 an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$41,755

**SECTION 17.290.** — To the Department of Natural Resources  
 For the Division of State Parks  
 For repair and renovation at state parks and historic sites in the Southeast region  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 19.211, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.380,  
 an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$1,461,453

**SECTION 17.295.** — To the Department of Natural Resources  
 For the Division of State Parks  
 For repair and renovation at state parks and historic sites in the St. Louis region  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 19.216, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.385,  
 an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$1,313,690

**SECTION 17.300.** — To the Department of Conservation  
 For stream access acquisition and development; lake site acquisition and  
 development; financial assistance to other public agencies or in partnership with  
 other public agencies; land acquisition for upland wildlife, state forests,  
 wetlands, and natural areas and additions to existing areas; for major  
 improvements and repairs including materials, supplies, and labor to buildings,  
 roads, hatcheries, and other departmental structures; and for soil conservation  
 activities and erosion control on department land

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

Representing expenditures originally authorized under the provisions of House Bill Section 18.050, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.400, an Act of the 99th General Assembly, First Regular Session  
 From Conservation Commission Fund (0609) .....\$1,657,878

**SECTION 17.305.** — To the Department of Conservation  
 For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, and erosion control on department land  
 Representing expenditures originally authorized under the provisions of House Bill Section 2018.045, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.405, an Act of the 99th General Assembly, First Regular Session  
 From Conservation Commission Fund (0609) .....\$11,606,298

**SECTION 17.310.** — To the Office of Administration  
 For the Department of Labor and Industrial Relations  
 For critical repairs, replacements, and improvements at facilities statewide  
 Representing expenditures originally authorized under the provisions of House Bill Section 18.035, an Act of the 99th General Assembly, First Regular Session  
 From Workers' Compensation Fund (0652)..... \$200,000  
 From Special Employment Security Fund (0949) ..... 400,000  
 Total..... \$600,000

**SECTION 17.315.** — To the Office of Administration  
 For the Department of Public Safety  
 For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide  
 Representing expenditures originally authorized under the provisions of House Bill Section 18.055, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.415, an Act of the 99th General Assembly, First Regular Session  
 From State Highways and Transportation Department Fund (0644) .....\$1,213,270

**SECTION 17.320.** — To the Office of Administration  
 For the Adjutant General - Missouri National Guard  
 For maintenance and repair at National Guard facilities statewide  
 Representing expenditures originally authorized under the provisions of House Bill Section 18.050, an Act of the 99th General Assembly, First Regular Session  
 From Facilities Maintenance Reserve Fund (0124).....\$3,016,229  
 From Adjutant General Federal Fund (0190)..... 10,000,000

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

Total.....\$13,016,229

**SECTION 17.325.** — To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide

Representing expenditures originally authorized under the provisions of House Bill Section 2018.050, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.420, an Act of the 99th General Assembly, First Regular Session

From State Highways and Transportation Department Fund (0644) ..... \$277,201

**SECTION 17.330.** — To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide

Representing expenditures originally authorized under the provisions of House Bill Section 18.040, an Act of the 99th General Assembly, First Regular Session

From State Highways and Transportation Department Fund (0644) ..... \$1,430,620

**SECTION 17.335.** — To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at state veterans' homes

Representing expenditures originally authorized under the provisions of House Bill Section 18.040, an Act of the 97th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.425, an Act of the 99th General Assembly, First Regular Session

From Missouri Veterans Commission Federal Fund (0184) ..... \$5,205,157

From Veterans Commission Capital Improvement Trust Fund (0304) ..... 6,598,691

Total.....\$11,803,848

**SECTION 17.340.** — To the Office of Administration

For the Department of Public Safety

For design and construction of a storage building at the St. Louis Veterans' Home

Representing expenditures originally authorized under the provisions of House Bill Section 19.035, an Act of the 97th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.430, an Act of the 99th General Assembly, First Regular Session

From Missouri Veterans Commission Federal Fund (0184) ..... \$729,872

From Veterans Commission Capital Improvement Trust Fund (0304) ..... 980,444

Total.....\$1,710,316

**SECTION 17.345.** — To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at state veterans' homes and state veterans' cemeteries

Representing expenditures originally authorized under the provisions of House Bill Section 18.060, an Act of the 98th General Assembly, First Regular Session

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Matter in bold-face type is proposed language.

and most recently authorized under the provisions of House Bill Section 17.440,  
 an Act of the 99th General Assembly, First Regular Session  
 From Veterans Commission Capital Improvement Trust Fund (0304) ..... \$52,245

**SECTION 17.350.** — To the Office of Administration  
 For the Department of Public Safety  
 For repairs, replacements, and improvements at state veterans' homes and state  
 veterans' cemeteries  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 2018.055, an Act of the 98th General Assembly, Second Regular  
 Session and most recently authorized under the provisions of House Bill  
 Section 17.445, an Act of the 99th General Assembly, First Regular Session  
 From Veterans Commission Capital Improvement Trust Fund (0304) ..... \$5,854,179

**SECTION 17.355.** — To the Office of Administration  
 For the Department of Public Safety  
 For repair and renovations to state veterans' homes  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 19.160, an Act of the 98th General Assembly, First Regular Session  
 and most recently authorized under the provisions of House Bill Section 17.450,  
 an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... \$8,607,781

**SECTION 17.360.** — To the Office of Administration  
 For the Department of Public Safety  
 For repairs, replacements, and improvements at state veterans' homes and state  
 veterans' cemeteries  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 18.045, an Act of the 99th General Assembly, First Regular Session  
 From Veterans Commission Capital Improvement Trust Fund (0304) ..... \$35,714,691

**SECTION 17.365.** — To the Office of Administration  
 For the Adjutant General - Missouri National Guard  
 For statewide maintenance and repair at National Guard facilities  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 18.045, an Act of the 97th General Assembly, First Regular  
 Session, and most recently authorized under the provisions of House Bill  
 Section 17.455, an Act of the 99th General Assembly, First Regular Session  
 From Adjutant General Federal Fund (0190) ..... \$4,400

**SECTION 17.370.** — To the Department of Public Safety  
 For the Adjutant General - Missouri National Guard  
 For design and construction of National Guard Facilities statewide  
 Representing expenditures originally authorized under the provisions of House  
 Bill Section 19.050, an Act of the 97th General Assembly, First Regular  
 Session, and most recently authorized under the provisions of House Bill  
 Section 17.460, an Act of the 99th General Assembly, First Regular Session  
 From Adjutant General Federal Fund (0190) ..... \$20,912

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

<b>SECTION 17.375.</b> — To the Office of Administration For the Adjutant General - Missouri National Guard For statewide maintenance and repair at National Guard facilities Representing expenditures originally authorized under the provisions of House Bill Section 18.065, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.465, an Act of the 99th General Assembly, First Regular Session From Adjutant General Federal Fund (0190).....	\$11,122,209
<b>SECTION 17.380.</b> — To the Office of Administration For the Adjutant General - Missouri National Guard For statewide maintenance and repair at National Guard facilities Representing expenditures originally authorized under the provisions of House Bill Section 2018.065, an Act of the 98th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.470, an Act of the 99th General Assembly, First Regular Session From Adjutant General Federal Fund (0190).....	\$19,729,459
<b>SECTION 17.385.</b> — To the Office of Administration For the Department of Corrections For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide Representing expenditures originally authorized under the provisions of House Bill Section 18.055, an Act of the 99th General Assembly, First Regular Session From Facilities Maintenance Reserve Fund (0124).....	\$4,000,732
<b>SECTION 17.390.</b> — To the Office of Administration For the Department of Corrections For repair and renovations at facilities statewide Representing expenditures originally authorized under the provisions of House Bill Section 19.165, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.475, an Act of the 99th General Assembly, First Regular Session From Board of Public Buildings Bond Proceeds Fund (Various).....	\$5,728,855
<b>SECTION 17.395.</b> — To the Office of Administration For planning and design for the replacement of the Fulton State Hospital Representing expenditures originally authorized under the provisions of House Bill Section 19.009, an Act of the 97th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.280, an Act of the 99th General Assembly, First Regular Session From General Revenue Fund (0101) .....	\$241,307
<b>SECTION 17.400.</b> — To the Office of Administration For the completion of design and construction to replace Fulton State Hospital Representing expenditures originally authorized under the provisions of House Bill Section 2005.197, an Act of the 97th General Assembly, Second Regular	

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Matter in bold-face type is proposed language.

Session, and most recently authorized under the provisions of House Bill Section 17.285, an Act of the 99th General Assembly, First Regular Session  
From Fulton State Hospital Bond Proceeds Fund (Various) .....\$79,458,650

**SECTION 17.405.** — To the Office of Administration  
For the Department of Mental Health  
For repair and renovations at facilities statewide  
Representing expenditures originally authorized under the provisions of House Bill Section 19.170, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.480, an Act of the 99th General Assembly, First Regular Session  
From Board of Public Buildings Bond Proceeds Fund (Various) .....\$7,013,342

**SECTION 17.415.** — To the Office of Administration  
For the Department of Mental Health  
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide  
Representing expenditures originally authorized under the provisions of House Bill Section 18.060, an Act of the 99th General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund (0124).....\$6,506,675

**SECTION 17.420.** — To the Office of Administration  
For the Department of Social Services  
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide  
Representing expenditures originally authorized under the provisions of House Bill Section 18.065, an Act of the 99th General Assembly, First Regular Session  
From Facilities Maintenance Reserve Fund (0124).....\$1,389,858  
From Department of Social Services - Federal and Other Fund (0610)..... 365,385  
Total.....\$1,755,243

**SECTION 17.435.** — To the Office of Administration  
For the Department of Social Services  
For repair and renovations at facilities statewide  
Representing expenditures originally authorized under the provisions of House Bill Section 19.175, an Act of the 98th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.495, an Act of the 99th General Assembly, First Regular Session  
From Board of Public Buildings Bond Proceeds Fund (Various) .....\$1,567,572

**SECTION 17.440.** — To the Office of Administration  
For the Division of Facilities Management, Design and Construction  
For repair and renovations at facilities statewide  
Representing expenditures originally authorized under the provisions of House Bill Section 19.140, an Act of the 98th General Assembly, First Regular Session

and most recently authorized under the provisions of House Bill Section 17.310,  
 an Act of the 99th General Assembly, First Regular Session  
 From Board of Public Buildings Bond Proceeds Fund (Various).....\$9,519,849

**Bill Totals**

General Revenue Fund.....\$5,066,308  
 Federal Funds.....49,491,238  
 Other Funds..... 292,817,799  
 Total.....\$347,375,345

Approved June 29, 2018

HCS HB 2018

**To appropriate money for purposes for the several departments and offices of state government; for projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities**

AN ACT To appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for refunds, distributions, planning, expenses, and land improvements; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, for the agency, program, and purpose stated, chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**SECTION 18.005.** — To the Office of Administration  
 For the Department of Elementary and Secondary Education  
 For maintenance, repairs, replacements, unprogrammed requirements,  
 emergency requirements, operational maintenance and repair, and  
 improvements at facilities statewide  
 From Facilities Maintenance Reserve Fund (0124).....\$3,365,168

**SECTION 18.010.** — Funds are to be transferred out of the State Treasury,  
 chargeable to the General Revenue Fund, to the Facilities Maintenance  
 Reserve Fund  
 From General Revenue Fund (0101) .....\$82,153,823

**SECTION 18.015.** — To the Office of Administration  
 For the Division of Facilities Management, Design and Construction  
 For emergency requirements, unprogrammed requirements, appraisals and  
 surveys, assessment, abatement, removal remediation, and management of

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hazardous materials and pollutants, energy conservation, and project administration requirements for facilities statewide  
 From Facilities Maintenance Reserve Fund (0124).....\$17,073,940

**SECTION 18.020.** — To the Office of Administration  
 For the Division of Facilities Management, Design and Construction  
 For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at the Capitol Complex  
 From Facilities Maintenance Reserve Fund (0124).....\$5,288,018  
 From Board of Public Buildings Bond Proceeds Fund (Various) ..... 34,500,000  
 Total.....\$39,788,018

**SECTION 18.025.** — To the Office of Administration  
 For the Department of Agriculture  
 For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide  
 From Facilities Maintenance Reserve Fund (0124).....\$2,846,572

**SECTION 18.030.** — To the Office of Administration  
 For the Department of Natural Resources  
 For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide  
 From Facilities Maintenance Reserve Fund (0124).....\$702,804

**SECTION 18.035.** — To the Department of Natural Resources  
 For the Division of State Parks  
 For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants  
 From State Park Earnings Fund (0415) .....\$9,150,000  
 From Parks Sales Tax Fund (0613)..... 5,150,000  
 From Department of Natural Resources Federal Fund (0140) ..... 500,000  
 From Historic Preservation Revolving Fund (0430) ..... 500,000  
 Total.....\$15,300,000

**SECTION 18.040.** — To the Office of Administration  
 For the Department of Conservation  
 For stream access development; lake site development; financial assistance to other public agencies or in partnership with other public agencies; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land

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From Conservation Commission Fund (0609) .....\$32,500,000

**SECTION 18.045.**— To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide

From State Highways and Transportation Department Fund (0644) .....\$3,777,769

**SECTION 18.050.**— To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at state veterans' homes

From Veterans Commission Capital Improvement Trust Fund (0304) .....\$5,135,739

**SECTION 18.055.**— To the Office of Administration

For the Adjutant General - Missouri National Guard

For maintenance and repair at National Guard facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$3,171,205

**SECTION 18.060.**— To the Office of Administration

For the Department of Corrections

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$14,548,109

**SECTION 18.065.**— To the Office of Administration

For the Department of Mental Health

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$11,147,946

**SECTION 18.070.**— To the Office of Administration

For the Department of Social Services

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$3,171,262

**SECTION 18.075.**— To the Department of Natural Resources

For the Division of State Parks

For renovation, repair, and maintenance and any other expenditures related to the swimming pool at Cuivre River State Park

From State Park Earnings Fund (0415) .....\$500,000

**Bill Totals**

General Revenue Fund.....\$82,153,823

Federal Funds..... 500,000

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Matter in bold-face type is proposed language.

Other Funds.....	91,213,508
Total.....	\$173,867,331

Approved June 29, 2018

HCS HB 2019

**To appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements**

AN ACT To appropriate money for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds herein designated for the fiscal period beginning July 1, 2018, and ending June 30, 2019.

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

There is appropriated out of the State Treasury, for the agency, program, and purpose stated, chargeable to the fund designated for the period beginning July 1, 2018, and ending June 30, 2019, as follows:

**SECTION 19.005.** — To the Department of Transportation  
 For development of port infrastructure on Missouri's waterways including property acquisition, security systems, rail connectors, and road access improvements  
 From General Revenue Fund (0101) .....\$4,636,567

**SECTION 19.010.** — To the Department of Agriculture  
 For design and construction of a new restroom and campground expansion at the State Fairgrounds  
 From State Fair Fee Fund (0410) ..... \$180,000

**SECTION 19.015.** — To the Department of Natural Resources  
 For the Division of State Parks  
 For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants  
 From State Park Earnings Fund (0415) .....\$1,200,000  
 From Department of Natural Resources Federal Fund (0140) ..... 500,000  
 Total.....\$1,700,000

**SECTION 19.020.** — To the Department of Conservation  
 For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands,

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 Matter in bold-face type is proposed language.

and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land  
 From Conservation Commission Fund (0609) .....\$33,000,000

**SECTION 19.025.** — To the Office of Administration

For the Missouri State Highway Patrol  
 For planning, design and construction at the General Headquarters  
 From General Revenue Fund (0101) .....\$679,207  
 From State Highways and Transportation Department Fund (0644) .....2,377,224  
 From Gaming Commission Fund (0286) ..... 339,603  
 From DNA Profiling Analysis Fund (0772) ..... 2,973,267  
 Total.....\$6,369,301

**SECTION 19.030.** — To the Office of Administration

For the Adjutant General - Missouri National Guard  
 For design and construction of National Guard facilities statewide, an addition to the aircraft maintenance facility at AVCRAD Base in Springfield, and the renovation of a Department of Transportation building for Missouri National Guard troop additions  
 From General Revenue Fund (0101) .....\$94,750  
 From Adjutant General - Federal Fund (0190) ..... 42,000,000  
 Total.....\$42,094,750

**SECTION 19.035.** — To the Office of Administration

For the Department of Mental Health  
 For completion of construction of the Fulton State Mental Hospital and demolition of the Biggs facility  
 From Fulton State Hospital Bond Proceeds Fund (Various) .....\$1,200,000

**SECTION 19.040.** — To the Office of Administration

For a workforce development training center located in a county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants  
 From General Revenue Fund (0101) .....\$500,000

**SECTION 19.045.** — To the Department of Natural Resources

For surface water improvements and construction of a water reservoir in a county of the third classification with a township form of government and with more than nine thousand but fewer than ten thousand inhabitants and with a city of the fourth classification with more than three hundred but fewer than four hundred inhabitants as the county seat  
 From General Revenue Fund (0101) .....\$2,000,000

**SECTION 19.050.** — To the Department of Natural Resources

For the Division of State Parks  
 For an engineering and hydrology study at Big Oak Tree State Park  
 From State Park Earnings Fund (0415) .....\$150,000

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

**\*SECTION 19.055.** — To the Coordinating Board for Higher Education  
 For renovation and expansion of the Crisp Technology Center at Three Rivers  
 Community College  
 From General Revenue Fund (0101) .....\$3,000,000

\*I hereby veto \$250,000 for renovation and expansion of the Crisp Technology Center at Three Rivers Community College.  
 From \$3,000,000 to \$2,750,000 from General Revenue Fund.  
 From \$3,000,000 to \$2,750,000 in total for the section.

MICHAEL L. PARSON  
 GOVERNOR

**\*SECTION 19.060.** — To the Coordinating Board for Higher Education  
 For planning, design, renovation and construction at the Cassville campus of  
 Crowder College  
 From General Revenue Fund (0101) .....\$2,000,000

\*I hereby veto \$666,667 for planning, design, renovation and construction at the Cassville campus of Crowder College.  
 From \$2,000,000 to \$1,333,333 from General Revenue Fund.  
 From \$2,000,000 to \$1,333,333 in total for the section.

MICHAEL L. PARSON  
 GOVERNOR

**SECTION 19.065.** — To State Technical College of Missouri  
 For planning, design, and construction of a utility technician center  
 From General Revenue Fund (0101) .....\$2,000,000

**SECTION 19.070.** — To Missouri State University  
 For planning, design, and construction of the Ozarks Education Center at Bull  
 Shoals, local matching funds must be provided on a 50/50 state/local match  
 rate in order to be eligible for state funds pursuant to Section 173.480, RSMo  
 From General Revenue Fund (0101) .....\$1,100,000

**\*SECTION 19.075.** — To Truman State University  
 For exterior renovation and preservation of the Greenwood School for the Inter-  
 Professional Autism Clinic  
 From General Revenue Fund (0101) .....\$700,000

\*I hereby veto \$233,333 for Truman State University for exterior renovation and preservation of the Greenwood School for the Inter-Professional Autism Clinic.  
 From \$700,000 to \$466,667 from General Revenue Fund.  
 From \$700,000 to \$466,667 in total for the section.

MICHAEL L. PARSON  
 GOVERNOR

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

**\*SECTION 19.080.** — To Northwest Missouri State University  
 For steam plant infrastructure and tunnel replacement  
 From General Revenue Fund (0101) .....\$1,000,000

\*I hereby veto \$333,333 for Northwest Missouri State University for steam plant infrastructure and tunnel replacement.

From \$1,000,000 to \$666,667 from General Revenue fund.  
 From \$1,000,000 to \$666,667 in total for the section.

MICHAEL L. PARSON  
 GOVERNOR

**SECTION 19.085.** — To University of Missouri  
 For the purpose of funding a conservatory building project and related facilities to house the University of Missouri-Kansas City Conservatory of Music and Dance, and to approve and authorize the Health and Educational Facilities Authority of the State of Missouri to issue revenue bonds in the amount sufficient to pay the State's share of the project cost, plus debt service reserve, capitalized interests, and costs of insured, upon appropriations made by the Missouri General Assembly  
 From General Revenue Fund (0101) .....\$1

**\*SECTION 19.090.** — To Harris-Stowe State University  
 For planning, design, renovation, and construction of laboratory space on the Harris-Stowe State University Campus  
 From General Revenue Fund (0101) .....\$750,000

\*I hereby veto \$250,000 for Harris-Stowe State University for planning, design, renovation, and construction of laboratory space.

From \$750,000 to \$500,000 from General Revenue Fund.  
 From \$750,000 to \$500,000 in total for the section.

MICHAEL L. PARSON  
 GOVERNOR

**Bill Totals**

General Revenue Fund.....	\$18,460,525
Federal Funds.....	42,500,000
Other Funds.....	<u>41,420,094</u>
Total.....	\$102,380,619

Approved June 29, 2018

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

HCS HB 1246

**Enacts provisions relating to human trafficking hotline posters.**

AN ACT to amend chapter 595, RSMo, by adding thereto one new section relating to human trafficking hotline posters, with penalty provisions.

SECTION

- A. Enacting clause.  
595.120 National human trafficking resource center hotline, department poster, contents — display, where — available on department website — penalty for failure to post.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 595, RSMo, is amended by adding thereto one new section, to be known as section 595.120, to read as follows:

**595.120. NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE, DEPARTMENT POSTER, CONTENTS — DISPLAY, WHERE — AVAILABLE ON DEPARTMENT WEBSITE — PENALTY FOR FAILURE TO POST.** — 1. Prior to January 1, 2019, the department of public safety shall create a poster that provides information regarding the national human trafficking resource center hotline. The poster shall be no smaller than eight and one-half inches by eleven inches in size and shall include a statement in substantially the following form:

"If you or someone you know is being forced to engage in any activity and cannot leave — whether it is commercial sex, housework, farm work, or any other activity — call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 or text 233733 (BEFREE) or visit the following website:

[www.traffickingresourcecenter.org](http://www.traffickingresourcecenter.org) to access help and services. Victims of human trafficking are protected under U.S. and Missouri law.

The toll-free hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a non-profit, non-governmental organization
- Anonymous and confidential
- Accessible in 170 languages
- Able to provide help, referral to services, training, and general information."

The statement shall appear on each poster in English, Spanish, and, for each county, any other language required for voting materials in that county under Section 1973 of the Voting Rights Act of 1965, 42 U.S.C. 1973, as amended. In addition to the national human trafficking resource center hotline, the statement may contain any additional hotlines regarding human trafficking for access to help and services.

2. Beginning March 1, 2019, the human trafficking hotline poster designed by the department of public safety shall be displayed in a conspicuous place in or near the bathrooms or near the entrance of each of the following establishments:

- (1) Hotels, motels, or other establishments that have been cited as a public nuisance for prostitution under section 567.080;
- (2) Strip clubs or other sexually oriented businesses;

(3) Private clubs that have a liquor permit for on-premises consumption, do not hold themselves out to be food service establishments, and are not affiliated with any nonprofit fraternal, athletic, religious, or veteran organizations;

(4) Airports;

(5) Train stations that serve passengers;

(6) Emergency rooms within general acute care hospitals;

(7) Urgent care centers;

(8) Privately operated job recruitment centers;

(9) Businesses or establishments that offer massage or body work services for compensation by individuals who are not licensed under section 324.265;

(10) Women's health centers;

(11) Abortion facilities as defined in section 188.015;

(12) Family planning clinics;

(13) Maternity homes as defined in section 135.600;

(14) Pregnancy resource centers as defined in section 135.630;

(15) Bus stations;

(16) Truck stops. For the purposes of this section, "truck stops" shall mean privately owned and operated facilities that provide food, fuel, shower or other sanitary facilities, and lawful overnight parking; and

(17) Roadside rest areas.

3. The department of public safety shall make the poster available for print on its public website. To obtain a copy of the poster, the owners or operators of an establishment required to post the human trafficking hotline notice under subsection 2 of this section may print the online poster using the online link or request that the poster be mailed for the cost of printing and first class postage.

4. Any owner or operator of an establishment required to post the human trafficking hotline notice under subsection 2 of this section who fails to comply with the requirement shall receive a written warning for the first violation and may be guilty of an infraction for any subsequent violation.

Approved March 1, 2018

SCS HB 1250

**Enacts provisions relating to trusts and estates.**

AN ACT to repeal sections 456.985, 456.1035, 456.1080, 456.1-103, 456.4-414, 456.8-808, 474.150, 515.575, and 515.635, RSMo, and to enact in lieu thereof twenty-nine new sections relating to trusts and estates.

SECTION

A. Enacting clause.

456.006 Health savings account, trust may be created, when.

456.985 Act to govern powers — exceptions.

456.1035 Permissible appointment.

456.1080 Disclaimer.

456.1-103 Definitions.

456.4-414 Modification or termination of uneconomic trust.

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

- 456.8-808 Powers to direct — trust protector, powers, limitations.  
 472.400 Citation of law.  
 472.405 Definitions.  
 472.410 Applicability.  
 472.415 Disclosure of digital assets, use of online tool to direct custodian — use of will, trust, power of attorney to give direction.  
 472.420 Terms-of-service agreement, act not to change or impair access — act does not confer expanded rights — effect of federal law.  
 472.425 Authority of custodian — assessment of cost — partial disclosure, authority of custodian — undue burden, court order.  
 472.430 Disclosure to personal representative of user's estate, when.  
 472.435 Catalogue of electronic communications disclosed to personal representative, when.  
 472.440 Disclosure to agent, when.  
 472.445 Catalogue of electronic communications, disclosure to agent, when.  
 472.450 Disclosures to trustee.  
 472.455 Content of electronic communication, disclosure to trustee, when.  
 472.460 Catalogue of electronic communications, disclosure to trustee, when.  
 472.465 Conservator access, opportunity for hearing — disclosures to conservator, when.  
 472.470 Fiduciary, legal duties — authority over user's digital assets and property — request to terminate user's account.  
 472.475 Time period to comply with disclosure requests — denial of request — court order for disclosure or termination — immunity from liability, when.  
 472.480 Construction of act, considerations.  
 472.485 Certain federal laws, act's impact on.  
 472.490 Severability clause.  
 474.150 Gifts in fraud of marital rights — presumptions on conveyances.  
 515.575 Appointment of general receiver to operate as a stay, when — expiration of stay — no stay, when.  
 515.635 Noncontingent liquidated claims, interest allowed, rate.

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

**SECTION A. ENACTING CLAUSE.** — Sections 456.985, 456.1035, 456.1080, 456.1-103, 456.4-414, 456.8-808, 474.150, 515.575, and 515.635, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 456.006, 456.985, 456.1035, 456.1080, 456.1-103, 456.4-414, 456.8-808, 472.400, 472.405, 472.410, 472.415, 472.420, 472.425, 472.430, 472.435, 472.440, 472.445, 472.450, 472.455, 472.460, 472.465, 472.470, 472.475, 472.480, 472.485, 472.490, 474.150, 515.575, and 515.635, to read as follows:

**456.006. HEALTH SAVINGS ACCOUNT, TRUST MAY BE CREATED, WHEN. — 1. Where a trust or custodial account constitutes a health savings account, as defined under 26 U.S.C. Section 223(c)(1), a trust may be created by any of the following:**

**(1) A transfer of moneys to the trustee or custodian holding such trust or custodial account;**

**(2) The documentation of the creation of such trust or custodial account in the records of the trustee or custodian holding such trust or custodial account; or**

**(3) The execution of a trust or custodial agreement with respect to such trust or custodial account.**

**2. In any case, a trust or custodial account shall be deemed to have been established on the first day on which the individual who is the beneficiary of such trust or custodial account is an eligible individual, as defined under 26 U.S.C. Section 223(c)(1), in that calendar year in which such trust or custodial account is created in accordance with this section.**

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**456.985. ACT TO GOVERN POWERS — EXCEPTIONS.** — 1. Except as otherwise provided in the terms of an instrument creating or exercising a power of appointment, sections 456.970 to 456.1135 govern powers of appointment.

2. The terms of an instrument creating or exercising a power of appointment prevail over any provisions of sections 456.970 to 456.1135 except:

(1) **The requisites for the creation of a power of appointment under subsections 1 to 4 of section 456.990;**

(2) The transferability of a power of appointment by a powerholder under subsection 1 of section 456.995;

~~[(2)]~~ (3) The limitations on the authority of a donor to extend a general power of appointment beyond the death of a powerholder under subsection 3 of section 456.995;

~~[(3)]~~ (4) The power is exclusionary if the permissible appointees of a power of appointment are not defined and limited under subsection 3 of section 456.1005;

~~[(4)]~~ (5) The requisites for the exercise of a power of appointment under section 456.1015;

~~[(5)]~~ (6) The effect of an impermissible appointment under section 456.1045;

~~[(6)]~~ (7) A general power of appointment which is presently exercisable may be reached by the creditors of the powerholder or the powerholder's estate under section 456.1100.

**456.1035. PERMISSIBLE APPOINTMENT.** — 1. A powerholder of a general power of appointment that permits appointment to the powerholder or the powerholder's estate may make any appointment, including an appointment in trust or creating a new power of appointment, that the powerholder could make in disposing of the powerholder's own property.

2. A powerholder of a general power of appointment that permits appointment only to the creditors of the powerholder or of the powerholder's estate may appoint only to those creditors.

3. The powerholder of a nongeneral power may:

(1) Make an appointment in any form, including an appointment in trust, in favor of a permissible appointee;

(2) Create a general power **or nongeneral power** in a permissible appointee; or

(3) Create a nongeneral power in any person to appoint to one or more of the permissible appointees of the original nongeneral power.

**456.1080. DISCLAIMER.** — As provided by sections 469.010 to ~~[469.210]~~ **469.120**, a powerholder may disclaim all or part of a power of appointment, and a permissible appointee, appointee, or taker in default of appointment may disclaim all or part of an interest in appointive property.

**456.1-103. DEFINITIONS.** — In sections 456.1-101 to 456.11-1106, **the following terms shall mean:**

(1) "Action~~[-]~~", with respect to an act of a trustee, includes a failure to act;

(2) "Ascertainable standard" ~~[means]~~, a standard relating to an individual's health, education, support, or maintenance within the meaning of Section 2041(b)(1)(A) or Section 2541(c)(1) of the Internal Revenue Code;

(3) "Beneficiary" ~~[means]~~, a person that:

(a) Has a present or future beneficial interest in a trust, vested or contingent; or

(b) In a capacity other than that of trustee, holds a power of appointment over trust property;

(4) "Charitable trust" ~~[means]~~, a trust, or portion of a trust, created for a charitable purpose described in subsection 1 of section 456.4-405;

(5) "Conservator" ~~means~~, a person described in subdivision (3) of section 475.010. This term does not include a conservator ad litem;

(6) "Conservator ad litem" ~~means~~, a person appointed by the court pursuant to the provisions of section 475.097;

(7) **"Directed trust", any trust, including a split interest trust, in which the trust instrument:**

**(a) Authorizes a trust protector to instruct or direct the trustee;**

**(b) Charges a trust protector with any responsibilities regarding the trust;**

**(c) Grants the trust protector one or more powers over the trust; or**

**(d) Directs one or more powers over the trust to a person, who is not serving as a trustee, and is not a settlor or a beneficiary;**

(8) "Environmental law" ~~means~~, a federal, state, or local law, rule, regulation, or ordinance relating to protection of the environment;

~~(8)~~ (9) "Financial institution" ~~means~~, a non-foreign bank, savings and loan or trust company chartered, regulated and supervised by the Missouri division of finance, the office of the comptroller of the currency, the office of thrift supervision, the National Credit Union Administration, or the Missouri division of credit union supervision. The term "non-foreign bank" shall mean a bank that is not a foreign bank within the meaning of subdivision (1) of section 361.005;

~~(9)~~ (10) "Guardian" ~~means~~, a person described in subdivision (7) of section 475.010. The term does not include a guardian ad litem;

~~(10)~~ (11) "Interested persons", include beneficiaries and any others having a property right in or claim against a trust estate which may be affected by a judicial proceeding. It also includes fiduciaries and other persons representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding;

~~(11)~~ (12) "Interests of the beneficiaries" ~~means~~, the beneficial interests provided in the terms of the trust;

~~(12)~~ (13) "Internal Revenue Code" ~~means~~, the United States Internal Revenue Code of 1986, as in effect on January 1, 2005, or as later amended;

~~(13)~~ (14) "Jurisdiction[;]", with respect to a geographic area, includes a state or country;

~~(14)~~ (15) "Person" ~~means~~, an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity;

~~(15)~~ (16) "Permissible distributee" ~~means~~, a beneficiary who is currently eligible to receive distributions of trust income or principal, whether mandatory or discretionary;

~~(16)~~ (17) "Power of withdrawal" ~~means~~, a presently exercisable power of a beneficiary to withdraw assets from the trust without the consent of the trustee or any other person;

~~(17)~~ (18) "Principal place of administration", of a trust is the trustee's usual place of business where the records pertaining to the trust are kept, or the trustee's residence if the trustee has no such place of business, unless otherwise designated by the terms of the trust as provided in section 456.1-108. In the case of cotrustees, the principal place of administration is, in the following order of priority:

(a) The usual place of business of the corporate trustee if there is but one corporate cotrustee;

(b) The usual place of business or residence of the trustee who is a professional fiduciary if there is but one such trustee and no corporate cotrustee; or

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- (c) The usual place of business or residence of any of the cotrustees;
- ~~[(18)]~~ **(19)** "Professional fiduciary" ~~[means]~~, an individual who represents himself or herself to the public as having specialized training, experience or skills in the administration of trusts;
- ~~[(19)]~~ **(20)** "Property" ~~[means]~~, anything that may be the subject of ownership, whether real or personal, legal or equitable, or any interest therein;
- ~~[(20)]~~ **(21)** "Qualified beneficiary" ~~[means]~~, a beneficiary who, on the date the beneficiary's qualification is determined:
- (a) Is a permissible distributee;
  - (b) Would be a permissible distributee if the interests of the permissible distributees described in paragraph (a) of this subdivision terminated on that date; or
  - (c) Would be a permissible distributee if the trust terminated on that date;
- ~~[(21)]~~ **(22)** "Record" ~~[means]~~, information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;
- ~~[(22)]~~ **(23)** "Revocable[;]", as applied to a trust, means that the settlor has the legal power to revoke the trust without the consent of the trustee or a person holding an adverse interest, regardless of whether the settlor has the mental capacity to do so in fact;
- ~~[(23)]~~ **(24)** "Settlor" ~~[means]~~, a person, including a testator, who creates, or contributes property to, a trust. If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion pursuant to the terms of the trust;
- ~~[(24)]~~ **(25)** "Sign" ~~[means]~~, with present intent to authenticate or adopt a record:
- (a) To execute or adopt a tangible symbol; or
  - (b) To attach to or logically associate with the record an electronic sound, symbol, or process;
- ~~[(25)]~~ **(26)** "Spendthrift provision" ~~[means]~~, a term of a trust which restrains either the voluntary or involuntary transfer or both the voluntary and involuntary transfer of a beneficiary's interest;
- ~~[(26)]~~ **(27)** "State" ~~[means]~~, a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state;
- ~~[(27)]~~ **(28)** "Terms of a trust" ~~[means]~~, the manifestation of the settlor's intent regarding a trust's provisions as expressed in the trust instrument or as may be established by other evidence that would be admissible in a judicial proceeding;
- ~~[(28)]~~ **(29)** "Trust instrument" ~~[means]~~, an instrument executed by the settlor that contains terms of the trust, including any amendments thereto;
- (30) "Trust protector", any person, group of persons, or entity not serving as a trustee and not the settlor or a beneficiary, designated in a trust instrument to instruct or direct the trustee or charged in the trust instrument with any responsibilities regarding the trust or expressly granted in the trust instrument one or more powers over the trust. The term "trust protector" includes, but is not limited to, persons or entities identified in the trust instrument as trust advisors, trust directors, distribution advisors, or investment advisors;**
- ~~[(29)]~~ **(31)** "Trustee", includes an original, additional, and successor trustee, and a cotrustee.

**456.4-414. MODIFICATION OR TERMINATION OF UNECONOMIC TRUST.** — 1. After notice to the qualified beneficiaries, the trustee of a trust consisting of trust property having a total value less than ~~[one hundred thousand]~~ **two hundred fifty thousand** dollars may terminate the trust if

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the trustee concludes that the value of the trust property is insufficient to justify the cost of administration.

2. The court may modify or terminate a trust or remove the trustee and appoint a different trustee if it determines that the value of the trust property is insufficient to justify the cost of administration.

3. Upon termination of a trust under this section, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust.

4. This section does not apply to an easement for conservation or preservation.

**456.8-808. POWERS TO DIRECT — TRUST PROTECTOR, POWERS, LIMITATIONS.** — 1. While a trust is revocable, the trustee may follow a direction of the settlor that is contrary to the terms of the trust.

2. A trust instrument may provide for ~~the appointment of a trust protector. For purposes of this section, a "trust protector", whether referred to in the trust instrument by that name or by some other name, is a person, other than the settlor, a trustee, or a beneficiary, who is expressly granted in the trust instrument one or more powers over the trust~~ **one or more persons, not then serving as a trustee and not the settlor or a beneficiary, to be given any powers over the trust as expressly granted in the trust instrument. Any such person may be identified and appointed as a trust protector or similar term. Whenever a trust instrument names, appoints, authorizes, or otherwise designates a trust protector, the trust shall be deemed a directed trust.**

3. A trust protector appointed in the trust instrument shall have only the powers granted to the trust protector by the express terms of the trust instrument, and a trust protector is only authorized to act within the scope of the authority expressly granted in the trust instrument. Without limiting the authority of the settlor to grant powers to a trust protector, the express powers that may be granted include, but are not limited to, the following:

(1) Remove and appoint a trustee **or a trust protector** or name a successor trustee or trust protector;

(2) Modify or amend the trust instrument to:

(a) Achieve favorable tax status or respond to changes in the Internal Revenue Code or state law, or the rulings and regulations under such code or law;

(b) Reflect legal changes that affect trust administration;

(c) Correct errors or ambiguities that might otherwise require court construction; or

(d) Correct a drafting error that defeats a grantor's intent;

(3) Increase, decrease, modify, or restrict the interests of the beneficiary or beneficiaries of the trust;

(4) Terminate the trust in favor of the beneficiary or beneficiaries of the trust;

(5) Change the applicable law governing the trust and the trust situs; or

(6) Such other powers as are expressly granted to the trust protector in the trust instrument.

4. Notwithstanding any provision in the trust instrument to the contrary, a trust protector shall have no power to modify a trust to:

(1) Remove a requirement from a trust created to meet the requirements of 42 U.S.C. Section 1396p(d)(4) to pay back a governmental entity for benefits provided to the permissible beneficiary of the trust at the death of that beneficiary; or

(2) Reduce or eliminate an income interest of the income beneficiary of any of the following types of trusts:

(a) A trust for which a marital deduction has been taken for federal tax purposes under Section 2056 or 2523 of the Internal Revenue Code or for state tax purposes under any comparable provision of applicable state law, during the life of the settlor's spouse;

(b) A charitable remainder trust under Section 664 of the Internal Revenue Code, during the life of the noncharitable beneficiary;

(c) A grantor retained annuity trust under Section 2702 of the Internal Revenue Code, during any period in which the settlor is a beneficiary; or

(d) A trust for which an election as a qualified Sub-Chapter S Trust under Section 1361(d) of the Internal Revenue Code is currently in place.

5. Except to the extent otherwise provided in a trust instrument specifically referring to this subsection, the trust protector shall not exercise a power in a way that would result in a taxable gift for federal gift tax purposes or cause the inclusion of any assets of the trust in the trust protector's gross estate for federal estate tax purposes.

6. Except to the extent otherwise provided in the trust instrument and in subsection 7 of this section, and notwithstanding any provision of sections 456.1-101 to 456.11-1106 to the contrary:

(1) A trust protector shall act in a fiduciary capacity in carrying out the powers granted to the trust protector in the trust instrument, and shall have such duties to the beneficiaries, the settlor, or the trust as set forth in the trust instrument, **provided that the trust instrument may provide that the trust protector shall act in a nonfiduciary capacity.** A trust protector is not a trustee, and is not liable or accountable as a trustee when performing or declining to perform the express powers given to the trust protector in the trust instrument. A trust protector is not liable for the acts or omissions of any fiduciary or beneficiary under the trust instrument;

(2) A trust protector is exonerated from any and all liability for the trust protector's acts or omissions, or arising from any exercise or nonexercise of the powers expressly conferred on the trust protector in the trust instrument, unless it is established by a preponderance of the evidence that the acts or omissions of the trust protector were done or omitted in breach of the trust protector's duty, in bad faith or with reckless indifference;

(3) A trust protector is authorized to exercise the express powers granted in the trust instrument at any time and from time to time after the trust protector acquires knowledge of their appointment as trust protector and of the powers granted. **The trust protector may take any action, judicial or otherwise, necessary to carry out the duties given to the trust protector in the trust instrument;**

(4) A trust protector is entitled to receive, from the assets of the trust for which the trust protector is acting, reasonable compensation, and reimbursement of the reasonable costs and expenses incurred, in determining whether to carry out, and in carrying out, the express powers given to the trust protector in the trust instrument;

(5) A trust protector is entitled to receive, from the assets of the trust for which the trust protector is acting, reimbursement of the reasonable costs and expenses, including attorney's fees, of defending any claim made against the trust protector arising from the acts or omissions of the trust protector acting in that capacity unless it is established by clear and convincing evidence that the trust protector was acting in bad faith or with reckless indifference; and

(6) The express powers granted in the trust instrument shall not be exercised by the trust protector for the trust protector's own personal benefit.

7. If a trust protector is granted a power in the trust instrument to direct, consent to, or disapprove a trustee's actual or proposed investment decision, distribution decision, or other decision of the trustee required to be performed under applicable trust law in carrying out the duties of the trustee in administering the trust, then only with respect to such power, excluding the powers

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identified in subsection 3 of this section, the trust protector shall have the same duties and liabilities as if serving as a trustee under the trust instrument **unless the trust instrument expressly provides otherwise. In carrying out any written directions given to the trustee by the trust protector concerning actual or proposed investment decisions, the trustee shall not be subject to the provisions of sections 469.900 to 469.913. For purposes of this subsection, "investment decisions" means, with respect to any investment, decisions to retain, purchase, sell, exchange, tender, or otherwise engage in transactions affecting the ownership of investments or rights therein and, with respect to nonpublicly traded investments, the valuation thereof.**

**8. Any trustee of a directed trust shall not be accountable under the law or equity for any act or omission of a trust protector and shall stand absolved from liability for executing the decisions or instructions from a trust protector or for monitoring the actions or inactions of a trust protector. A trustee shall take reasonable steps to facilitate the activity of a trust protector in a directed trust.** A trustee shall carry out the written directions given to the trustee by a trust protector acting within the scope of the powers expressly granted to the trust protector in the trust instrument. Except ~~[in cases of bad faith or reckless indifference on the part of the trustee, or]~~ as otherwise provided in the trust instrument, the trustee shall not be liable for any loss resulting directly or indirectly from any act taken or omitted as a result of the written direction of the trust protector or the failure of the trust protector to provide consent. Except as otherwise provided in the trust instrument, the trustee shall have no duty to monitor the conduct of the trust protector, provide advice to or consult with the trust protector, or communicate with or warn or apprise any beneficiary concerning instances in which the trustee would or might have exercised the trustee's own discretion in a manner different from the manner directed by the trust protector. **Except as otherwise provided in the trust instrument, any actions taken by the trustee at the trust protector's direction shall be deemed to be administrative actions taken by the trustee solely to allow the trustee to carry out the instructions of the trust protector and shall not be deemed to constitute an act by the trustee to monitor the trust protector or otherwise participate in actions within the scope of the trust protector's authority. Whenever a directed trust reserves to a person or vests in an advisory or investment committee authority to direct the making or retention of any investment, to the exclusion of the trustee or trustees, the excluded trustee or trustees shall not be liable, individually or as a trustee, for any loss resulting from the making or retention of any investment pursuant to such direction.**

9. Except to the extent otherwise expressly provided in the trust instrument, the trust protector shall be entitled to receive information regarding the administration of the trust as follows:

(1) Upon the request of the trust protector, unless unreasonable under the circumstances, the trustee shall promptly provide to the trust protector any and all information related to the trust that may relate to the exercise or nonexercise of a power expressly granted to the trust protector in the trust instrument. The trustee has no obligation to provide any information to the trust protector except to the extent a trust protector requests information under this section;

(2) The request of the trust protector for information under this section shall be with respect to a single trust that is sufficiently identified to enable the trustee to locate the records of the trust; and

(3) If the trustee is bound by any confidentiality restrictions with respect to an asset of a trust, a trust protector who requests information under this section about such asset shall agree to be bound by the confidentiality restrictions that bind the trustee before receiving such information from the trustee.

10. A trust protector may resign by giving thirty days' written notice to the trustee and any successor trust protector. A successor trust protector, if any, shall have all the powers expressly granted in the trust instrument to the resigning trust protector unless such powers are expressly modified for the successor trust protector.

11. A trust protector of a trust having its principal place of administration in this state submits personally to the jurisdiction of the courts of this state during any period that the principal place of administration of the trust is located in this state and the trust protector is serving in such capacity. **The trust instrument may also provide that a trust protector is subject to the personal jurisdiction of the courts of this state as a condition of appointment.**

**472.400. CITATION OF LAW.** — Sections 472.400 to 472.490 shall be known and may be cited as the "Missouri Fiduciary Access to Digital Assets Act".

**472.405. DEFINITIONS.** — As used in sections 472.400 to 472.490, the following terms mean:

- (1) "Access", includes view, marshal, manage, copy, distribute, or delete;
- (2) "Account", an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user;
- (3) "Agent", an attorney-in-fact granted authority under a durable or nondurable power of attorney;
- (4) "Carries", engages in the transmission of electronic communications;
- (5) "Catalogue of electronic communications", information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person;
- (6) "Conservator", a person appointed by a court to have the care and custody of the estate of a minor or a disabled person. A "limited conservator" is one whose duties or powers are limited. The term "conservator", as used in sections 472.400 to 472.490, includes limited conservator unless otherwise specified or apparent from the context;
- (7) "Content of an electronic communication", information concerning the substance or meaning of the communication which:
  - (a) Has been sent or received by a user;
  - (b) Is in electronic storage by a custodian providing an electronic-communication service to the public or is carried or maintained by a custodian providing a remote-computing service to the public; and
  - (c) Is not readily accessible to the public;
- (8) "Court", any court with competent jurisdiction within this state;
- (9) "Custodian", a person that carries, maintains, processes, receives, or stores a digital asset of a user;
- (10) "Designated recipient", a person chosen by a user using an online tool to administer digital assets of the user;
- (11) "Digital asset", an electronic record in which an individual has a right or interest. **The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record;**
- (12) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

- (13) "Electronic communication", has the same meaning as set forth in 18 U.S.C. Section 2510(12), as amended;
- (14) "Electronic communication service", a custodian that provides to a user the ability to send or receive an electronic communication;
- (15) "Fiduciary", an original, additional, or successor personal representative, conservator, agency, or trustee;
- (16) "Information", data, text, images, videos, sounds, codes, computer programs, software, databases, or the like;
- (17) "Online tool", an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person;
- (18) "Person", an individual, estate, trust, business or nonprofit entity, public corporation, government or governmental subdivision, agency, instrumentality, or other legal entity;
- (19) "Personal representative", executor or administrator, including an administrator with the will annexed, an administrator de bonis non, an administrator pending contest, an administrator during minority or absence, and any other type of administrator of the estate of a decedent whose appointment is permitted, or any person who performs substantially the same function under the law of Missouri, including without limitation an affiant who has filed a small estate affidavit under section 473.097. It does not include an executor de son tort;
- (20) "Power of attorney", a record that grants an agent authority to act in the place of a principal;
- (21) "Principal", an individual who grants authority to an agent in a power of attorney;
- (22) "Protected person", an individual for whom a conservator has been appointed, including a protectee, a disabled person, and an individual for whom an application for the appointment of a conservator is pending;
- (23) "Record", information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;
- (24) "Remote computing service", a custodian that provides to a user computer processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. Section 2510(14), as amended;
- (25) "Terms-of-service agreement", an agreement that controls the relationship between a user and a custodian;
- (26) "Trustee", a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another, including an original, additional, and successor trustee, and a co-trustee;
- (27) "User", a person that has an account with a custodian;
- (28) "Will", includes a testamentary instrument, a codicil, a testamentary instrument that only appoints an executor, and instrument that revokes or revises a testamentary instrument.

**472.410. APPLICABILITY. — 1. Sections 472.400 to 472.490 shall apply to:**

- (1) A fiduciary or agent acting under a will or power of attorney executed before, on, or after the effective date of sections 472.400 to 472.490;
- (2) A personal representative acting for a decedent who dies before, on, or after the effective date of sections 472.400 to 472.490;

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

(3) A conservatorship proceeding commenced before, on, or after the effective date of sections 472.400 to 472.490; and

(4) A trustee acting under a trust created before, on, or after the effective date of sections 472.400 to 472.490.

2. Sections 472.400 to 472.490 shall apply to a custodian if the user resides in this state or resided in this state at the time of the user's death.

3. Sections 472.400 to 472.490 shall not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.

**472.415. DISCLOSURE OF DIGITAL ASSETS, USE OF ONLINE TOOL TO DIRECT CUSTODIAN — USE OF WILL, TRUST, POWER OF ATTORNEY TO GIVE DIRECTION. — 1.** A user may use an online tool to direct the custodian to disclose to a designated recipient or not to disclose some or all of the user's digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.

2. If a user has not used an online tool to give direction under subsection 1 of this section or if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney, or other record, disclosure to a fiduciary of some or all of the user's digital assets, including the content of electronic communications sent or received by the user.

3. A user's direction under subsection 1 or 2 of this section overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms-of-service.

**472.420. TERMS-OF-SERVICE AGREEMENT, ACT NOT TO CHANGE OR IMPAIR ACCESS — ACT DOES NOT CONFER EXPANDED RIGHTS — EFFECT OF FEDERAL LAW. — 1.** Sections 472.400 to 472.490 shall not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.

2. Sections 472.400 to 472.490 shall not give a fiduciary or a designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.

3. A fiduciary's or a designated recipient's access to digital assets may be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction under section 472.415.

**472.425. AUTHORITY OF CUSTODIAN — ASSESSMENT OF COST — PARTIAL DISCLOSURE, AUTHORITY OF CUSTODIAN — UNDUE BURDEN, COURT ORDER. — 1.** When disclosing digital assets of a user under sections 472.400 to 472.490, the custodian may at its sole discretion:

(1) Grant a fiduciary or designated recipient full access to the user's account;

(2) Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or

(3) Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.

2. A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under sections 472.400 to 472.490.

3. A custodian shall not disclose under sections 472.400 to 472.490 a digital asset deleted by a user.

4. If a user directs or a fiduciary requests a custodian to disclose under sections 472.400 to 472.490 some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose:

- (1) A subset limited by date of the user's digital assets;
- (2) All of the user's digital assets to the fiduciary or designated recipient;
- (3) None of the user's digital assets; or
- (4) All of the user's digital assets to the court for review in camera.

**472.430. DISCLOSURE TO PERSONAL REPRESENTATIVE OF USER'S ESTATE, WHEN.** — If a deceased user consented or a court directs disclosure of the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the representative gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the death certificate of the user;
- (3) A certified copy of the letters testamentary or letters of administration of the representative or a certified copy of the certificate of clerk in connection with a small estate affidavit or court order;
- (4) Unless the user provided direction using an online tool, then in the case of user consent to disclosure, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications; and
- (5) If requested by the custodian for the purpose of identifying the correct account of the user:
  - (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
  - (b) Evidence linking the account to the user; or
  - (c) A finding by the court that:
    - a. The user had a specific account with the custodian, identifiable by the information specified in paragraph (a) of this subdivision;
    - b. Disclosure of the content of electronic communications of the user would not violate 18 U.S.C. Section 2701, et seq., as amended, 47 U.S.C. Section 222, as amended, or other applicable law;
    - c. Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or
    - d. Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.

**472.435. CATALOGUE OF ELECTRONIC COMMUNICATIONS DISCLOSED TO PERSONAL REPRESENTATIVE, WHEN.** — Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic communications sent or received by the user and

digital assets, other than the content of electronic communications, of the user, if the representative gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the death certificate of the user;
- (3) A certified copy of the letters testamentary or letters of administration of the representative or a certified copy of certificate of clerk in connection with a small-estate affidavit or court order; and
- (4) If requested by the custodian for the purpose of identifying the correct account of the correct user:
  - (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
  - (b) Evidence linking the account to the user;
  - (c) An affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or
  - (d) A finding by the court that:
    - a. The user had a specific account with the custodian, identifiable by the information specified in paragraph (a) of this subdivision; or
    - b. Disclosure of the user's digital assets is reasonably necessary for administration of the estate.

**472.440. DISCLOSURE TO AGENT, WHEN.** — To the extent a power of attorney expressly grants an agent authority over the content of an electronic communication sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content if the agent gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) An original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;
- (3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and
- (4) If requested by the custodian for the purpose of identifying the correct account of the correct user:
  - (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or
  - (b) Evidence linking the account to the principal.

**472.445. CATALOGUE OF ELECTRONIC COMMUNICATIONS, DISCLOSURE TO AGENT, WHEN.** — Unless otherwise ordered by the court, directed by the principal, or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalogue of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications, of the principal if the agent gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) An original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;
- (3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

(4) If requested by the custodian for the purpose of identifying the correct account of the correct user:

- (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or
- (b) Evidence linking the account to the principal.

**472.450. DISCLOSURES TO TRUSTEE.** — Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account held in trust, including a catalogue of electronic communications of the trustee and the content of the electronic communications.

**472.455. CONTENT OF ELECTRONIC COMMUNICATION, DISCLOSURE TO TRUSTEE, WHEN.** — Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received, or stored by the custodian in the account of the trust if the trustee gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the trust instrument or a certification of the trust under section 456.10-1013 that includes consent to disclosure of the content of electronic communications to the trustee;
- (3) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and
- (4) If requested by the custodian for the purpose of identifying the correct account of the correct user:
  - (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or
  - (b) Evidence linking the account to the trust.

**472.460. CATALOGUE OF ELECTRONIC COMMUNICATIONS, DISCLOSURE TO TRUSTEE, WHEN.** — Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose, to a trustee that is not an original user of an account, a catalogue of electronic communications sent or received by an original or successor user and stored, carried, or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the trust instrument or a certification of the trust under section 456.10-1013;
- (3) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and
- (4) If requested by the custodian for the purpose of identifying the correct account of the correct user:
  - (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or
  - (b) Evidence linking the account to the trust.

**472.465. CONSERVATOR ACCESS, OPPORTUNITY FOR HEARING — DISCLOSURES TO CONSERVATOR, WHEN. — 1.** After an opportunity for a hearing under Missouri conservatorship law, the court may grant a conservator access to the digital assets of a protected person.

2. Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a conservator the catalogue of electronic communications sent or received by a protected person and any digital assets, other than the content of electronic communications, in which the protected person has a right or interest if the conservator gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the court order that gives the conservator authority over the digital assets of the protected person; and
- (3) If requested by the custodian for the purpose of identifying the correct account of the correct user:

(a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the protected person; or

(b) Evidence linking the account to the protected person.

3. A conservator with general authority to manage the assets of a protected person may request a custodian of the digital assets of the protected person to suspend or terminate an account of the protected person for good cause. A request made under this subsection shall be accompanied by a certified copy of the court order giving the conservator authority over the protected person's property.

**472.470. FIDUCIARY, LEGAL DUTIES — AUTHORITY OVER USER'S DIGITAL ASSETS AND PROPERTY — REQUEST TO TERMINATE USER'S ACCOUNT. — 1.** The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including:

- (1) The duty of care;
- (2) The duty of loyalty; and
- (3) The duty of confidentiality.

2. A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

- (1) Except as otherwise provided in section 472.415, is subject to the applicable terms-of-service agreement;
- (2) Is subject to other applicable law, including copyright law;
- (3) In the case of a fiduciary, is limited by the scope of the fiduciary's duties; and
- (4) May not be used to impersonate the user.

3. A fiduciary with authority over the property of a decedent, protected person, principal, or settlor has the right to access any digital asset in which the decedent, protected person, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

4. A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, protected person, principal, or settlor for the purpose of applicable computer-fraud and unauthorized-computer-access laws, including Missouri law on unauthorized computer access.

5. A fiduciary with authority over the tangible, personal property of a decedent, protected person, principal, or settlor:

- (1) Has the right to access the property and any digital asset stored in it; and

(2) Is an authorized user for the purpose of computer-fraud and unauthorized-computer-access laws, including Missouri law on unauthorized computer access.

6. A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

7. A fiduciary of a user may request a custodian to terminate the user's account. A request for termination shall be in writing, in either physical or electronic form, and accompanied by:

(1) If the user is deceased, a certified copy of the death certificate of the user;

(2) A certified copy of the letter of testamentary or letters of administration of the representative or a certified copy of the certificate of clerk in connection with a small-estate affidavit or court order, power of attorney, or trust giving the fiduciary authority over the account; and

(3) If requested by the custodian for the purpose of identifying the correct account of the correct user:

(a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(b) Evidence linking the account to the user; or

(c) A finding by the court that the user had a specific account with the custodian, identifiable by the information specified in paragraph (a) of this subdivision.

**472.475. TIME PERIOD TO COMPLY WITH DISCLOSURE REQUESTS — DENIAL OF REQUEST — COURT ORDER FOR DISCLOSURE OR TERMINATION — IMMUNITY FROM LIABILITY, WHEN.** — 1. Not later than sixty days after receipt of the information required under sections 472.430 to 472.470, a custodian shall comply with a request under sections 472.400 to 472.490 from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

2. An order under subsection 1 of this section directing compliance shall contain a finding that compliance is not in violation of 18 U.S.C. Section 2702, as amended.

3. A custodian may notify the user that a request for disclosure or to terminate an account was made under sections 472.400 to 472.490.

4. A custodian may deny a request under sections 472.400 to 472.490 from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

5. Sections 472.400 to 472.490 do not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under such sections to obtain a court order which:

(1) Specifies that an account belongs to the protected person or principal;

(2) Specifies that there is sufficient consent from the protected person or principal to support the requested disclosure; and

(3) Contains a finding required by law other than as provided under sections 472.400 to 472.490.

6. A custodian and its officers, employees, and agents are immune from liability for an act or omission done in good faith in compliance with sections 472.400 to 472.490.

**472.480. CONSTRUCTION OF ACT, CONSIDERATIONS.** — In applying and construing sections 472.400 to 472.490, consideration may be given to the need to promote uniformity of the law with respect to its subject matter among states that enact similar provisions.

**472.485. CERTAIN FEDERAL LAWS, ACT'S IMPACT ON.** — Sections 472.400 to 472.490 modify, limit, or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but do not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

**472.490. SEVERABILITY CLAUSE.** — If any provision of sections 472.400 to 472.490 or the application of such sections to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of sections 472.400 to 472.490 which can be given effect without the invalid provision or application, and to this end the provisions of sections 472.400 to 472.490 are severable.

**474.150. GIFTS IN FRAUD OF MARITAL RIGHTS — PRESUMPTIONS ON CONVEYANCES.** —

1. Any gift made by a **married** person, whether dying testate or intestate, in fraud of the marital rights of **[his] the surviving spouse [to share in his estate] to whom the decedent was married at the time of such gift and who may share in the decedent's estate**, shall, at the election of **[the] such** surviving spouse, be treated as a testamentary disposition and may be recovered from the donee and persons taking from **[him] the decedent** without adequate consideration and applied to the payment of the spouse's share, as in case of his **or her** election to take against the will.

2. Any conveyance of real estate made by a married person at any time without the joinder or other written express assent of **[his] such** spouse, made at any time, duly acknowledged, is deemed to be in fraud of the marital rights of **[his] such** spouse, if the spouse becomes a surviving spouse, unless the contrary is shown.

3. Any conveyance of the property of the spouse of a disabled person is deemed not to be in fraud of the marital rights of the disabled person if the probate division of the circuit court authorizes the conservator of the disabled person to join in or assent to the conveyance after finding that it is not made in fraud of the marital rights. Any conveyance of the property of a minor or disabled person made by a conservator pursuant to an order of court is deemed not to be in fraud of the marital rights of the spouse of the protectee.

**515.575. APPOINTMENT OF GENERAL RECEIVER TO OPERATE AS A STAY, WHEN — EXPIRATION OF STAY — NO STAY, WHEN.** — 1. Except as otherwise ordered by the court, the entry of an order appointing a general receiver shall operate as a stay, applicable to all persons, of:

(1) The commencement or continuation, including the issuance, employment, or service of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the entry of the order of appointment, or to recover a claim against the debtor that arose before the entry of the order of appointment;

(2) The enforcement against the debtor or any estate property of a judgment obtained before the order of appointment;

(3) Any act to obtain possession of estate property from the receiver, or to interfere with, or exercise control over, estate property;

(4) Any act to create, perfect, or enforce any lien or claim against estate property except by exercise of a right of setoff, to the extent that the lien secures a claim against the debtor that arose before the entry of the order of appointment; or

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

Matter in bold-face type is proposed language.

(5) Any act to collect, assess, or recover a claim against the debtor that arose before the entry of the order of appointment.

2. The stay shall automatically expire as to the acts specified in subdivisions (1), (2), and ~~(3)~~ (5) of subsection 1 of this section sixty days after the entry of the order of appointment unless before the expiration of the sixty-day period the debtor or receiver, for good cause shown, obtains an order of the court extending the stay, after notice and a hearing. A person whose action or proceeding is stayed by motion to the court may seek relief from the stay for good cause shown. Any judgment obtained against the debtor or estate property following the entry of the order of appointment is not a lien against estate property unless the receivership is terminated prior to a conveyance of the property against which the judgment would otherwise constitute a lien.

3. The entry of an order appointing a receiver does not operate as a stay of:

(1) The commencement or continuation of a criminal proceeding against the debtor;

(2) The commencement or continuation of an action or proceeding to establish paternity, or to establish or modify an order for alimony, maintenance, or support, or to collect alimony, maintenance, or support under any order of a court;

(3) Any act to perfect or to maintain or continue the perfection of an interest in estate property pursuant to any generally applicable Missouri law that permits perfection of an interest in property to be effective against an entity that acquires rights in such property before the date of perfection. Such right to perfect an interest in estate property includes any act to perfect an interest in purchase money collateral pursuant to sections 400.9-301 to 400.9-339, perfection of a lien that may be placed against real property under the provisions of chapter 429, or the assertion of a right to continue in possession of any estate property that is in the possession of a person entitled to retain possession of such property pending payment for work performed with respect to such property. If perfection of an interest would otherwise require seizure of the property involved or the commencement of an action, the perfection shall instead be accomplished by filing, and by serving upon the receiver, or receiver's counsel, if any, notice of the interest within the time fixed by law for seizure or commencement;

(4) The commencement or continuation of an action or proceeding by a governmental unit to enforce its police or regulatory power;

(5) The enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental unit to enforce its police or regulatory power, or with respect to any licensure of the debtor;

(6) The exercise of a right of setoff, including but not limited to, any right of a commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to set off a claim for a margin payment or settlement payment arising out of a commodity contract, forward contract, or securities contract against cash, securities, or other property held or due from the commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to margin, guarantee, secure, or settle the commodity contract, forward contract, or securities contract, and any right of a swap participant to set off a claim for a payment due to the swap participant under or in connection with a swap agreement against any payment due from the swap participant under or in connection with the swap agreement or against cash, securities, or other property of the debtor held by or due from the swap participant to guarantee, secure, or settle the swap agreement;

(7) The establishment by a governmental unit of any tax liability and any appeal thereof; or

(8) Any action pending in a court other than that in which the receiver is appointed until transcription of the order appointing the receiver or extending the stay is made to the other court in which an action against the debtor is pending.

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Matter in bold-face type is proposed language.

4. For the purposes of subdivision (8) of subsection 3 of this section, the receiver or any party in interest is authorized to cause to be transcribed any order appointing a receiver or extending the stay to any and all courts in which any action against a debtor is pending in this state. A court that receives a transcript of an order of receivership or extension of stay may on its own order sua sponte transfer the matter before the court to the court issuing an order of receivership.

**515.635. NONCONTINGENT LIQUIDATED CLAIMS, INTEREST ALLOWED, RATE.** — To the extent that funds are available in the estate for distribution to creditors in a general receivership, the holder of an allowed noncontingent, liquidated claim is entitled to receive interest at the legal rate or other applicable rate from the date of appointment of the receiver or the date on which the claim became a noncontingent, liquidated claim. If there are ~~sufficient~~ **insufficient** funds in the estate to fully pay all interest owing to all members of the class, then interest shall be paid proportionately to each member of the class.

Approved June 1, 2018

HB 1252

**Enacts provisions relating to low-dose mammography screening.**

AN ACT to repeal section 376.782, RSMo, and to enact in lieu thereof one new section relating to low-dose mammography screening.

SECTION

A. Enacting clause.

376.782 Mammography — low-dose screening, defined — health care policies to provide required coverage.

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

**SECTION A. ENACTING CLAUSE.** — Section 376.782, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 376.782, to read as follows:

**376.782. MAMMOGRAPHY — LOW-DOSE SCREENING, DEFINED — HEALTH CARE POLICIES TO PROVIDE REQUIRED COVERAGE.** — 1. As used in this section, the term "low-dose mammography screening" means the X-ray examination of the breast using equipment specifically designed and dedicated for mammography, including the X-ray tube, filter, compression device, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast, and any fee charged by a radiologist or other physician for reading, interpreting or diagnosing based on such X-ray. **As used in this section, the term "low-dose mammography screening" shall also include digital mammography and breast tomosynthesis. As used in this section, the term "breast tomosynthesis" shall mean a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.**

2. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery,

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Matter in bold-face type is proposed language.

continued or renewed on or after August 28, 1991, and providing coverage to any resident of this state shall provide benefits or coverage for low-dose mammography screening for any nonsymptomatic woman covered under such policy or contract which meets the minimum requirements of this section. Such benefits or coverage shall include at least the following:

- (1) A baseline mammogram for women age thirty-five to thirty-nine, inclusive;
- (2) ~~[A mammogram for women age forty to forty-nine, inclusive, every two years or more frequently based on the recommendation of the patient's physician;~~
- ~~(3)]~~ A mammogram every year for women age ~~[fifty]~~ **forty** and over;
- ~~[(4)]~~ **(3)** A mammogram for any woman, upon the recommendation of a physician, where such woman, her mother or her sister has a prior history of breast cancer.

3. Coverage and benefits related to mammography as required by this section shall be at least as favorable and subject to the same dollar limits, deductibles, and co-payments as other radiological examinations; **provided, however, that on and after January 1, 2019, providers of low-dose mammography screening shall be reimbursed at rates accurately reflecting the resource costs specific to each modality, including any increased resource cost of breast tomosynthesis.**

Approved June 1, 2018

## SCS HCS HB 1268

### Enacts provisions relating to the Missouri dental board.

AN ACT to repeal section 332.081, RSMo, and to enact in lieu thereof two new sections relating to the Missouri dental board.

#### SECTION

- A. Enacting clause.
- 332.081 Oral health providers, hospitals may employ — unlicensed or unregistered practice prohibited — corporation, requirements, exceptions — application for permit to employ dentists and dental hygienists — rulemaking authority.
- 332.183 Dental faculty permit, issued when — requirements — renewal — discipline — rulemaking authority.

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

**SECTION A. ENACTING CLAUSE.** — Section 332.081, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 332.081 and 332.183, to read as follows:

**332.081. ORAL HEALTH PROVIDERS, HOSPITALS MAY EMPLOY — UNLICENSED OR UNREGISTERED PRACTICE PROHIBITED — CORPORATION, REQUIREMENTS, EXCEPTIONS — APPLICATION FOR PERMIT TO EMPLOY DENTISTS AND DENTAL HYGIENISTS — RULEMAKING AUTHORITY.** — 1. Notwithstanding any other provision of law to the contrary, hospitals licensed under chapter 197 shall be authorized to employ any or all of the following oral health providers:

- (1) A dentist licensed under this chapter for the purpose of treating on hospital premises those patients who present with a dental condition and such treatment is necessary to ameliorate the condition for which they presented such as severe pain or tooth abscesses;
- (2) An oral and maxillofacial surgeon licensed under this chapter for the purpose of treating oral conditions that need to be ameliorated as part of treating the underlying cause of the patient's

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medical needs including, but not limited to, head and neck cancer, HIV or AIDS, severe trauma resulting in admission to the hospital, organ transplant, diabetes, or seizure disorders. It shall be a condition of treatment that such patients are admitted to the hospital on either an in- or out-patient basis; and

(3) A maxillofacial prosthodontist licensed under this chapter for the purpose of treating and supporting patients of a head and neck cancer team or other complex care or surgical team for the fabrication of appliances following ablative surgery, surgery to correct birth anomalies, extensive radiation treatment of the head or neck, or trauma-related surgery.

2. No person or other entity shall practice dentistry in Missouri or provide dental services as defined in section 332.071 unless and until the board has issued to the person a certificate certifying that the person has been duly registered as a dentist in Missouri or **the board has issued such certificate** to an entity that has been duly registered to provide dental services by licensed dentists and dental hygienists and unless and until the board has issued to the person a license, to be renewed each period, as provided in this chapter, to practice dentistry or as a dental hygienist, or has issued to the person or entity a permit, to be renewed each period, to provide dental services in Missouri. Nothing in this chapter shall be so construed as to make it unlawful for:

(1) A legally qualified physician or surgeon, who does not practice dentistry as a specialty, from extracting teeth;

(2) A dentist licensed in a state other than Missouri from making a clinical demonstration before a meeting of dentists in Missouri;

(3) Dental students in any accredited dental school to practice dentistry under the personal direction of instructors;

(4) Dental hygiene students in any accredited dental hygiene school to practice dental hygiene under the personal direction of instructors;

(5) A duly registered and licensed dental hygienist in Missouri to practice dental hygiene as defined in section 332.091;

(6) A dental assistant, certified dental assistant, or expanded functions dental assistant to be delegated duties as defined in section 332.093;

(7) A duly registered dentist or dental hygienist to teach in an accredited dental or dental hygiene school;

(8) **A person who has been granted a dental faculty permit under section 332.183 to practice dentistry in the scope of his or her employment at an accredited dental school, college, or program in Missouri;**

(9) A duly qualified anesthesiologist or nurse anesthetist to administer an anesthetic in connection with dental services or dental surgery; ~~or~~

~~(9)~~ (10) A person to practice dentistry in or for:

(a) The United States Armed Forces;

(b) The United States Public Health Service;

(c) Migrant, community, or health care for the homeless health centers provided in Section 330 of the Public Health Service Act (~~42 U.S.C. Section 254(b)~~ **42 U.S.C. Section 254b**);

(d) Federally qualified health centers as defined in Section 1905(l) (42 U.S.C. Section 1396d(l)) of the Social Security Act;

(e) Governmental entities, including county health departments; or

(f) The United States Veterans Bureau; or

~~(10)~~ (11) A dentist licensed in a state other than Missouri to evaluate a patient or render an oral, written, or otherwise documented dental opinion when providing testimony or records for the

purpose of a civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state.

3. No corporation shall practice dentistry as defined in section 332.071 unless that corporation is organized under the provisions of chapter 355 or 356 provided that a corporation organized under the provisions of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3) may only employ dentists and dental hygienists licensed in this state to render dental services to Medicaid recipients, low-income individuals who have available income below two hundred percent of the federal poverty level, and all participants in the SCHIP program, unless such limitation is contrary to or inconsistent with federal or state law or regulation. This subsection shall not apply to:

(1) A hospital licensed under chapter 197 that provides care and treatment only to children under the age of eighteen at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(2) A federally qualified health center as defined in Section 1905(l) of the Social Security Act (~~42 U.S.C. Section 1396(d)(1)~~) **42 U.S.C. Section 1396d(l)**, or a migrant, community, or health care for the homeless health center provided for in Section 330 of the Public Health Services Act (~~42 U.S.C. Section 254(b)~~) **42 U.S.C. Section 254b**) at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(3) A city or county health department organized under chapter 192 or chapter 205 at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(4) A social welfare board organized under section 205.770, a city health department operating under a city charter, or a city-county health department at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(5) Any entity that has received a permit from the dental board and does not receive compensation from the patient or from any third party on the patient's behalf at which a person regulated under this chapter provides dental care within the scope of his or her license or registration;

(6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, as amended, that engages in its operations and provides dental services at facilities owned by a city, county, or other political subdivision of the state at which a person regulated under this chapter provides dental care within the scope of his or her license or registration.

If any of the entities exempted from the requirements of this subsection are unable to provide services to a patient due to the lack of a qualified provider and a referral to another entity is made, the exemption shall extend to the person or entity that subsequently provides services to the patient.

4. No unincorporated organization shall practice dentistry as defined in section 332.071 unless such organization is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and provides dental treatment without compensation from the patient or any third party on their behalf as a part of a broader program of social services including food distribution. Nothing in this chapter shall prohibit organizations under this subsection from employing any person regulated by this chapter.

5. A dentist shall not enter into a contract that allows a person who is not a dentist to influence or interfere with the exercise of the dentist's independent professional judgment.

6. A not-for-profit corporation organized under the provisions of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), an unincorporated organization operating pursuant to subsection 4 of this section, or any other person should not direct or interfere or attempt

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to direct or interfere with a licensed dentist's professional judgment and competent practice of dentistry. Nothing in this subsection shall be so construed as to make it unlawful for not-for-profit organizations to enforce employment contracts, corporate policy and procedure manuals, or quality improvement or assurance requirements.

7. All entities defined in subsection 3 of this section and those exempted under subsection 4 of this section shall apply for a permit to employ dentists and dental hygienists licensed in this state to render dental services, and the entity shall apply for the permit in writing on forms provided by the Missouri dental board. The board shall not charge a fee of any kind for the issuance or renewal of such permit. The provisions of this subsection shall not apply to a federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. Section 1396d(l)).

8. Any entity that obtains a permit to render dental services in this state is subject to discipline pursuant to section 332.321. If the board concludes that the person or entity has committed an act or is engaging in a course of conduct that would be grounds for disciplinary action, the board may file a complaint before the administrative hearing commission. The board may refuse to issue or renew the permit of any entity for one or any combination of causes stated in subsection 2 of section 332.321. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

9. A federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. Section 1396d(l)) shall register with the board. The information provided to the board as part of the registration shall include the name of the health center, the nonprofit status of the health center, sites where dental services will be provided, and the names of all persons employed by, or contracting with, the health center who are required to hold a license pursuant to this chapter. The registration shall be renewed every twenty-four months. The board shall not charge a fee of any kind for the issuance or renewal of the registration. The registration of the health center shall not be subject to discipline pursuant to section 332.321. Nothing in this subsection shall prohibit disciplinary action against a licensee of this chapter who is employed by, or contracts with, such health center for the actions of the licensee in connection with such employment or contract. ~~[All licensed persons employed by, or contracting with, the health center shall certify in writing to the board at the time of issuance and renewal of the registration that the facility of the health center meets the same operating standards regarding cleanliness, sanitation, and professionalism as would the facility of a dentist licensed by this chapter. The board shall promulgate rules regarding such standards.]~~

10. The board may promulgate rules and regulations to ensure not-for-profit corporations are rendering care to the patient populations as set forth herein, including requirements for covered not-for-profit corporations to report patient census data to the board. The provisions of this subsection shall not apply to a federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. Section 1396d(l)).

11. All not-for-profit corporations organized or operated pursuant to the provisions of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), or the requirements relating to migrant, community, or health care for the homeless health centers provided in Section 330 of the Public Health Service Act (~~[42 U.S.C. Section 254(b)]~~ **42 U.S.C. Section 254b**) and federally qualified health centers as defined in Section 1905(l) (42 U.S.C. Section 1396d(l)) of the Social Security Act, that employ persons who practice dentistry or dental hygiene in this state shall do so in accordance with the relevant laws of this state except to the extent that such laws are contrary to, or inconsistent with, federal statute or regulation.

**332.183. DENTAL FACULTY PERMIT, ISSUED WHEN — REQUIREMENTS — RENEWAL — DISCIPLINE — RULEMAKING AUTHORITY. — 1.** The board may issue a dental faculty permit to an individual who is employed by an accredited dental school, college, or program in Missouri. The holder of a dental faculty permit shall be authorized to practice dentistry, subject to the requirements of subsection 2 of this section, in accordance with section 332.071 only within accredited dental school programs and only while engaged in teaching didactic courses, preclinical laboratories, and supervising student-delivered patient care at an accredited Missouri dental school, college, or program.

2. The holder of a dental faculty permit shall not receive any fee or compensation for the practice of dentistry, other than any salary or benefits received as part of his or her employment with the accredited Missouri dental school, college, or program and shall not engage in the private practice of dentistry for any fee or compensation.

3. To qualify for a dental faculty permit, an applicant shall:

(1) Be a graduate of and hold a degree from a dental school. An applicant shall not be required to be a graduate of an accredited dental school as defined in section 332.011;

(2) Submit to the board an affidavit from the dean of the accredited Missouri dental school, college, or program confirming the individual's employment as a teacher or instructor at the accredited Missouri dental school, college, or program;

(3) Submit to the board an affidavit stating that he or she will only practice dentistry within the course and scope of his or her teaching responsibilities and will not practice dentistry for any fee or compensation other than any salary or benefits received as part of his or her employment with the accredited Missouri dental school, college, or program;

(4) Pass a written jurisprudence examination given by the board on the Missouri dental laws and rules with a grade of at least eighty percent;

(5) Submit to the board a completed application on forms provided by the board and the applicable fees as determined by the board; and

(6) Document one of the following:

(a) Satisfactory completion of an American Dental Association-accredited postdoctoral training program that is a minimum of twelve continuous months in length; or

(b) Passage of the National Board Examination in accordance with the criteria established by the sponsoring body.

4. The board may waive the requirements under subdivision (6) of subsection 3 of this section, at the request of the applicant, based on the applicant's portfolio of cases completed and documentation that the applicant held a license to teach dentistry in another state within a year of applying to teach dentistry in Missouri. The board shall only waive the requirements under this subsection if the board determines, based on the information provided in this subsection, that the applicant has a similar level of knowledge and experience as persons who have met the requirements under subdivision (6) of subsection 3 of this section.

5. A dental faculty permit shall be renewed every two years and shall be subject to the same renewal requirements contained under section 332.181.

6. A dental faculty permit shall be subject to discipline in accordance with section 332.321 and shall be automatically cancelled and nullified if the holder ceases to be employed by the accredited Missouri dental school, college, or program.

7. The board shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is

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subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

Approved June 29, 2018

SCS HCS HB 1286

**Enacts provisions relating to natural resources.**

AN ACT to repeal section 319.318, RSMo, and to enact in lieu thereof one new section relating to natural resources.

SECTION

A. Enacting clause.

319.318 Compliance with state and federal law — registration with division of fire safety required — annual report required, fees — audit of records — violations, penalty.

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

**SECTION A. ENACTING CLAUSE.** — Section 319.318, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 319.318, to read as follows:

**319.318. COMPLIANCE WITH STATE AND FEDERAL LAW — REGISTRATION WITH DIVISION OF FIRE SAFETY REQUIRED — ANNUAL REPORT REQUIRED, FEES — AUDIT OF RECORDS — VIOLATIONS, PENALTY.** — 1. Any person using explosives shall comply with the provisions of this section.

2. Provisions of federal law and regulation regarding the manufacturing, transportation, distribution, and storage of explosives shall be enforced by the appropriate federal agency and shall not be subject to enforcement under sections 319.300 to 319.345.

3. Within sixty days after August 28, 2007, each person using explosives or intending to use explosives in Missouri shall register with the division of fire safety. Any person using explosives who is not required to register on the effective date, who subsequently uses explosives in Missouri shall register with the division of fire safety prior to first using explosives in Missouri. The initial registration shall state the name of the person, address, telephone number, facsimile number, email address, and name of the principal individual having responsibility for supervision of the use of explosives. A fee of two hundred dollars shall be submitted with the initial registration.

4. Each person using explosives that is required to register under subsection 3 of this section shall by January thirty-first of each year after registering file an annual report with the division of fire safety for the preceding calendar year:

(1) The initial annual report shall only include that portion of the preceding calendar year after the date the person became subject to the requirement to register under subsection 3 of this section;

(2) The report shall include:

(a) Any change or addition to the information required in subsection 3 of this section;

(b) The name and address of the distributors from which explosives were purchased;

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(c) The total number of pounds of explosives purchased for use in Missouri and the total number of pounds actually used in Missouri during the period covered by the report. Persons required to report annually shall maintain records sufficient to prove the accuracy of the information reported;

(3) The person using explosives shall submit with the annual report a fee per ton, as established under this section, based on the amount of explosives used in Missouri. If the report of total pounds used results in a portion of a ton, the cumulative total of the fee shall be rounded to the nearest ton. The fee shall be five hundred dollars plus one dollar and fifteen cents per ton of explosives used. The fee per ton authorized under this subdivision may be adjusted by rule provided the fee shall not exceed ~~two~~ **seven dollars and fifty cents** per ton. The state blasting safety board shall review the fee schedule on a biennial basis and approve or disapprove adjustments in fees by rule. **The fee established by rule shall not yield revenue greater than the cost of administering sections 319.300 to 319.345. The fee authorized in this section and adjusted by rule shall not apply to any person, company, or entity regulated by the department of natural resources under sections 444.800 to 444.980 and 10 CSR 40-3.160.**

5. (1) The division of fire safety may audit the records of any person using explosives required to report annually under subsection 4 of this section to determine the accuracy of the number of pounds of explosives reported. In connection with such audit, the division of fire safety may also require any distributor of explosives to provide a statement of sales during the year to persons required to report under subsection 4 of this section.

(2) It shall be a violation of sections 319.300 to 319.345 to fail to register or report as required by subsection 3 of this section or knowingly report false information in the reports required under subsections 3 and 4 of this section. The state fire marshal may issue a notice of violation under section 319.333 for failure to register or report or for knowingly reporting false information in the reports required by subsections 3 and 4 of this section. The notice of violation shall be subject to the same procedures and rights of appeal as established in sections 319.324, 319.327, and 319.333.

(3) Any person who fails to register or report or who knowingly reports false information in the reports required under subsections 3 and 4 of this section shall be subject to a civil penalty not exceeding two thousand dollars for the first offense or a penalty not exceeding five thousand dollars for a second or subsequent offense. Fees for use of explosives not reported shall also be paid.

6. It shall be a violation of sections 319.300 to 319.345 for any person using explosives to:

(1) Engage in blasting other than by a licensed blaster or an individual working under the direct supervision of a licensed blaster;

(2) Fail to calculate the scaled distance, conduct monitoring of vibration and noise levels, and conduct record keeping as required by sections 319.300 to 319.345;

(3) Fail to carry a minimum of one million dollars in commercial general liability insurance.

7. The state fire marshal may issue a notice of violation for any violation of subsection 6 of this section which shall be subject to the same procedures and rights of appeal as established in sections 319.324, 319.327, and 319.333.

8. A violation of subsection 6 of this section shall be subject to a civil penalty not exceeding two thousand dollars for the first offense or a penalty not exceeding five thousand dollars for a second or subsequent offense.

Approved June 1, 2018

SS#2 SCS HCS HB 1288, 1377 & 2050

**Enacts provisions relating to tax credits for contributions to certain benevolent organizations.**

AN ACT to repeal sections 135.341, 135.600, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof seven new sections relating to tax credits for contributions to certain benevolent organizations.

SECTION

- A. Enacting clause.
- 135.341 Definitions — tax credit authorized, amount — application procedure — assignment — rulemaking authority — sunset provision.
- 135.600 Definitions — tax credit, amount — limitations — director of social services determinations, classification of maternity homes — effective date — sunset provision.
- 135.621 Definitions — tax credit authorized, amount — department duties, procedures — taxpayer identity, diaper banks to provide to department — sunset provision.
- 135.630 Tax credit for contributions to pregnancy resource centers, definitions — amount — limitations — determination of qualifying centers — cumulative amount of credits — apportionment procedure, reapportionment of credits — identity of contributors provided to director, confidentiality — sunset provision.
- 135.647 Donated food tax credit — definitions — amount — procedure to claim the credit — rulemaking authority — sunset provision.
- 135.800 Citation — definitions.
- 135.1125 Definitions — tax credit, amount — application — rulemaking authority — sunset provision.

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

**SECTION A. ENACTING CLAUSE.** — Sections 135.341, 135.600, 135.630, 135.647, and 135.800, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 135.341, 135.600, 135.621, 135.630, 135.647, 135.800, and 135.1125, to read as follows:

**135.341. DEFINITIONS — TAX CREDIT AUTHORIZED, AMOUNT — APPLICATION PROCEDURE — ASSIGNMENT — RULEMAKING AUTHORITY — SUNSET PROVISION.** — 1. As used in this section, the following terms shall mean:

(1) "CASA", an entity which receives funding from the court-appointed special advocate fund established under section 476.777, including an association based in this state, affiliated with a national association, organized to provide support to entities receiving funding from the court-appointed special advocate fund;

(2) "Child advocacy centers", the regional child assessment centers listed in subsection 2 of section 210.001, **including an association based in this state, affiliated with a national association, and organized to provide support to entities listed in subsection 2 of section 210.001;**

(3) "Contribution", the amount of donation to a qualified agency;

(4) "Crisis care center", entities contracted with this state which provide temporary care for children whose age ranges from birth through seventeen years of age whose parents or guardian are experiencing an unexpected and unstable or serious condition that requires immediate action resulting in short-term care, usually three to five continuous, uninterrupted days, for children who may be at risk for child abuse, neglect, or in an emergency situation;

(5) "Department", the department of revenue;

(6) "Director", the director of the department of revenue;

(7) "Qualified agency", CASA, child advocacy centers, or a crisis care center;

(8) "Tax liability", the tax due under chapter 143 other than taxes withheld under sections 143.191 to 143.265.

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2. For all tax years beginning on or after January 1, 2013, a tax credit may be claimed in an amount equal to up to fifty percent of a verified contribution to a qualified agency and shall be named the champion for children tax credit. The minimum amount of any tax credit issued shall not be less than fifty dollars and shall be applied to taxes due under chapter 143, excluding sections 143.191 to 143.265. A contribution verification shall be issued to the taxpayer by the agency receiving the contribution. Such contribution verification shall include the taxpayer's name, Social Security number, amount of tax credit, amount of contribution, the name and address of the agency receiving the credit, and the date the contribution was made. The tax credit provided under this subsection shall be initially filed for the year in which the verified contribution is made.

3. The cumulative amount of the tax credits redeemed shall not exceed one million dollars ~~[in any tax year]~~ **for all fiscal years ending on or before June 30, 2019, and one million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019.** The amount available shall be equally divided among the three qualified agencies: CASA, child advocacy centers, or crisis care centers, to be used towards tax credits issued. In the event tax credits claimed under one agency do not total the allocated amount for that agency, the unused portion for that agency will be made available to the remaining agencies equally. In the event the total amount of tax credits claimed for any one agency exceeds the amount available for that agency, the amount redeemed shall and will be apportioned equally to all eligible taxpayers claiming the credit under that agency.

4. Prior to December thirty-first of each year, each qualified agency shall apply to the department of social services in order to verify their qualified agency status. Upon a determination that the agency is eligible to be a qualified agency, the department of social services shall provide a letter of eligibility to such agency. No later than February first of each year, the department of social services shall provide a list of qualified agencies to the department of revenue. All tax credit applications to claim the champion for children tax credit shall be filed between July first and April fifteenth of each fiscal year. A taxpayer shall apply for the champion for children tax credit by attaching a copy of the contribution verification provided by a qualified agency to such taxpayer's income tax return.

5. Any amount of tax credit which exceeds the tax due or which is applied for and otherwise eligible for issuance but not issued shall not be refunded but may be carried over to any subsequent ~~[taxable]~~ **tax** year, not to exceed a total of five years.

6. Tax credits may **not** be assigned, transferred or sold.

7. (1) In the event a credit denial, due to lack of available funds, causes a balance-due notice to be generated by the department of revenue, or any other redeeming agency, the taxpayer will not be held liable for any penalty or interest, provided the balance is paid, or approved payment arrangements have been made, within sixty days from the notice of denial.

(2) In the event the balance is not paid within sixty days from the notice of denial, the remaining balance shall be due and payable under the provisions of chapter 143.

8. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

9. Pursuant to section 23.253, of the Missouri sunset act:

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

(1) The program authorized under this section shall be reauthorized as of ~~[March 29, 2013]~~ **December 31, 2019**, and shall expire on December 31, ~~[2019]~~ **2025**, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such credits.

10. Beginning on March 29, 2013, any verified contribution to a qualified agency made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

**135.600. DEFINITIONS — TAX CREDIT, AMOUNT — LIMITATIONS — DIRECTOR OF SOCIAL SERVICES DETERMINATIONS, CLASSIFICATION OF MATERNITY HOMES — EFFECTIVE DATE — SUNSET PROVISION.** — 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) "Maternity home", a residential facility located in this state:

(a) Established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term[.];

(b) **That does not perform, induce, or refer for abortions and that does not hold itself out as performing, inducing, or referring for abortions;**

(c) **That provides services at no cost to clients;** and ~~[which]~~

(d) **That** is exempt from income taxation under the United States Internal Revenue Code;

(3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;

(4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the ~~[taxable]~~ **tax** year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per ~~[taxable]~~ **tax** year. However, any tax credit that cannot be claimed in the ~~[taxable]~~ **tax** year the contribution was made may be carried over **only** to the next ~~[four]~~ succeeding ~~[taxable years until the full credit has been claimed]~~ **tax year. No tax credit issued under this section shall be assigned, transferred, or sold.**

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's ~~taxable~~ tax year has a value of at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. Maternity homes shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars for all fiscal years ending on or before June 30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2014, **and ending on or before June 30, 2019, and three million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019. Tax credits shall be issued in the order contributions are received. If the amount of tax credits redeemed in a fiscal year is less than the cumulative amount authorized under this subsection, the difference shall be carried over to a subsequent fiscal year or years and shall be added to the cumulative amount of tax credits that may be authorized in that fiscal year or years.**

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999, **until sunset.** ~~[No tax credits shall be issued under this section after June 30, 2020.]~~

**9. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this subsection unless reauthorized by an act of the general assembly;**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of the reauthorization of this section;**

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Matter in bold-face type is proposed language.

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

**135.621. DEFINITIONS — TAX CREDIT AUTHORIZED, AMOUNT — DEPARTMENT DUTIES, PROCEDURES — TAXPAYER IDENTITY, DIAPER BANKS TO PROVIDE TO DEPARTMENT — SUNSET PROVISION. — 1. As used in this section, the following terms mean:**

(1) "Contribution", a donation of cash, stock, bonds, other marketable securities, or real property;

(2) "Department", the department of social services;

(3) "Diaper bank", a nonprofit entity located in this state established and operating primarily for the purpose of collecting or purchasing disposable diapers or other hygiene products for infants, children, or incontinent adults and that regularly distributes such diapers or other hygiene products through two or more schools, health care facilities, governmental agencies, or other nonprofit entities for eventual distribution to individuals free of charge;

(4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or otherwise due under chapter 148 or 153;

(5) "Taxpayer", a person, firm, partner in a firm, corporation, or shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed under chapter 143; an insurance company paying an annual tax on its gross premium receipts in this state; any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148; an express company that pays an annual tax on its gross receipts in this state under chapter 153; an individual subject to the state income tax under chapter 143; or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. For all fiscal years beginning on or after July 1, 2019, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount of such taxpayer's contributions to a diaper bank.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per tax year. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over only to the next subsequent tax year. No tax credit issued under this section shall be assigned, transferred, or sold.

4. Except for any excess credit that is carried over under subsection 3 of this section, no taxpayer shall be allowed to claim a tax credit unless the taxpayer contributes at least one hundred dollars to one or more diaper banks during the tax year for which the credit is claimed.

5. The department shall determine, at least annually, which entities in this state qualify as diaper banks. The department may require of an entity seeking to be classified as a diaper bank any information which is reasonably necessary to make such a determination. The

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department shall classify an entity as a diaper bank if such entity satisfies the definition under subsection 1 of this section.

6. The department shall establish a procedure by which a taxpayer can determine if an entity has been classified as a diaper bank.

7. Diaper banks may decline a contribution from a taxpayer.

8. The cumulative amount of tax credits that may be claimed by all the taxpayers contributing to diaper banks in any one fiscal year shall not exceed five hundred thousand dollars. Tax credits shall be issued in the order contributions are received. If the amount of tax credits redeemed in a tax year is less than five hundred thousand dollars, the difference shall be added to the cumulative limit created under this subsection for the next fiscal year and carried over to subsequent fiscal years until claimed.

9. The department shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the department, the cumulative amount of tax credits are equally apportioned among all entities classified as diaper banks. If a diaper bank fails to use all, or some percentage to be determined by the department, of its apportioned tax credits during this predetermined period of time, the department may reapportion such unused tax credits to diaper banks that have used all, or some percentage to be determined by the department, of their apportioned tax credits during this predetermined period of time. The department may establish multiple periods each fiscal year and reapportion accordingly. To the maximum extent possible, the department shall establish the procedure described under this subsection in such a manner as to ensure that taxpayers can claim as many of the tax credits as possible, up to the cumulative limit created under subsection 8 of this section.

10. Each diaper bank shall provide information to the department concerning the identity of each taxpayer making a contribution and the amount of the contribution. The department shall provide the information to the department of revenue. The department shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of the reauthorization of this section;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

**135.630. TAX CREDIT FOR CONTRIBUTIONS TO PREGNANCY RESOURCE CENTERS, DEFINITIONS — AMOUNT — LIMITATIONS — DETERMINATION OF QUALIFYING CENTERS — CUMULATIVE AMOUNT OF CREDITS — APPORTIONMENT PROCEDURE, REAPPORTIONMENT OF CREDITS — IDENTITY OF CONTRIBUTORS PROVIDED TO DIRECTOR, CONFIDENTIALITY — SUNSET PROVISION. — 1.** As used in this section, the following terms mean:

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Matter in bold-face type is proposed language.

(1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;

(2) "Director", the director of the department of social services;

(3) "Pregnancy resource center", a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and

(g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. (1) Beginning on March 29, 2013, any contribution to a pregnancy resource center made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

(2) For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the ~~taxable~~ tax year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per ~~taxable~~ tax year. However, any tax credit that cannot be claimed in the ~~taxable~~ tax year the contribution was made may be carried over **only** to the next ~~four~~ succeeding ~~taxable years until the full credit has been claimed~~ tax year. **No tax credit issued under this section shall be assigned, transferred, or sold.**

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's

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contribution or contributions to a pregnancy resource center or centers in such taxpayer's ~~taxable~~ **tax** year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars for all fiscal years ending on or before June 30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2014, **and ending on or before June 30, 2019, and three million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019.** Tax credits shall be issued in the order contributions are received. **If the amount of tax credits redeemed in a fiscal year is less than the cumulative amount authorized under this subsection, the difference shall be carried over to a subsequent fiscal year or years and shall be added to the cumulative amount of tax credits that may be authorized in that fiscal year or years.**

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. ~~Pursuant to~~ **Under** section 23.253 of the Missouri sunset act:

(1) The **provisions of the** program authorized under this section shall ~~be reauthorized as of March 29, 2013, and shall expire~~ **automatically sunset** on December ~~31, 2019,~~ **thirty-first six years after the effective date of this section** unless reauthorized by **an act of the general assembly;** ~~and~~

(2) **If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of the reauthorization of this section;**

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset; and

~~(3)~~ (4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

**135.647. DONATED FOOD TAX CREDIT — DEFINITIONS — AMOUNT — PROCEDURE TO CLAIM THE CREDIT — RULEMAKING AUTHORITY — SUNSET PROVISION.** — 1. As used in this section, the following terms shall mean:

(1) "Local food pantry", any food pantry that is:

(a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

(b) Distributing emergency food supplies to Missouri low-income people who would otherwise not have access to food supplies in the area in which the taxpayer claiming the tax credit under this section resides;

(2) "Local homeless shelter", any homeless shelter that is:

(a) Exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

(b) Providing temporary living arrangements, in the area in which the taxpayer claiming the tax credit under this section resides, for individuals and families who otherwise lack a fixed, regular, and adequate nighttime residence and lack the resources or support networks to obtain other permanent housing;

(3) "Local soup kitchen", any soup kitchen that is:

(a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

(b) Providing prepared meals through an established congregate feeding operation to needy, low-income persons including, but not limited to, homeless persons in the area in which the taxpayer claiming the tax credit under this section resides;

(4) "Taxpayer", an individual, a firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in this state and subject to the state income tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

2. (1) Beginning on March 29, 2013, any donation of cash or food made to a local food pantry on or after January 1, 2013, **unless such food is donated after the food's expiration date**, shall be eligible for tax credits as provided by this section.

(2) ~~For all tax years beginning on or after January 1, 2007,~~ **Beginning on August 28, 2018, any donation of cash or food made to a local soup kitchen or local homeless shelter on or after January 1, 2018, unless such food is donated after the food's expiration date, shall be eligible for a tax credit as provided under this section.**

(3) Any taxpayer who ~~donates cash or food, unless such food is donated after the food's expiration date, to any local food pantry~~ **makes a donation that is eligible for a tax credit under this section** shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the value of the donations made to the extent such amounts that have been subtracted from federal adjusted gross income or federal taxable income are added back in the determination of Missouri adjusted gross income or Missouri taxable income before the credit can be claimed. Each taxpayer claiming a tax credit under this section shall file an affidavit with the income tax return verifying the amount of their contributions. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year that the credit is claimed~~]~~ and shall not exceed two thousand five hundred dollars per taxpayer claiming the credit. Any amount of credit

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that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's three subsequent ~~taxable~~ tax years. No tax credit granted under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive a credit pursuant to this section if such taxpayer employs persons who are not authorized to work in the United States under federal law. **No taxpayer shall be able to claim more than one credit under this section for a single donation.**

3. The cumulative amount of tax credits under this section which may be allocated to all taxpayers contributing to a local food pantry, **local soup kitchen, or local homeless shelter** in any one fiscal year shall not exceed one million seven hundred fifty thousand dollars. The director of revenue shall establish a procedure by which the cumulative amount of tax credits is apportioned among all taxpayers claiming the credit by April fifteenth of the fiscal year in which the tax credit is claimed. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

4. Any local food pantry, **local soup kitchen, or local homeless shelter** may accept or reject any donation of food made under this section for any reason. For purposes of this section, any donations of food accepted by a local food pantry, **local soup kitchen, or local homeless shelter** shall be valued at fair market value, or at wholesale value if the taxpayer making the donation of food is a retail grocery store, food broker, wholesaler, or restaurant.

5. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall be reauthorized as of ~~March 29, 2013~~ **August 28, 2018**, and shall expire on December 31, ~~2019~~ **2026**, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair ~~the department's~~ **a taxpayer's** ability to redeem tax credits authorized on or before the date the program authorized under this section expires ~~[or a taxpayer's ability to redeem such tax credits]~~.

**135.800. CITATION — DEFINITIONS.** — 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the "Tax Credit Accountability Act of 2004".

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) "Administering agency", the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;

(2) "Agricultural tax credits", the agricultural product utilization contributor tax credit created pursuant to section 348.430, the new generation cooperative incentive tax credit created pursuant to section 348.432, the family farm breeding livestock loan tax credit created under section

348.505, the qualified beef tax credit created under section 135.679, and the wine and grape production tax credit created pursuant to section 135.700;

(3) "All tax credit programs", or "any tax credit program", the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, financial and insurance tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) "Business recruitment tax credits", the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, the development tax credits created pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant to section 135.535, the film production tax credit created pursuant to section 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to 135.970, and the Missouri quality jobs program created pursuant to sections 620.1875 to 620.1900;

(5) "Community development tax credits", the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, the family development account tax credit created pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to section 320.093, and the transportation development tax credit created pursuant to section 135.545;

(6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit created pursuant to sections 135.325 to 135.339, the champion for children tax credit created pursuant to section 135.341, the maternity home tax credit created pursuant to section 135.600, the surviving spouse tax credit created pursuant to section 135.090, the residential treatment agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax credit created pursuant to section 135.647, the health care access fund tax credit created pursuant to section 135.575, the residential dwelling access tax credit created pursuant to section 135.562, the developmental disability care provider tax credit created under section 135.1180, ~~and~~ the shared care tax credit created pursuant to section 192.2015, **and the diaper bank tax credit created pursuant to section 135.621;**

(7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, the research tax credit created pursuant to section 620.1039, the small business incubator tax credit created pursuant to section 620.495, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125;

(8) "Environmental tax credits", the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and the alternative fuel stations tax credit created pursuant to section 135.710;

(9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471, the exam fee tax credit created pursuant to section 148.400, the health insurance pool tax credit created pursuant to section 376.975, the life and health insurance guaranty tax credit created pursuant to

section 376.745, the property and casualty guaranty tax credit created pursuant to section 375.774, and the self-employed health insurance tax credit created pursuant to section 143.119;

(10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125;

(11) "Recipient", the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805;

(12) "Redevelopment tax credits", the historic preservation tax credit created pursuant to sections 253.545 to 253.559, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, the community development corporations tax credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section 100.297, the disabled access tax credit created pursuant to section 135.490, the new markets tax credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit created pursuant to section 99.1205;

(13) "Training and educational tax credits", the Missouri works new jobs tax credit and Missouri works retained jobs credit created pursuant to sections 620.800 to 620.809.

**135.1125. DEFINITIONS — TAX CREDIT, AMOUNT — APPLICATION — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. As used in this section, the following terms shall mean:**

**(1) "Certificate", a tax credit certificate issued under this section;**

**(2) "Department", the Missouri department of social services;**

**(3) "Eligible donation", a donation of cash, stock, bonds or other marketable securities, or real property made to an eligible provider;**

**(4) "Eligible provider", an organization that provides funding for unmet health, hunger, and hygiene needs of children in school;**

**(5) "Taxpayer", a person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143, an insurance company paying an annual tax on its gross premium receipts in this state, any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.**

**2. For all taxable years beginning on or after January 1, 2019, any taxpayer shall be allowed a credit against the taxes otherwise due under chapter 143 or 148, excluding withholding tax under sections 143.191 to 143.265, in an amount equal to fifty percent of the amount of an eligible donation. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's four subsequent taxable years.**

**3. To claim the credit authorized in this section, a provider may submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the provider has submitted the following items accurately and completely:**

**(1) A valid application in the form and format required by the department;**

(2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the individual making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received by the provider; and

(3) A payment from the eligible provider in an amount equal to fifty percent of the eligible donation.

If the provider applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

4. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit or the value of the credit.

5. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

6. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall automatically sunset six years after the effective date of this section, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

Approved June 26, 2018

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CCS SS SCS HB 1291

**Enacts provisions relating to political subdivisions.**

AN ACT to repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 87.135, 94.900, 108.120, 137.555, 137.556, 162.441, and 227.600, RSMo, and to enact in lieu thereof eighteen new sections relating to political subdivisions.

SECTION

- A. Enacting clause.
- 41.657 National Guard training centers, land use ordinances for surrounding area (Adair, Audrain, Crawford, McDonald, Miller, Newton, Randolph, Ray, and Washington counties).
- 56.363 Full-time prosecutor, ballot — effective date — continuing education requirement, duty to provide to peace officers — may qualify for retirement benefits, when — election in Cedar County.
- 56.805 Definitions.

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

- 56.807 Local payments, amounts — prosecuting attorneys and circuit attorneys' retirement system fund created — surcharges — donations may be accepted — member contribution to fund, amount.
- 56.814 Retirement age, creditable service required for normal annuity.
- 56.833 Deferred benefits allowed, when — forfeiture of creditable service, when, restoration of service, how — illness or injury, counts as service.
- 56.840 Benefits to retired employees, initial payments, when — creditable service, how accrued, certain counties — benefits as part-time prosecutor, when.
- 59.800 Additional five dollar fee imposed, when, distribution — fund established, use of moneys — deficiency, effect of.
- 65.610 Abolition of township organization — procedure.
- 65.620 Abolition of township government — effect.
- 87.135 Members shall file detailed account of service — verification of service and issuance of service certificate — cooperative agreements, transfer of creditable service between systems.
- 94.900 Sales tax authorized (Blue Springs, Centralia, Excelsior Springs, Harrisonville, Lebanon, St. Joseph, and certain other fourth class cities) — proceeds to be used for public safety purposes — ballot language — collection of tax, procedure.
- 108.120 Road bonds — construction fund (county).
- 137.555 Special road and bridge tax, how levied, collected and disbursed.
- 137.556 One-fourth of tax expended on city streets in certain counties — exception, St. Francois County.
- 162.441 Annexation — procedure, alternative — form of ballot.
- 227.600 Citation of law — definitions.
- 227.601 Concession agreements, projects owned by political subdivision — approval — definitions — requirements — exemptions.

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

**SECTION A. ENACTING CLAUSE.** — Sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 87.135, 94.900, 108.120, 137.555, 137.556, 162.441, and 227.600, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 41.657, 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 87.135, 94.900, 108.120, 137.555, 137.556, 162.441, 227.600, and 227.601, to read as follows:

**41.657. NATIONAL GUARD TRAINING CENTERS, LAND USE ORDINANCES FOR SURROUNDING AREA (ADAIR, AUDRAIN, CRAWFORD, McDONALD, MILLER, NEWTON, RANDOLPH, RAY, AND WASHINGTON COUNTIES).** — **1. The county governing body or county planning commission, if any, of any county of the second classification with more than fifty-eight thousand but fewer than sixty-five thousand inhabitants and any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants may adopt ordinances regulating incompatible land uses and structures within all or any portion of the unincorporated area extending up to three thousand feet outward from the boundaries of any National Guard training center if the county has participated in the completion of a joint land use study associated with that training center.**

**2. As used in this section, “incompatible land uses and structures” are determined by the county governing body or county planning commission, if any, to be incompatible with noise, vibration, and other training impacts identified in the joint land use study or the most recent state operational noise management plan. Regulations the county governing body or county planning commission, if any, determines are necessary to effectuate the purposes of this section and the recommendations in the joint land use study or operational noise**

management plan may include, but are not limited to, density, lot size, outdoor lighting, land use, construction standards, and subdivision of land.

3. The county governing body or county planning commission, if any, may also provide for coordination with National Guard officials and notification to current and future property owners with respect to potentially incompatible land uses, military training impacts, and the existence of any regulation adopted under this section.

**56.363. FULL-TIME PROSECUTOR, BALLOT — EFFECTIVE DATE — CONTINUING EDUCATION REQUIREMENT, DUTY TO PROVIDE TO PEACE OFFICERS — MAY QUALIFY FOR RETIREMENT BENEFITS, WHEN — ELECTION IN CEDAR COUNTY.** — 1. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in \_\_\_\_\_ County?

YES

NO

If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office. **The position shall then qualify for the retirement benefits available to a full-time prosecutor of a county of the first classification. Any county that elects to make the position of prosecuting attorney full-time shall pay into the Missouri prosecuting attorneys and circuit attorneys' retirement fund at the same contribution amount as paid by counties of the first classification.**

2. The provisions of subsection 1 of this section notwithstanding, in any county where the proposition of making the county prosecutor a full-time position was submitted to the voters at a general election in 1998 and where a majority of the voters voting on the proposition voted in favor of making the county prosecutor a full-time position, the proposition shall become effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999, under the provisions of this subsection shall have the additional duty of providing not less than three hours of continuing education to peace officers in the county served by the prosecuting attorney in each year of the term beginning January 1, 1999.

3. In counties that, prior to August 28, 2001, have elected pursuant to this section to make the position of prosecuting attorney a full-time position, the county commission may at any time elect to have that position also qualify for the retirement benefit available for a full-time prosecutor of a county of the first classification. Such election shall be made by a majority vote of the county commission and once made shall be irrevocable, unless the voters of the county elect to change the position of prosecuting attorney back to a part-time position under subsection 4 of this section. When such an election is made, the results shall be transmitted to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund, and the election shall be effective on the first day of January following such election. Such election shall also obligate the county to pay

into the Missouri prosecuting attorneys and circuit attorneys' system retirement fund the same retirement contributions for full-time prosecutors as are paid by counties of the first classification.

4. In any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than one thousand seven hundred but fewer than one thousand nine hundred inhabitants as the county seat that has elected to make the county prosecutor a full-time position under this section after August 28, 2014, the county commission may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of changing the full-time prosecutor position to a part-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a part-time position in \_\_\_\_\_ County?

YES

NO

If a majority of the voters vote in favor of making the county prosecutor a part-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.

5. In any county that has elected to make the full-time position of county prosecutor a part-time position under subsection 4 of this section, the county's retirement contribution to the retirement system and the retirement benefit earned by the member shall prospectively be that of a part-time prosecutor as established in this chapter. Any retirement contribution made and retirement benefit earned prior to the effective date of the voter-approved proposition under subsection 4 of this section shall be maintained by the retirement system and used to calculate the retirement benefit for such prior full-time position service. Under no circumstances shall a member in a part-time prosecutor position earn full-time position retirement benefit service accruals for time periods after the effective date of the proposition changing the county prosecutor back to a part-time position.

**56.805. DEFINITIONS.**— As used in sections 56.800 to 56.840, the following words and terms mean:

(1) "Annuity", annual payments, made in equal monthly installments, to a retired member from funds provided for, in, or authorized by, the provisions of sections 56.800 to 56.840;

(2) "Average final compensation", the average compensation of an employee for the two consecutive years prior to retirement when the employee's compensation was greatest;

(3) "Board of trustees" or "board", the board of trustees established by the provisions of sections 56.800 to 56.840;

(4) "Compensation", all salary and other compensation payable by a county to an employee for personal services rendered as an employee, **including any salary reduction amounts under a cafeteria plan that satisfies 26 U.S.C. Section 125 or an eligible deferred compensation plan that satisfies 26 U.S.C. Section 457** but not including ~~travel and mileage~~ reimbursement for any expenses, any consideration for agreeing to terminate employment, or any other nonrecurring or unusual payment that is not part of regular remuneration;

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Matter in bold-face type is proposed language.

- (5) "County", the City of St. Louis and each county in the state;
- (6) "Creditable service", the sum of both membership service and creditable prior service;
- (7) "Effective date of the establishment of the system", August 28, 1989;
- (8) "Employee", an elected or appointed prosecuting attorney or circuit attorney who is employed by a county or a city not within a county;
- (9) "Membership service", service as a prosecuting attorney or circuit attorney after becoming a member that is creditable in determining the amount of the member's benefits under this system;
- (10) "Prior service", service of a member rendered prior to the effective date of the establishment of the system which is creditable under section 56.823;
- (11) "Retirement system" or "system", the prosecuting attorneys and circuit attorneys' retirement system authorized by the provisions of sections 56.800 to 56.840.

**56.807. LOCAL PAYMENTS, AMOUNTS — PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS' RETIREMENT SYSTEM FUND CREATED — SURCHARGES — DONATIONS MAY BE ACCEPTED — MEMBER CONTRIBUTION TO FUND, AMOUNT.** — 1. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.

2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

- (1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;
- (2) For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;
- (3) For counties of the first classification, and, except as otherwise provided under section 56.363, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the City of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.

3. Beginning August 28, 1989, and continuing until August 27, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to the system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other purpose.

4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds and the surcharge established in this section and collected as provided by this section and sections 488.010 to 488.020.

5. (1) Beginning August 28, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

- (a) For counties of the third and fourth classification except as provided in paragraph (c) of this subdivision, one hundred eighty-seven dollars;
- (b) For counties of the second classification, two hundred seventy-one dollars;
- (c) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose

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county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the City of St. Louis, six hundred forty-six dollars.

(2) Beginning August 28, 2015, the county contribution set forth in paragraphs (a) to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following schedule based upon the prosecuting attorneys and circuit attorneys' retirement system's annual actuarial valuation report. If the system's funding ratio is:

- (a) One hundred twenty percent or more, no monthly sum shall be transmitted;
- (b) More than one hundred ten percent but less than one hundred twenty percent, the monthly sum transmitted shall be reduced fifty percent;
- (c) At least ninety percent and up to and including one hundred ten percent, the monthly sum transmitted shall remain the same;
- (d) At least eighty percent and less than ninety percent, the monthly sum transmitted shall be increased fifty percent; and
- (e) Less than eighty percent, the monthly sum transmitted shall be increased one hundred percent.

6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 5 of this section to the Missouri office of prosecution services for deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other purpose.

7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and circuit attorneys shall be collected and paid as follows:

(1) There shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state including violation of any county ordinance, any violation of criminal or traffic laws of this state, including infractions, and against any person who has pled guilty for any violation and paid a fine through a fine collection center, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term "county ordinance" shall include any ordinance of the City of St. Louis;

(2) The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes provided for in sections 56.800 to 56.840 and for no other purpose.

8. The board may accept gifts, donations, grants and bequests from private or public sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840 unless provided for by law.

**10. Beginning January first following the effective date of this subsection, all members, who upon vesting and retiring are eligible to receive a normal annuity equal to fifty percent of the final average compensation, shall, as a condition of participation, contribute two percent of their gross salary to the fund. Beginning on January 1, 2020, each such member shall contribute four percent of the member's gross salary to the fund. Each county treasurer shall deduct the appropriate amount from the gross salary of the prosecuting attorney or circuit attorney and, at least monthly, shall transmit the sum to the prosecuting attorney and circuit attorney retirement system for deposit in the prosecuting attorneys and circuit attorneys' retirement fund.**

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11. Upon separation from the system, a nonvested member shall receive a lump sum payment equal to the total contribution of the member without interest or other increases in value.

12. Upon retirement and in the sole discretion of the board on the advice of the actuary, a member shall receive a lump sum payment equal to the total contribution of the member without interest or other increases in value, but such lump sum shall not exceed twenty-five percent of the final average compensation of the member. This amount shall be in addition to any retirement benefits to which the member is entitled.

13. Upon the death of a nonvested member or the death of a vested member prior to retirement, the lump sum payment in subsection 11 or 12 of this section shall be made to the designated beneficiary of the member or, if no beneficiary has been designated, to the member's estate.

**56.814. RETIREMENT AGE, CREDITABLE SERVICE REQUIRED FOR NORMAL ANNUITY. —**

1. Any ~~member~~ person who became a member prior to January 1, 2019, who has attained the age of sixty-two years and who has twelve years or more of creditable service as prosecuting attorney or circuit attorney may retire with a normal annuity as determined in subsection 3 of section 56.840.

2. Any person who becomes a member on or after January 1, 2019, who has attained the age of sixty-five and who has twelve years or more of creditable service as a prosecuting attorney or circuit attorney may retire with a normal annuity.

**56.833. DEFERRED BENEFITS ALLOWED, WHEN — FORFEITURE OF CREDITABLE SERVICE, WHEN, RESTORATION OF SERVICE, HOW — ILLNESS OR INJURY, COUNTS AS SERVICE. — 1.** Upon termination of employment, any ~~member with twelve or more years of creditable service~~ person who became a member prior to January 1, 2019, shall be entitled to a deferred normal annuity, payable at age fifty-five with twelve or more years of creditable service as determined in subsection 3 of section 56.840. Upon termination of employment, any person who became a member on or after January 1, 2019, shall be entitled to a deferred normal annuity, payable at age sixty with twelve or more years of creditable service as determined in subsection 3 of section 56.840. Any member with less than twelve years of creditable service shall forfeit all rights in the fund, including the member's accrued creditable service as of the date of the member's termination of employment.

2. A former member who has forfeited creditable service may have the creditable service restored by again becoming an employee ~~and~~ within ten years of the date of the termination of employment, by completing four years of continuous membership service, and by contributing an amount to the fund equal to any lump sum payment received under subsections 11 and 12 of section 56.807. Notwithstanding any other provision of section 104.800 to the contrary, a former member shall not be entitled to transfer creditable service into this retirement system unless the member previously vested in this system.

3. Absences for sickness or injury of less than twelve months shall be counted as membership service.

**56.840. BENEFITS TO RETIRED EMPLOYEES, INITIAL PAYMENTS, WHEN — CREDITABLE SERVICE, HOW ACCRUED, CERTAIN COUNTIES — BENEFITS AS PART-TIME PROSECUTOR, WHEN. — 1.** Annuity payments to retired employees under the provisions of sections 56.800 to 56.840 shall be available beginning January first next succeeding the expiration of two calendar

years from the effective date of the establishment of the system to eligible retired employees, and employees with at least twelve years of creditable service shall have vested rights and upon reaching the required age shall be entitled to retirement benefits.

2. All members serving as a prosecuting attorney or circuit attorney in a county of the first classification, a county with a charter form of government, or a city not within a county shall receive one year of creditable service for each year served.

3. Notwithstanding any provision of law to the contrary, members serving as a prosecuting attorney in counties that elected to make the position of prosecuting attorney a full-time position shall receive one year of creditable vesting service for each year served as a part-time or full-time prosecuting attorney. Such members shall receive one year of creditable benefit service for each year served as a full-time prosecuting attorney and six-tenths of a year of creditable benefit service for each year served as a part-time prosecuting attorney. Upon retirement, any member who has less than twelve years of creditable benefit service shall receive a reduced full-time benefit in a sum equal to the portion that the member's creditable benefit years bear to twelve vesting years.

4. Members restoring creditable service under subsection 2 of section 56.833 shall receive one year of creditable service for each restored year served as a full-time prosecuting attorney and six-tenths of a year of creditable service for each restored year served as a part-time prosecuting attorney. Unless otherwise permitted by law, no member shall receive credit for any partial year of employment.

5. Notwithstanding any provision of law to the contrary, any member who vested in the system as a part-time prosecuting attorney and who ceased being a member for more than six months before returning as a full-time prosecuting attorney shall be entitled only to retirement benefits as a part-time prosecuting attorney. Any creditable service earned by such an employee upon returning to the system as a full-time prosecuting attorney shall begin a new vesting period subject to the provision of the system in effect at the time of the member's return. No member shall receive benefits while employed as a prosecuting attorney or circuit attorney.

**59.800. ADDITIONAL FIVE DOLLAR FEE IMPOSED, WHEN, DISTRIBUTION — FUND ESTABLISHED, USE OF MONEYS — DEFICIENCY, EFFECT OF.** — 1. Beginning on July 1, 2001, notwithstanding any other condition precedent required by law to the recording of any instrument specified in subdivisions (1) and (2) of **subsection 1** of section 59.330, an additional fee of five dollars shall be charged and collected by every recorder of deeds in this state on each instrument recorded. The additional fee shall be distributed as follows:

(1) One dollar and twenty-five cents to the recorder's fund established ~~in accordance with~~ **under** subsection 1 of section 59.319, provided, however, that all funds received ~~in accordance with~~ **under** this section shall be used exclusively for the purchase, installation, upgrade and maintenance of modern technology necessary to operate the recorder's office in an efficient manner;

(2) One dollar and seventy-five cents to the county general revenue fund; and

(3) Two dollars to the fund established in subsection 2 of this section.

2. **(1)** There is hereby established a revolving fund known as the "Statutory County Recorder's Fund", which shall receive funds paid to the recorders of deeds of the counties of this state ~~in accordance with~~ **under** subdivision (3) of subsection 1 of this section. The director of the department of revenue shall be custodian of the fund and shall make disbursements from the fund for the purpose of subsidizing the fees collected by counties that hereafter elect or have heretofore elected to separate the offices of clerk of the circuit court and recorder. The subsidy shall consist of the

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total amount of moneys collected ~~purported to~~ **under** subdivisions (1) and (2) of subsection 1 of this section subtracted from fifty-five thousand dollars, **except under such circumstances where the annual average of funds collected under subsection 1 of this section during the previous three calendar years are insufficient to meet all obligations calculated in this subdivision. In such cases the provisions of subdivision (2) of this subsection shall apply.** The moneys paid to qualifying counties ~~purported to~~ **under** this subsection shall be deposited in the county general revenue fund. For purposes of this section a "qualified county" is a county that hereafter elects or has heretofore elected to separate the offices of clerk of the circuit court and recorder and in which the office of the recorder of deeds collects less than fifty-five thousand dollars in fees ~~purported to~~ **under** subdivisions (1) and (2) of subsection 1 of this section, on an annual basis. Moneys in the statutory county recorder's fund shall not be considered state funds and shall be deemed nonstate funds.

**(2) In the event funds collected under subdivision (3) of subsection 1 of this section are insufficient to meet the obligations set out in subdivision (1) of this subsection, the director of the department of revenue shall calculate the projected shortfall that would otherwise be incurred based on the formula outlined in subdivision (1) of this subsection. If the fund balance is greater than the annual average disbursement from the fund during the previous three years, up to thirty-three percent of the amount that exceeds the annual three-year average to meet the obligation may be used to meet the obligations. Should this amount be insufficient or unavailable to meet the shortfall, the director of the department of revenue shall set a new requisite amount to determine a qualified county under subdivision (1) of this subsection other than fifty-five thousand dollars, which reflects the revenue collected under subdivision (3) of subsection 1 of this section in addition to thirty-three percent of the excess fund balance.**

**65.610. ABOLITION OF TOWNSHIP ORGANIZATION — PROCEDURE.** — 1. Upon the petition of at least ten percent of voters at the last general election of any county having heretofore adopted township organization, praying therefor, the county commission shall submit the question of the abolition of township organization to the voters of the county at a general or special election. **The question shall include a countywide tax levy for road and bridge purposes.** The total vote for governor at the last general election before the filing of the petition where a governor was elected shall be used to determine the number of voters necessary to sign the petition. If the petition is filed six months or more prior to a general election, the proposition shall be submitted at a special election to be ordered by the county commission within sixty days after the petition is filed; if the petition is filed less than six months before a general election, then the proposition shall be submitted at the general election next succeeding the filing of the petition. The election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to elections of county officers. The clerk of the county commission shall give notice that a proposition for the abolition of township organization form of county government in the county is to be voted upon by causing a copy of the order of the county commission authorizing such election to be published at least once each week for three successive weeks, the last insertion to be not more than one week prior to the election, in some newspaper published in the county where the election is to be held, if there is a newspaper published in the county and, if not, by posting printed or written handbills in at least two public places in each election precinct in the county at least twenty-one days prior to the date of election. The clerk of the county commission shall provide the ballot which shall be printed and in substantially the following form:

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OFFICIAL BALLOT

(Check the one for which you wish to vote)

Shall township organization form of county government be abolished in \_\_\_\_\_ County and a countywide \_\_\_\_\_ tax at a rate of \_\_\_\_\_ collected for road and bridge purposes?

YES

NO

If a majority of the electors voting upon the proposition shall vote for the abolition thereof the township organization form of county government shall be declared to have been abolished; and township organization shall cease in said county; and except as provided in section 65.620 all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.

2. No election or any proposal for either the adoption of township organization or for the abolition of township organization in any county shall be held within two years after an election is held under this section.

**65.620. ABOLITION OF TOWNSHIP GOVERNMENT — EFFECT.** — 1. Whenever any county abolishes township organization the county treasurer and ex officio collector shall immediately settle his accounts as treasurer with the county commission and shall thereafter perform all duties, exercise all powers, have all rights and be subject to all liabilities imposed and conferred upon the county collector of revenue under chapter 52 until the first Monday in March after the general election next following the abolishment of township organization and until a collector of revenue for the county is elected and qualified. The person elected collector at the general election as aforesaid, if that election is not one for collector of revenue under chapter 52, shall serve until the first Monday in March following the election and qualification of a collector of revenue under chapter 52. Upon abolition of township organization a county treasurer shall be appointed to serve until the expiration of the term of such officer pursuant to chapter 54.

2. Upon abolition of township organization, title to all property of all kinds theretofore owned by the several townships of the county shall vest in the county and the county shall be liable for all outstanding obligations and liabilities of the several townships.

3. The terms of office of all township officers shall expire on the abolition of township organization and the township trustee of each township shall immediately settle his accounts with the county clerk and all township officers shall promptly deliver to the appropriate county officers, as directed by the county commission, all books, papers, records and property pertaining to their offices.

~~[4. For a period of one calendar year following the abolition of the townships or until the voters of the county have approved a tax levy for road and bridge purposes, whichever occurs first, the county collector shall continue to collect a property tax on a countywide basis in an amount equal to the tax levied by the township that had the lowest total tax rate in the county immediately prior to the abolishment of the townships. The continued collection of the tax shall be considered a continuation of an existing tax and shall not be considered a new tax levy.]~~

**87.135. MEMBERS SHALL FILE DETAILED ACCOUNT OF SERVICE — VERIFICATION OF SERVICE AND ISSUANCE OF SERVICE CERTIFICATE — COOPERATIVE AGREEMENTS, TRANSFER OF CREDITABLE SERVICE BETWEEN SYSTEMS.** — 1. Under such rules and regulations as the board of trustees shall adopt, each member who was a firefighter on and prior to the date of

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the establishment of the retirement system shall file a detailed statement of all service as a firefighter rendered by him or her prior to that date for which the firefighter claims credit.

2. The board of trustees shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the board of trustees allow credit as service for any period of more than one month's duration during which the member was absent without pay.

3. Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt, the board of trustees shall verify the service claims as soon as practicable after the filing of the statement of service.

4. Upon verification of the statements of service the board of trustees shall issue prior service certificates, certifying to each member the length of prior service with which the member is credited on the basis of his or her statement of service. So long as the holder of the certificate continues to be a member, a prior service certificate shall be final and conclusive for retirement purposes as to such service, except that any member may, within one year from the date of issuance or modification of the certificate, request the board of trustees to modify or correct the member's prior service certificate, and upon such request or of its own motion the board may correct the certificate. When any firefighter ceases to be a member his or her prior service certificate shall become void. Should he or she again become a member, he or she shall enter the retirement system as a member not entitled to prior service credit except as provided in section 87.215.

5. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of creditable membership service rendered by him or her, and also if the member has a prior service certificate which is in full force and effect, the amount of the service certified on the member's prior service certificate. Service rendered by a firefighter after the operative date and prior to becoming a member shall be included as creditable membership service provided the service was rendered since he or she last became a firefighter.

**6. The retirement system, with the approval of the board of trustees, may enter into cooperative agreements to transfer creditable service between the retirement system and any other retirement plan established by the state of Missouri or any political subdivision or instrumentality of the state when a member who has been employed in a position covered by one plan is employed in a position covered by another plan. The transfer of creditable service shall be in accordance with the provisions of section 105.691 and the policies and procedures established by the board of trustees.**

**94.900. SALES TAX AUTHORIZED (BLUE SPRINGS, CENTRALIA, EXCELSIOR SPRINGS, HARRISONVILLE, LEBANON, ST. JOSEPH, AND CERTAIN OTHER FOURTH CLASS CITIES) — PROCEEDS TO BE USED FOR PUBLIC SAFETY PURPOSES — BALLOT LANGUAGE — COLLECTION OF TAX, PROCEDURE.** — 1. (1) The governing body of the following cities may impose a tax as provided in this section:

(a) Any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants;

(b) Any city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants;

(c) Any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

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(d) Any home rule city with more than forty-eight thousand but fewer than forty-nine thousand inhabitants;

(e) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants;

(f) Any city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants; ~~or~~

(g) Any city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants;

**(h) Any city of the fourth classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants; or**

**(i) Any city of the third classification with more than thirteen thousand but fewer than fifteen thousand inhabitants and located in any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants.**

(2) The governing body of any city listed in subdivision (1) of this subsection is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of \_\_\_\_\_ (city's name) impose a citywide sales tax of \_\_\_\_\_ (insert amount) for the purpose of improving the public safety of the city?

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

**108.120. ROAD BONDS — CONSTRUCTION FUND (COUNTY).** — 1. The county commissions of the counties of this state are hereby authorized to issue bonds for and on behalf of their respective counties for the construction, reconstruction, improvement, maintenance and repair of any and all public roads, highways, bridges ~~and~~ , culverts, **streets, avenues, or alleys** within such county, including the payment of any cost, judgment and expense for property, or rights in property, acquired by purchase or eminent domain, as may be provided by law, in such amount and such manner as may be provided by the general law authorizing the issuance of bonds by counties.

2. The proceeds of all bonds issued under the provisions of this section shall be paid into the county treasury where they shall be kept as a separate fund to be known as "The Road Bond Construction Fund" and such proceeds shall be used only for the purpose mentioned herein. ~~Such funds may be used in the construction, reconstruction, improvement, maintenance and repair of any street, avenue, road or alley in any incorporated city, town or village if such street, avenue,~~

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

~~road or alley or any part thereof shall form a part of a continuous road, highway, bridge or culvert of said county leading into or through such city, town or village.]~~ **The county may contract with any other political subdivision to share the proceeds of such bonds to be used for the purposes authorized.**

**137.555. SPECIAL ROAD AND BRIDGE TAX, HOW LEVIED, COLLECTED AND DISBURSED.** — In addition to other levies authorized by law, the county commission in counties not adopting an alternative form of government and the proper administrative body in counties adopting an alternative form of government, in their discretion may levy an additional tax, not exceeding thirty-five cents on each one hundred dollars assessed valuation, all of such tax to be collected and turned into the county treasury, where it shall be known and designated as "The Special Road and Bridge Fund" to be used for road and bridge purposes and for no other purpose whatever; except that the term "road and bridge purposes" may include certain storm water control projects off rights of way that are directly related to the construction of roads and bridges, in any county of the first classification without a charter form of government with a population of at least ninety thousand inhabitants but not more than one hundred thousand inhabitants, in any county of the first classification without a charter form of government with a population of at least two hundred thousand inhabitants, in any county of the first classification without a charter form of government and bordered by one county of the first classification and one county of the second classification or in any county of the first classification with a charter form of government and containing part of a city with a population of three hundred thousand or more inhabitants; provided, however, that all that part or portion of such tax which shall arise from and be collected and paid upon any property lying and being within any special road district shall be paid into the county treasury and four-fifths of such part or portion of such tax so arising from and collected and paid upon any property lying and being within any such special road district shall be placed to the credit of such special road district from which it arose and shall be paid out to such special road district upon warrants of the county commission, in favor of the commissioners or treasurer of the district as the case may be; provided further, that the part of such special road and bridge tax arising from and paid upon property not situated in any special road district and the one-fifth part retained in the county treasury may, in the discretion of the county commission **and pursuant to a written contract, be shared with any other political subdivision to be used** ~~used~~ **for road and bridge purposes within the county including, but not limited to, constructing, improving, or repairing** ~~any street in any incorporated city or village in the county, if such street shall form a part of a continuous highway of such county leading through such city or village]~~ **streets, avenues, or alleys of such political subdivision.**

**137.556. ONE-FOURTH OF TAX EXPENDED ON CITY STREETS IN CERTAIN COUNTIES — EXCEPTION, ST. FRANCOIS COUNTY.** — 1. Notwithstanding the provisions of section 137.555, any county of the second class which now has or may hereafter have more than one hundred thousand inhabitants, and any county of the first class not having a charter form of government, shall expend not less than twenty-five percent of the moneys accruing to it from the county's special road and bridge tax levied upon property situated within the limits of any city, town or village within the county for the repair and improvement of existing roads, streets and bridges within the city, town or village from which such moneys accrued, except that any county of the ~~second~~ **first** classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants **and with a county seat with more than fifteen thousand but fewer than seventeen thousand inhabitants** shall not be required to expend such moneys as prescribed in this section.

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

2. The city council or other governing body of the city, town or village shall designate the roads, streets and bridges to be repaired and improved and shall specify the kinds and types of materials to be used.

3. The county commission may make and supervise the improvements or the city, town or village, with the consent and approval of the county commission, may provide for the repairs and improvement by private contract and, in either case, the county commission shall pay the costs thereof out of any funds available under the provisions of this section.

**162.441. ANNEXATION — PROCEDURE, ALTERNATIVE — FORM OF BALLOT.** — 1. If any school district desires to be attached **to a community college district organized under sections 178.770 to 178.890** or to one or more adjacent seven-director school districts for school purposes, upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district to attach the district to one or more adjacent seven-director districts and call ~~[for]~~ an election upon the question of such plan.

3. **As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. The community college district shall be responsible for the costs associated with the election.**

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

~~[4:]~~ 5. The question shall be submitted in substantially the following form:

Shall the \_\_\_\_\_ school district be annexed to the \_\_\_\_\_ school districts effective the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_?

~~[5:]~~ 6. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

~~[6:]~~ 7. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.

**227.600. CITATION OF LAW — DEFINITIONS.** — 1. Sections 227.600 to 227.669 shall be known and may be cited as the "Missouri Public-Private Partnerships Transportation Act".

2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise, the following terms mean:

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

- (1) "Commission", the Missouri highways and transportation commission;
- (2) "Comprehensive agreement", the final binding written comprehensive project agreement between a private partner and the commission required in section 227.621 to finance, develop, and/or operate the project;
- (3) "Department", the Missouri department of transportation;
- (4) "Develop" or "development", to plan, locate, relocate, establish, acquire, lease, design, or construct;
- (5) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all other charges incurred to finance, develop, and/or operate the project;
- (6) "Interim agreement", a preliminary binding written agreement between a private partner and the commission that provides for completion of studies and any other activities to advance the financing, development, and/or operation of the project required by section 227.618;
- (7) "Material default", any uncured default by a private partner in the performance of its duties that jeopardizes adequate service to the public from the project as determined by the commission;
- (8) "Operate" or "operation", to improve, maintain, equip, modify, repair, administer, or collect user fees;
- (9) "Private partner", any natural person, corporation, partnership, limited liability company, joint venture, business trust, nonprofit entity, other business entity, or any combination thereof;
- (10) "Project", exclusively includes any pipeline, ferry, port facility, water facility, water way, water supply facility or pipeline, **stormwater facility or system**, wastewater **system** or [~~wastewater~~] treatment facility, public building, airport, railroad, light rail, vehicle parking facility, mass transit facility, or other similar facility currently available or to be made available to a government entity for public use, including any structure, parking area, appurtenance and other property required to operate the structure or facility to be financed, developed, and/or operated under agreement between the commission and a private partner. The commission or private partner shall not have the authority to collect user fees in connection with the project from motor carriers as defined in section 227.630. Project shall not include any highway, interstate or bridge construction, or any rest area, rest stop, or truck parking facility connected to an interstate or other highway under the authority of the commission. Any project not specifically included in this subdivision shall not be financed, developed, or operated by a private partner until such project is approved by a vote of the people;
- (11) "Public use", a finding by the commission that the project to be financed, developed, and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed as a necessary addition to the state transportation system;
- (12) "Revenues", include but are not limited to the following which arise out of or in connection with the financing, development, and/or operation of the project:
  - (a) Income;
  - (b) Earnings;
  - (c) Proceeds;
  - (d) User fees;
  - (e) Lease payments;
  - (f) Allocations;
  - (g) Federal, state, and local moneys; or
  - (h) Private sector moneys, grants, bond proceeds, and/or equity investments;
- (13) "State", the state of Missouri;
- (14) "State highway system", the state system of highways and bridges planned, located, relocated, established, acquired, constructed, and maintained by the commission under Section 30(b), Article IV, Constitution of Missouri;

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(15) "State transportation system", the state system of nonhighway transportation programs, including but not limited to aviation, transit and mass transportation, railroads, ports, waterborne commerce, freight and intermodal connections;

(16) "User fees", tolls, fees, or other charges authorized to be imposed by the commission and collected by the private partner for the use of all or a portion of a project under a comprehensive agreement.

**227.601. CONCESSION AGREEMENTS, PROJECTS OWNED BY POLITICAL SUBDIVISION — APPROVAL — DEFINITIONS — REQUIREMENTS — EXEMPTIONS. — 1. Notwithstanding any provision of sections 227.600 to 227.669 to the contrary, the process and approval for concession agreements to build, maintain, operate, or finance projects owned by a political subdivision shall be approved by the governing body of such political subdivision and shall not be subject to approval by the commission. Notwithstanding the provisions of subsection 5 of this section, the sale or conveyance of any project owned by a political subdivision shall be subject to voter approval if required by law.**

**2. As used in this section, the following terms shall mean:**

(1) "Competitive bidding process", a request for proposal for the financing, development, or operation of the project, including any deadline for submission of such proposals, and notice of the request, which shall be published once a week for two consecutive weeks in:

(a) A newspaper of general circulation in the city where the proposed project is located;  
(b) At least one construction industry trade publication that is nationally distributed; and  
(c) Such other publications or manner as the governing body of the political subdivision may determine;

(2) "Concession agreement", a license or lease between a private partner and a political subdivision for the development, finance, operation, or maintenance of a project, as such term is defined in section 227.600.

**3. Notwithstanding any provision of law to the contrary, political subdivisions may enter into concession agreements, provided that:**

(1) The term of the concession agreement shall be for a term not exceeding thirty years;  
(2) The political subdivision shall retain oversight of operations of any such project;  
(3) The political subdivision shall retain oversight of rate setting methodology; and  
(4) The political subdivision shall have the right to terminate the agreement if the private partner does not comply with the concession agreement.

**4. The commission shall not be required to oversee, or issue an annual report under section 227.669 for, projects approved by political subdivisions, provided that any political subdivision entering into a concession agreement shall use a public-private partnership framework that shall include a competitive bidding process.**

**5. Except as provided in subsection 1 of this section, the provisions of sections 71.530, 71.550, 78.190, 78.630, 81.190, 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not apply to concession agreements that are approved as provided in this section.**

Approved July 5, 2018

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## CCS SS SCS HB 1350

**Enacts provisions relating to criminal history records.**

AN ACT to repeal sections 43.500, 43.503, 43.504, 43.506, 43.509, 43.527, 43.530, 43.535, 43.540, 43.543, 43.546, 43.547, 192.2495, 208.909, 210.025, 210.254, 210.258, 210.482, 210.487, 302.060, 313.810, and 610.120, RSMo, and to enact in lieu thereof twenty-three new sections relating to criminal history records, with penalty provisions.

## SECTION

- A. Enacting clause.
- 43.500 Definitions.
- 43.503 Arrest, charge and disposition of misdemeanors and felonies to be sent to highway patrol — procedure for certain juveniles — duties of court clerks — certain departments to provide information to central repository.
- 43.504 Access to central repository by private entities responsible for probation and drug treatment court services — restrictions.
- 43.506 Crimes to be reported, exceptions — method of reporting — repository of latent prints.
- 43.509 Rulemaking authority, department of public safety — rulemaking procedure.
- 43.527 Payment for records, exceptions.
- 43.530 Fees, method of payment — criminal record system fund, established — fund not to lapse.
- 43.535 Municipal and county government, criminal record review permitted, fee — fingerprinting, when — confidentiality.
- 43.540 Criminal record review — definitions — Rap Back program, requirements, fingerprints — information to be provided by applicant — confidentiality — notifications and forms provided by patrol.
- 43.543 Certain agencies to submit fingerprints, use of fingerprints for background search — procedure for submission.
- 43.546 Fingerprinting of applicants for background checks permitted by state agencies, boards, and commissions, when — procedure.
- 43.547 Gubernatorial appointees, fingerprint background checks required — procedure.
- 192.2495 Criminal background checks of employees, required when — persons with criminal history not to be hired, when, penalty — failure to disclose, penalty — improper hirings, penalty — definitions — rules to waive hiring restrictions.
- 208.909 Responsibilities of recipients and vendors.
- 210.025 Criminal background checks, persons receiving state or federal funds for child care, procedure — rulemaking authority — exemptions, contingent expiration date.
- 210.254 Religious organization operating facilities exempt under licensing laws required to file parental notice of responsibility and fire, safety inspections annually.
- 210.258 Religious organizations operating facility, no interference permitted with curriculum, personnel or selection of children — discipline policies, explanation required for parent.
- 210.482 Background checks for emergency placements, requirements, exceptions — cost, paid by whom.
- 210.487 Background checks for foster families, requirements — costs, paid by whom — rulemaking authority.
- 210.1080 Background checks required — definitions — procedure — ineligible for employment, when — exemption, when — emergency rules.
- 302.060 License not to be issued to whom, exceptions — reinstatement requirements.
- 313.810 Application, contents, fingerprints submission — investigation, commission may conduct — false information on application, penalty.
- 610.120 Records to be confidential — accessible to whom, purposes.

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

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

**SECTION A. ENACTING CLAUSE.**— Sections 43.500, 43.503, 43.504, 43.506, 43.509, 43.527, 43.530, 43.535, 43.540, 43.543, 43.546, 43.547, 192.2495, 208.909, 210.025, 210.254, 210.258, 210.482, 210.487, 302.060, 313.810, and 610.120, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 43.500, 43.503, 43.504, 43.506, 43.509, 43.527, 43.530, 43.535, 43.540, 43.543, 43.546, 43.547, 192.2495, 208.909, 210.025, 210.254, 210.258, 210.482, 210.487, 210.1080, 302.060, 313.810, and 610.120, to read as follows:

**43.500. DEFINITIONS.**— As used in sections 43.500 to ~~[43.543]~~ **43.651**, the following terms mean:

(1) "Administration of criminal justice", performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include **the screening of employees or applicants seeking employment with criminal justice agencies**, criminal identification activities, and the collection, storage, and dissemination of criminal history information, including fingerprint searches, photographs, and other unique biometric identification;

(2) "Central repository", the division within the Missouri state highway patrol responsible for compiling and disseminating complete and accurate criminal history records ~~[and for compiling, maintaining, and disseminating criminal incident and arrest reports]~~ and statistics;

(3) "Committee", criminal records and justice information advisory committee;

(4) "Comparable ordinance violation", a violation of an ordinance having all the essential elements of a statutory felony or a class A misdemeanor;

(5) "Criminal history record information", information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release;

(6) "Final disposition", the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system;

(7) "Missouri charge code", a unique number assigned by the office of state courts administrator to an offense for tracking and grouping offenses. Beginning January 1, 2005, the complete charge code shall consist of digits assigned by the office of state courts administrator, the two-digit national crime information center modifiers and a single digit designating attempt, accessory, or conspiracy. The only exception to the January 1, 2005, date shall be the courts that are not using the statewide court automation case management pursuant to section 476.055; the effective date will be as soon thereafter as economically feasible for all other courts;

(8) "State offense cycle number", a unique number, supplied by or approved by the Missouri state highway patrol, on the state criminal fingerprint card. The offense cycle number, OCN, is used to link the identity of a person, through unique biometric identification, to one or many offenses for which the person is arrested or charged. The OCN will be used to track an offense incident from the date of arrest to the final disposition when the offender exits from the criminal justice system;

(9) "Unique biometric identification", automated methods of recognizing and identifying an individual based on a physiological characteristic. Biometric identification methods may include but are not limited to facial recognition, fingerprints, palm prints, hand geometry, iris recognition, and retinal scan.

**43.503. ARREST, CHARGE AND DISPOSITION OF MISDEMEANORS AND FELONIES TO BE SENT TO HIGHWAY PATROL — PROCEDURE FOR CERTAIN JUVENILES — DUTIES OF COURT CLERKS — CERTAIN DEPARTMENTS TO PROVIDE INFORMATION TO CENTRAL REPOSITORY.**

— 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to ~~43.543~~ **43.651**.

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied or approved by the highway patrol or electronically in a format and manner approved by the highway patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions to the central repository upon its behalf.

3. In instances where an individual less than seventeen years of age and not currently certified as an adult is taken into custody for an offense which would be a felony if committed by an adult, the arresting officer shall take fingerprints for the central repository. These fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol or transmitted electronically in a format and manner approved by the highway patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program. The fingerprint cards shall be so constructed that the name of the juvenile should not be made available to the central repository. The individual's name and the unique number associated with the fingerprints and other pertinent information shall be provided to the court of jurisdiction by the agency taking the juvenile into custody. The juvenile's fingerprints and other information shall be forwarded to the central repository and the courts without undue delay. The fingerprint information from the card shall be captured and stored in the automated fingerprint identification system operated by the central repository. In the event the fingerprints are found to match other tenprints or unsolved latent prints, the central repository shall notify the submitting agency who shall notify the court of jurisdiction as per local agreement. Under section 211.031, in instances where a juvenile over fifteen and one-half years of age is alleged to have violated a state or municipal traffic ordinance or regulation, which does not constitute a felony, and the juvenile court does not have jurisdiction, the juvenile shall not be fingerprinted unless certified as an adult.

4. Upon certification of the individual as an adult, the certifying court shall order a law enforcement agency to immediately fingerprint and photograph the individual and certification papers will be forwarded to the appropriate law enforcement agency with the order for fingerprinting. The law enforcement agency shall submit such fingerprints, photograph, and certification papers to the central repository within fifteen days and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the clerk of the court ordering the subject fingerprinted. If the juvenile

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Matter in bold-face type is proposed language.

is acquitted of the crime and is no longer certified as an adult, the prosecuting attorney shall notify within fifteen days the central repository of the change of status of the juvenile. Records of a child who has been fingerprinted and photographed after being taken into custody shall be closed records as provided under section 610.100 if a petition has not been filed within thirty days of the date that the child was taken into custody; and if a petition for the child has not been filed within one year of the date the child was taken into custody, any records relating to the child concerning the alleged offense may be expunged under the procedures in sections 610.122 to 610.126.

5. The prosecuting attorney of each county or the circuit attorney of a city not within a county or the municipal prosecuting attorney shall notify the central repository on standard forms supplied by the highway patrol or in a manner approved by the highway patrol of his or her decision to not file a criminal charge on any charge referred to such prosecuting attorney or circuit attorney for criminal charges. All records forwarded to the central repository and the courts by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include the state offense cycle number of the offense, the charge code for the offense, and the originating agency identifier number of the reporting prosecutor, using such numbers as assigned by the highway patrol.

6. The clerk of the courts of each county or city not within a county or municipal court clerk shall furnish the central repository, on standard forms supplied by the highway patrol or in a manner approved by the highway patrol, with a record of all charges filed, including all those added subsequent to the filing of a criminal court case, amended charges, and all final dispositions of cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall include, for each charge:

(1) All judgments of not guilty, acquittals on the ground of mental disease or defect excluding responsibility, judgments or pleas of guilty including the sentence, if any, or probation, if any, pronounced by the court, nolle pros, discharges, releases and dismissals in the trial court;

(2) Court orders filed with the clerk of the courts which reverse a reported conviction or vacate or modify a sentence;

(3) Judgments terminating or revoking a sentence to probation, supervision or conditional release and any resentencing after such revocation; and

(4) The offense cycle number of the offense, and the originating agency identifier number of the sentencing court, using such numbers as assigned by the highway patrol.

7. The clerk of the courts of each county or city not within a county shall furnish, to the department of corrections or department of mental health, court judgment and sentence documents and the state offense cycle number and the charge code of the offense which resulted in the commitment or assignment of an offender to the jurisdiction of the department of corrections or the department of mental health if the person is committed pursuant to chapter 552. This information shall be reported to the department of corrections or the department of mental health at the time of commitment or assignment. If the offender was already in the custody of the department of corrections or the department of mental health at the time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the appropriate department by certified mail, return receipt requested, or in a manner and format mutually agreed to, within fifteen days of such disposition.

8. Information and fingerprints, photograph and if available, any other unique biometric identification collected, forwarded to the central repository, normally obtained from a person at the time of the arrest, may be obtained at any time the subject is in the criminal justice system or committed to the department of mental health. A law enforcement agency or the department of corrections may fingerprint, photograph, and capture any other unique biometric identification of the person unless collecting other unique biometric identification of the person is not financially

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feasible for the law enforcement agency, and obtain the necessary information at any time the subject is in custody. If at the time of any court appearance, the defendant has not been fingerprinted and photographed for an offense in which a fingerprint and photograph is required by statute to be collected, maintained, or disseminated by the central repository, the court shall order a law enforcement agency or court marshal to fingerprint and photograph immediately the defendant. The order for fingerprints shall contain the offense, charge code, date of offense, and any other information necessary to complete the fingerprint card. The law enforcement agency or court marshal shall submit such fingerprints, photograph, and if available, any other unique biometric identification collected, to the central repository without undue delay and within thirty days and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the court clerk of the court ordering the subject fingerprinted.

9. The department of corrections and the department of mental health shall furnish the central repository with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, legal name change, or discharge of an individual who has been sentenced to that department's custody for any offenses which are mandated by law to be collected, maintained or disseminated by the central repository. All records forwarded to the central repository by the department as required by sections 43.500 to ~~43.543~~ **43.651** shall include the offense cycle number of the offense, and the originating agency identifier number of the department using such numbers as assigned by the highway patrol.

**43.504. ACCESS TO CENTRAL REPOSITORY BY PRIVATE ENTITIES RESPONSIBLE FOR PROBATION AND DRUG TREATMENT COURT SERVICES — RESTRICTIONS.** — Notwithstanding section 610.120, the sheriff of any county, the sheriff of the city of St. Louis, and the judges of the circuit courts of this state may make available, for review, information obtained from the central repository to private entities responsible for probation supervision pursuant to sections 559.600 to 559.615. When the term of probation is completed or when the material is no longer needed for purposes related to the probation, it shall be returned to the court or destroyed. **Criminal history information obtained from the central repository may be made available to private entities responsible for providing services associated with drug treatment courts under sections 478.001 to 478.008.** The private entities shall not use or make this information available to any other person for any other purpose.

**43.506. CRIMES TO BE REPORTED, EXCEPTIONS — METHOD OF REPORTING — REPOSITORY OF LATENT PRINTS.** — 1. Those offenses considered reportable for the purposes of sections 43.500 to ~~43.543~~ **43.651** include all felonies; class A misdemeanors; all violations for driving under the influence of drugs or alcohol; any offense that can be enhanced to a class A misdemeanor or higher for subsequent violations; and comparable ordinance violations consistent with the reporting standards established by the National Crime Information Center, Federal Bureau of Investigation, for the Federal Interstate Identification Index System; and all cases arising under chapter 566. The following types of offenses shall not be considered reportable for the purposes of sections 57.403, 43.500 to ~~43.543~~ **43.651**, and 595.200 to 595.218: nonspecific charges of suspicion or investigation, general traffic violations and all misdemeanor violations of the state wildlife code. All offenses considered reportable shall be reviewed annually and noted in the Missouri charge code manual established in section 43.512. All information collected pursuant to sections 43.500 to ~~43.543~~ **43.651** shall be available only as set forth in section 610.120.

2. Law enforcement agencies, court clerks, prosecutors and custody agencies may report required information by electronic medium either directly to the central repository or indirectly to

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the central repository via other criminal justice agency computer systems in the state with the approval of the highway patrol, based upon standards established by the advisory committee.

3. In addition to the repository of fingerprint records for individual offenders and applicants, the central repository of criminal history and identification records for the state shall maintain a repository of latent prints, palm prints and other unique biometric identification submitted to the repository.

**43.509. RULEMAKING AUTHORITY, DEPARTMENT OF PUBLIC SAFETY — RULEMAKING PROCEDURE.** — The director of the department of public safety shall, in accordance with the provisions of chapter 536, establish such rules and regulations as are necessary to implement the provisions of sections 43.500 to ~~43.543~~ **43.651**. All collection and dissemination of criminal history information shall be in compliance with chapter 610 and applicable federal laws or regulations. Such rules shall relate to the collection of criminal history information from or dissemination of such information to criminal justice, noncriminal justice, and private agencies or citizens both in this and other states. No rule or portion of a rule promulgated under the authority of sections 43.500 to ~~43.543~~ **43.651** shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

**43.527. PAYMENT FOR RECORDS, EXCEPTIONS.** — For purposes of sections 43.500 to ~~43.543~~ **43.651**, all federal and nonstate of Missouri agencies and persons shall pay for criminal records checks, fingerprint searches, and any of the information as defined in subdivision (4) of section 43.500, when such information is not related to the administration of criminal justice. There shall be no charge for information supplied to criminal justice agencies for the administration of criminal justice. For purposes of sections 43.500 to ~~43.543~~ **43.651**, the administration of criminal justice is defined in subdivision (1) of section 43.500 and shall be available only as set forth in section 610.120.

**43.530. FEES, METHOD OF PAYMENT — CRIMINAL RECORD SYSTEM FUND, ESTABLISHED — FUND NOT TO LAPSE.** — 1. For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than nine dollars per request for criminal history record information not based on a fingerprint search. In each year beginning on or after January 1, 2010, the superintendent may increase the fee paid by requesting entities by an amount not to exceed one dollar per year, however, under no circumstance shall the fee paid by requesting entities exceed fifteen dollars per request.

2. For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than twenty dollars per request for criminal history record information based on a fingerprint search, unless the request is required under the provisions of subdivision (6) of section 210.481, section 210.487, or section 571.101, in which case the fee shall be fourteen dollars.

3. A request made under subsections 1 and 2 of this section shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, money order, or electronic payment payable to the state of Missouri-criminal record system or payment shall be made in a manner approved by the highway patrol. The highway patrol may establish procedures for receiving requests for criminal history record information for classification and search for fingerprints, from courts and other entities, and for the payment of such requests. There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080 to the contrary, if the

moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in sections 43.500 to ~~43.543~~ **43.651**, the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

**43.535. MUNICIPAL AND COUNTY GOVERNMENT, CRIMINAL RECORD REVIEW PERMITTED, FEE — FINGERPRINTING, WHEN — CONFIDENTIALITY.** — 1. Law enforcement agencies within the state of Missouri may perform a Missouri criminal record review for only open records through the ~~[MULES]~~ **central repository's automated criminal history** system for the purpose of hiring of municipal or county governmental employees. For each request, other than those related to the administration of criminal justice, the requesting entity shall pay a fee to the central repository, pursuant to section 43.530. For purposes of this section, "requesting entity" shall not be the law enforcement agency unless the request is made by the law enforcement agency for purposes of hiring law enforcement personnel.

2. Municipalities and counties may, by local or county ordinance, require the fingerprinting of applicants or licensees in specified occupations for the purpose of receiving criminal history record information by local or county officials. A copy of the ordinance must be forwarded for approval to the Missouri state highway patrol prior to the submission of fingerprints to the central repository. The local or county law enforcement agency shall submit a set of fingerprints of the applicant or licensee, accompanied with the appropriate fees, to the central repository for the purpose of checking the person's criminal history **under section 43.540**. The set of fingerprints shall be used to search the Missouri criminal records repository and shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files if necessary. The fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state highway patrol. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the municipal or county officials making the record request.

3. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

**43.540. CRIMINAL RECORD REVIEW — DEFINITIONS — RAP BACK PROGRAM, REQUIREMENTS, FINGERPRINTS — INFORMATION TO BE PROVIDED BY APPLICANT — CONFIDENTIALITY — NOTIFICATIONS AND FORMS PROVIDED BY PATROL.** — 1. As used in this section, the following terms mean:

(1) ~~["Authorized state agency", a division of state government or an office of state government designated by the statutes of Missouri to issue or renew a license, permit, certification, or registration of authority to a qualified entity]~~ **"Applicant", a person who:**

- (a) **Is actively employed by or seeks employment with a qualified entity;**
- (b) **Is actively licensed or seeks licensure with a qualified entity;**
- (c) **Actively volunteers or seeks to volunteer with a qualified entity;**
- (d) **Is actively contracted with or seeks to contract with a qualified entity; or**
- (e) **Owns or operates a qualified entity;**

(2) "Care", the provision of care, treatment, education, training, instruction, supervision, or recreation;

(3) "Missouri criminal record review", a review of criminal history records and sex offender registration records pursuant to sections 589.400 to 589.425 maintained by the Missouri state highway patrol in the Missouri criminal records repository;

(4) "Missouri Rap Back program", shall include any type of automatic notification made by the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense in Missouri as required under section 43.506;

(5) "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;

~~[(5)]~~ (6) "National Rap Back program", shall include any type of automatic notification made by the Federal Bureau of Investigation through the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense outside the state of Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;

(7) "Patient or resident", a person who by reason of age, illness, disease or physical or mental infirmity receives or requires care or services furnished by ~~[a provider]~~ **an applicant**, as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated or accommodated in a facility as defined in section 198.006, for a period exceeding twenty-four consecutive hours;

~~[(6)]~~ "Provider", a person who:

~~(a) Has or may have unsupervised access to children, the elderly, or persons with disabilities;~~  
and

~~(b) a. Is employed by or seeks employment with a qualified entity; or~~

~~b. Volunteers or seeks to volunteer with a qualified entity; or~~

~~e. Owns or operates a qualified entity;~~

~~(7)]~~ (8) "Qualified entity", **an entity that is:**

(a) A person, business, or organization, whether public or private, for profit, not for profit, or voluntary, that provides care, care placement, or educational services for children, the elderly, or persons with disabilities as patients or residents, including a business or organization that licenses or certifies others to provide care or care placement services;

(b) An office or division of state, county, or municipal government, including a political subdivision or a board or commission designated by statute or approved local ordinance, to issue or renew a license, permit, certification, or registration of authority;

(c) An office or division of state, county, or municipal government, including a political subdivision or a board or commission designated by statute or approved local ordinance, to make fitness determinations on applications for state, county, or municipal government employment;

(d) A criminal justice agency, including law enforcement agencies that screen persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase or possess a firearm; or

(e) Any entity that is authorized to obtain criminal history record information under 28 CFR 20.33;

~~[(8)]~~ (9) "Youth services agency", any public or private agency, school, or association which provides programs, care or treatment for or which exercises supervision over minors.

2. ~~[A qualified entity may obtain a Missouri criminal record review of a provider from the highway patrol by furnishing information on forms and in the manner approved by the highway patrol.]~~ **The central repository shall have the authority to submit applicant fingerprints to the National Rap Back program to be retained for the purpose of being searched against future submissions to the National Rap Back program, including latent fingerprint searches. Qualified entities may conduct Missouri and national criminal record reviews on applicants**

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and participate in Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a permit, license, or employment, and shall abide by the following requirements:

(1) The qualified entity shall register with the Missouri state highway patrol prior to submitting a request for screening under this section. As part of such registration, the qualified entity shall indicate if it chooses to enroll their applicants in the Missouri and National Rap Back programs;

(2) Qualified entities shall notify applicants subject to a criminal record review under this section that the applicant's fingerprints shall be retained by the state central repository and the Federal Bureau of Investigation and shall be searched against other fingerprints on file, including latent fingerprints;

(3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back program that the applicant's fingerprints, while retained, may continue to be compared against other fingerprints submitted or retained by the Federal Bureau of Investigation, including latent fingerprints;

(4) The criminal record review and Rap Back process described in this section shall be voluntary and conform to the requirements established in the National Child Protection Act of 1993, as amended, and other applicable state or federal law. As a part of the registration, the qualified entity shall agree to comply with state and federal law and shall indicate so by signing an agreement approved by the Missouri state highway patrol. The Missouri state highway patrol may periodically audit qualified entities to ensure compliance with federal law and this section;

(5) A qualified entity shall submit to the Missouri state highway patrol a request for screening on applicants covered under this section using a completed fingerprint card;

(6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal record review and enrollment in the National Rap Back program in compliance with the National Child Protection Act of 1993, as amended, and other applicant state or federal laws;

(7) The Missouri state highway patrol shall provide, directly to the qualified entity, the applicant's state criminal history records that are not exempt from disclosure under chapter 610 or are otherwise confidential under law;

(8) The national criminal history data shall be available to qualified entities to use only for the purpose of screening applicants as described under this section. The Missouri state highway patrol shall provide the applicant's national criminal history record information directly to the qualified entity;

(9) The determination whether the criminal history record shows that the applicant has been convicted of, or has a pending charge, for any crime that bears upon the fitness of the applicant to have responsibility for the safety and well-being of children, the elderly, or disabled persons shall be made solely by the qualified entity. This section shall not require the Missouri state highway patrol to make such a determination on behalf of any qualified entity;

(10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a copy of any criminal record review, including the criminal history records, if any, contained in the report, and of the applicant's right to challenge the accuracy and completeness of any information contained in any such report and to obtain a determination as to the validity of such challenge before a final determination regarding the applicant is

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made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the Missouri state highway patrol for those applicants subject to the required screening; and

(11) Failure to obtain the information authorized under this section with respect to an applicant shall not be used as evidence in any negligence action against a qualified entity. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information requested under this section.

3. ~~[A qualified entity may request a Missouri criminal record review and a national criminal record review of a provider through an authorized state agency. No authorized state agency is required by this section to process Missouri or national criminal record reviews for a qualified entity, however, if an authorized state agency agrees to process Missouri and national criminal record reviews for a qualified entity, the qualified entity shall provide to the authorized state agency on forms and in a manner approved by the highway patrol the following:~~

- ~~(1) Two sets of fingerprints of the provider if a national criminal record review is requested;~~
- ~~(2) A statement signed by the provider which contains:
 
  - ~~(a) The provider's name, address, and date of birth;~~
  - ~~(b) Whether the provider has been convicted of or has pled guilty to a crime which includes a suspended imposition of sentence;~~
  - ~~(c) If the provider has been convicted of or has pled guilty to a crime, a description of the crime, and the particulars of the conviction or plea;~~
  - ~~(d) The authority of the qualified entity to check the provider's criminal history;~~
  - ~~(e) The right of the provider to review the report received by the qualified entity; and~~
  - ~~(f) The right of the provider to challenge the accuracy of the report. If the challenge is to the accuracy of the criminal record review, the challenge shall be made to the highway patrol.]~~ **The criminal record review shall include the submission of fingerprints to:**
    - (1) The Missouri state highway patrol, who shall conduct a Missouri criminal record review, including closed record information under section 610.120; and**
    - (2) The Missouri state highway patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record review.**~~

4. ~~[The authorized state agency shall forward the required forms and fees to the highway patrol. The results of the record review shall be forwarded to the authorized state agency who will notify the qualified entity. The authorized state agency may assess a fee to the qualified entity to cover the cost of handling the criminal record review and may establish an account solely for the collection and dissemination of fees associated with the criminal record reviews.]~~ **The applicant subject to a criminal record review shall provide the following information to the qualified entity:**

- (1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and participate in the Missouri and National Rap Back programs;**
- (2) Consent to obtain the identifying information required to conduct the criminal record review, which may include, but not be limited to:**
  - (a) Name;**
  - (b) Date of birth;**
  - (c) Height;**
  - (d) Weight;**

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- (e) Eye color;
- (f) Hair color;
- (g) Gender;
- (h) Race;
- (i) Place of birth;
- (j) Social Security number; and
- (k) The applicant's photo.

5. Any information received by an authorized state agency or a qualified entity pursuant to the provisions of this section shall be used solely for internal purposes in determining the suitability of ~~[a provider]~~ **an applicant**. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. **A qualified entity enrolled in either the Missouri or National Rap Back programs shall be notified by the Missouri state highway patrol that a new arrest has been reported on an applicant who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active capacity, the entity may request and receive the individual's updated criminal history record. This process shall only occur if:**

(1) **The agency has abided by all procedures and rules promulgated by the Missouri state highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back programs;**

(2) **The individual upon whom the Rap Back notification is being made has previously had a Missouri and national criminal record review completed for the qualified entity under this section within the previous six years; and**

(3) **The individual upon whom the Rap Back notification is being made is a current employee, licensee, or otherwise still actively under the purview of the qualified entity.**

7. The highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

**43.543. CERTAIN AGENCIES TO SUBMIT FINGERPRINTS, USE OF FINGERPRINTS FOR BACKGROUND SEARCH — PROCEDURE FOR SUBMISSION.** — Any state agency listed in section 621.045, the division of professional registration of the department of insurance, financial institutions and professional registration, the department of social services, the supreme court of Missouri, the state courts administrator, the department of elementary and secondary education, the department of natural resources, the Missouri lottery, the Missouri gaming commission, or any state, municipal, or county agency which screens persons seeking employment with such agencies or issuance or renewal of a license, permit, certificate, or registration of authority from such agencies; or any state, municipal, or county agency or committee, or state school of higher education which is authorized by state statute or executive order, or local or county ordinance to screen applicants or candidates seeking or considered for employment, assignment, contracting, or appointment to a position within state, municipal, or county government; or the Missouri peace officers standards and training, POST, commission which screens persons, not employed by a criminal justice agency, who seek enrollment or access into a certified POST training academy police school, or persons seeking a permit to purchase or possess a firearm for employment as a watchman, security personnel, or private investigator; or law enforcement agencies which screen persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase or

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possess a firearm shall submit ~~two sets of~~ fingerprints to the Missouri state highway patrol, Missouri criminal records repository, for the purpose of checking the person's criminal history **under section 43.540**. The ~~first set of~~ fingerprints shall be used to search the Missouri criminal records repository and the ~~second set shall be submitted to the~~ Federal Bureau of Investigation to be used for searching the federal criminal history files if necessary. The fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state highway patrol. Fees assessed for the searches shall be paid by the applicant or in the manner prescribed by the Missouri state highway patrol. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the state, municipal, or county agency making the record request.

**43.546. FINGERPRINTING OF APPLICANTS FOR BACKGROUND CHECKS PERMITTED BY STATE AGENCIES, BOARDS, AND COMMISSIONS, WHEN — PROCEDURE.** — 1. Any state agency, board, or commission may require the fingerprinting of applicants in specified occupations or appointments within the state agency, board, or commission for the purpose of positive identification and receiving criminal history record information when determining an applicant's ability or fitness to serve in such occupation or appointment.

2. In order to facilitate the criminal background check under subsection 1 of this section on any person employed or appointed by a state agency, board, or commission, and in accordance with section 43.543, the applicant or employee shall submit a set of fingerprints collected under the standards determined by the Missouri highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded to the highway patrol to be used to search the state criminal history repository and the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal background check **under section 43.540**. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the state agency making the request.

**43.547. GUBERNATORIAL APPOINTEES, FINGERPRINT BACKGROUND CHECKS REQUIRED — PROCEDURE.** — 1. The Missouri state highway patrol, at the direction of the governor, shall conduct name or fingerprint background investigations of gubernatorial appointees. The governor's directive shall state whether the background investigation shall be a name background investigation or a fingerprint background investigation. In addition, the patrol may, at the governor's direction, conduct other appropriate investigations to determine if an applicant or appointee is in compliance with section 105.262, and other necessary inquiries to determine the person's suitability for positions of public trust.

2. In order to facilitate the fingerprint background investigation under subsection 1 of this section, and in accordance with the provisions of section ~~[43.543]~~ **43.540**, the appointee shall submit a set of fingerprints collected under the standards determined by the Missouri highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded to the highway patrol to be used to search the state criminal history repository and the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal background check. Any background investigation conducted at the direction of the governor under subsection 1 of this section may include criminal history record information and other source information obtained by the highway patrol.

**192.2495. CRIMINAL BACKGROUND CHECKS OF EMPLOYEES, REQUIRED WHEN — PERSONS WITH CRIMINAL HISTORY NOT TO BE HIRED, WHEN, PENALTY — FAILURE TO**

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**DISCLOSE, PENALTY — IMPROPER HIRINGS, PENALTY — DEFINITIONS — RULES TO WAIVE HIRING RESTRICTIONS.** — 1. For the purposes of this section, the term "provider" means any person, corporation or association who:

- (1) Is licensed as an operator pursuant to chapter 198;
- (2) Provides in-home services under contract with the department of social services or its divisions;
- (3) Employs health care providers as defined in section 376.1350 for temporary or intermittent placement in health care facilities;
- (4) Is an entity licensed pursuant to chapter 197;
- (5) Is a public or private facility, day program, residential facility or specialized service operated, funded or licensed by the department of mental health; or
- (6) Is a licensed adult day care provider.

2. For the purpose of this section "patient or resident" has the same meaning as such term is defined in section 43.540.

3. Prior to allowing any person who has been hired as a full-time, part-time or temporary position to have contact with any patient or resident the provider shall, or in the case of temporary employees hired through or contracted for an employment agency, the employment agency shall prior to sending a temporary employee to a provider:

(1) Request a criminal background check as provided in section 43.540. Completion of an inquiry to the highway patrol for criminal records that are available for disclosure to a provider for the purpose of conducting an employee criminal records background check shall be deemed to fulfill the provider's duty to conduct employee criminal background checks pursuant to this section; except that, completing the inquiries pursuant to this subsection shall not be construed to exempt a provider from further inquiry pursuant to common law requirements governing due diligence. If an applicant has not resided in this state for five consecutive years prior to the date of his or her application for employment, the provider shall request a nationwide check for the purpose of determining if the applicant has a prior criminal history in other states. The fingerprint cards and any required fees shall be sent to the highway patrol's central repository. The ~~first set of~~ fingerprints shall be used for searching the state repository of criminal history information. If no identification is made, ~~the second set of~~ fingerprints shall be forwarded to the Federal Bureau of Investigation ~~Identification Division,~~ for the searching of the federal criminal history files. The patrol shall notify the submitting state agency of any criminal history information or lack of criminal history information discovered on the individual. The provisions relating to applicants for employment who have not resided in this state for five consecutive years shall apply only to persons who have no employment history with a licensed Missouri facility during that five-year period. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the provider making the record request; and

(2) Make an inquiry to the department of health and senior services whether the person is listed on the employee disqualification list as provided in section 192.2490.

4. When the provider requests a criminal background check pursuant to section 43.540, the requesting entity may require that the applicant reimburse the provider for the cost of such record check. When a provider requests a nationwide criminal background check pursuant to subdivision (1) of subsection 3 of this section, the total cost to the provider of any background check required pursuant to this section shall not exceed five dollars which shall be paid to the state. State funding and the obligation of a provider to obtain a nationwide criminal background check shall be subject to the availability of appropriations.

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5. An applicant for a position to have contact with patients or residents of a provider shall:

(1) Sign a consent form as required by section 43.540 so the provider may request a criminal records review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge and shall include any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole;

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section 192.2490; and

(4) Disclose if the applicant is listed on any of the background checks in the family care safety registry established under section 210.903. A provider not otherwise prohibited from employing an individual listed on such background checks may deny employment to an individual listed on any of the background checks in such registry.

6. An applicant who knowingly fails to disclose his or her criminal history as required in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class A misdemeanor if the provider knowingly hires or retains a person to have contact with patients or residents and the person has been found guilty in this state or any other state or has been found guilty of a crime, which if committed in Missouri would be a class A or B felony violation of chapter 565, 566 or 569, or any violation of subsection 3 of section 198.070 or section 568.020.

7. Any in-home services provider agency or home health agency shall be guilty of a class A misdemeanor if such agency knowingly employs a person to provide in-home services or home health services to any in-home services client or home health patient and such person either refuses to register with the family care safety registry or ~~is listed on any of the background check lists in the family care safety registry pursuant to sections 210.900 to 210.937~~ **if such person:**

**(1) Has any of the disqualifying factors listed in subsection 6 of this section;**

**(2) Has been found guilty of or pleaded guilty or nolo contendere to any felony offense under chapters 195 or 579;**

**(3) Has been found guilty of or pleaded guilty or nolo contendere to any felony offense under section 568.045, 568.050, 568.060, 568.175, 570.023, 570.025, 570.030, 570.040 as it existed prior to January 1, 2017, 570.090, 570.145, 570.223, 575.230, or 576.080;**

**(4) Has been found guilty of or pleaded guilty or nolo contendere to a violation of section 577.010 or 577.012 and who is alleged and found by the court to be an aggravated or chronic offender under section 577.023;**

**(5) Has been found guilty of or pleaded guilty or nolo contendere to any offense requiring registration under section 589.400;**

**(6) Is listed on the department of health and senior services employee disqualification list under section 192.2490;**

**(7) Is listed on the department of mental health employee disqualification registry under section 630.170; or**

**(8) Has a finding on the child abuse and neglect registry under sections 210.109 to 210.183.**

8. The highway patrol shall examine whether protocols can be developed to allow a provider to request a statewide fingerprint criminal records review check through local law enforcement agencies.

9. A provider may use a private investigatory agency rather than the highway patrol to do a criminal history records review check, and alternatively, the applicant pays the private investigatory agency such fees as the provider and such agency shall agree.

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

10. Except for the hiring restriction based on the department of health and senior services employee disqualification list established pursuant to section 192.2490, the department of health and senior services shall promulgate rules and regulations to waive the hiring restrictions pursuant to this section for good cause. For purposes of this section, "good cause" means the department has made a determination by examining the employee's prior work history and other relevant factors that such employee does not present a risk to the health or safety of residents.

**208.909. RESPONSIBILITIES OF RECIPIENTS AND VENDORS.** — 1. Consumers receiving personal care assistance services shall be responsible for:

- (1) Supervising their personal care attendant;
- (2) Verifying wages to be paid to the personal care attendant;
- (3) Preparing and submitting time sheets, signed by both the consumer and personal care attendant, to the vendor on a biweekly basis;
- (4) Promptly notifying the department within ten days of any changes in circumstances affecting the personal care assistance services plan or in the consumer's place of residence;
- (5) Reporting any problems resulting from the quality of services rendered by the personal care attendant to the vendor. If the consumer is unable to resolve any problems resulting from the quality of service rendered by the personal care attendant with the vendor, the consumer shall report the situation to the department; and
- (6) Providing the vendor with all necessary information to complete required paperwork for establishing the employer identification number.

2. Participating vendors shall be responsible for:

- (1) Collecting time sheets or reviewing reports of delivered services and certifying the accuracy thereof;
- (2) The Medicaid reimbursement process, including the filing of claims and reporting data to the department as required by rule;
- (3) Transmitting the individual payment directly to the personal care attendant on behalf of the consumer;
- (4) Monitoring the performance of the personal care assistance services plan.

3. No state or federal financial assistance shall be authorized or expended to pay for services provided to a consumer under sections 208.900 to 208.927, if the primary benefit of the services is to the household unit, or is a household task that the members of the consumer's household may reasonably be expected to share or do for one another when they live in the same household, unless such service is above and beyond typical activities household members may reasonably provide for another household member without a disability.

4. No state or federal financial assistance shall be authorized or expended to pay for personal care assistance services provided by a personal care attendant who ~~is listed on any of the background check lists in the family care safety registry under sections 210.900 to 210.937~~ **has not undergone the background screening process under section 192.2495. If the personal care attendant has a disqualifying finding under section 192.2495, no state or federal assistance shall be made**, unless a good cause waiver is first obtained from the department in accordance with section 192.2495.

5. (1) All vendors shall, by July 1, 2015, have, maintain, and use a telephone tracking system for the purpose of reporting and verifying the delivery of consumer-directed services as authorized by the department of health and senior services or its designee. Use of such a system prior to July 1, 2015, shall be voluntary. The telephone tracking system shall be used to process payroll for

employees and for submitting claims for reimbursement to the MO HealthNet division. At a minimum, the telephone tracking system shall:

- (a) Record the exact date services are delivered;
- (b) Record the exact time the services begin and exact time the services end;
- (c) Verify the telephone number from which the services are registered;
- (d) Verify that the number from which the call is placed is a telephone number unique to the client;
- (e) Require a personal identification number unique to each personal care attendant;
- (f) Be capable of producing reports of services delivered, tasks performed, client identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service; and
- (g) Be capable of producing reimbursement requests for consumer approval that assures accuracy and compliance with program expectations for both the consumer and vendor.

(2) The department of health and senior services, in collaboration with other appropriate agencies, including centers for independent living, shall establish telephone tracking system pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall meet the requirements of this section and section 208.918. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of a telephone tracking system on the quality of the services delivered to the consumer and the principles of self-directed care.

(3) As new technology becomes available, the department may allow use of a more advanced tracking system, provided that such system is at least as capable of meeting the requirements of this subsection.

(4) The department of health and senior services shall promulgate by rule the minimum necessary criteria of the telephone tracking system. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

6. In the event that a consensus between centers for independent living and representatives from the executive branch cannot be reached, the telephony report issued to the general assembly and governor shall include a minority report which shall detail those elements of substantial dissent from the main report.

7. No interested party, including a center for independent living, shall be required to contract with any particular vendor or provider of telephony services nor bear the full cost of the pilot program.

**210.025. CRIMINAL BACKGROUND CHECKS, PERSONS RECEIVING STATE OR FEDERAL FUNDS FOR CHILD CARE, PROCEDURE — RULEMAKING AUTHORITY — EXEMPTIONS, CONTINGENT EXPIRATION DATE. — 1. An applicant child care provider; persons employed by the applicant child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for the applicant child care provider or unsupervised access to children who are cared for or supervised by the applicant child care provider; or individuals residing in the applicant's family child care home who are seventeen years of age or older**

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**shall be required to submit to a criminal background check under section 43.540 prior to an applicant being granted a registration and every five years thereafter and an annual check of the central registry for child abuse established in section 210.109 in order for the applicant** to qualify for receipt of state or federal funds for providing child-care services ~~[in the home]~~ either by direct payment or through reimbursement to a child-care beneficiary~~], an applicant and any person over the age of seventeen who is living in the applicant's home shall be required to submit to a criminal background check pursuant to section 43.540 and a check of the central registry for child abuse established in section 210.145. Effective January 1, 2001, the requirements of this subsection or subsection 2 of this section shall be satisfied through registration with the family care safety registry established in sections 210.900 to 210.936].~~ Any costs associated with such checks shall be paid by the applicant.

2. Upon receipt of an application for state or federal funds for providing child-care services in the home, the ~~[family support]~~ **children's** division shall:

(1) Determine if a finding of child abuse or neglect by probable cause prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, involving the applicant or any person over the age of seventeen who is living in the applicant's home has been recorded pursuant to section 210.145 or 210.221;

(2) Determine if the applicant or any person over the age of seventeen who is living in the applicant's home has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.221 or 210.496; and

(3) Upon initial application, require the applicant to submit to fingerprinting and request a criminal background check of the applicant and any person over the age of seventeen who is living in the applicant's home pursuant to section 43.540 and section 210.487, and inquire of the applicant whether any children less than seventeen years of age residing in the applicant's home have ever been certified as an adult and convicted of, or pled guilty or nolo contendere to any crime.

3. Except as otherwise provided in subsection 4 of this section, upon completion of the background checks in subsection 2 of this section, an applicant shall be denied state or federal funds for providing child care if such applicant, any person over the age of seventeen who is living in the applicant's home, and any child less than seventeen years of age who is living in the applicant's home and who the division has determined has been certified as an adult for the commission of a crime:

(1) Has had a finding of child abuse or neglect by probable cause prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, pursuant to section 210.145 or section 210.152;

(2) Has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.496;

(3) Has pled guilty or nolo contendere to or been found guilty of any felony for an offense against the person as defined by chapter 565, or any other offense against the person involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for a sexual offense as defined by chapter 566; of any misdemeanor or felony for an offense against the family as defined in chapter 568, with the exception of the sale of fireworks, as defined in section 320.110, to a child under the age of eighteen; of any misdemeanor or felony for pornography or related offense as defined by chapter 573; or of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which the director has knowledge or any offenses or reports which will disqualify an applicant from receiving state or federal funds.

4. An applicant shall be given an opportunity by the division to offer any extenuating or mitigating circumstances regarding the findings, refusals or violations against such applicant or

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any person over the age of seventeen or less than seventeen who is living in the applicant's home listed in subsection 2 of this section. Such extenuating and mitigating circumstances may be considered by the division in its determination of whether to permit such applicant to receive state or federal funds for providing child care in the home.

5. An applicant who has been denied state or federal funds for providing child care in the home may appeal such denial decision in accordance with the provisions of section 208.080.

6. If an applicant is denied state or federal funds for providing child care in the home based on the background check results for any person over the age of seventeen who is living in the applicant's home, the applicant shall not apply for such funds until such person is no longer living in the applicant's home.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

**8. (1) The provisions of subsection 1 of this section shall not apply to any child care facility, as defined in section 210.201, maintained or operated under the exclusive control of a religious organization, as described in subdivision (5) of subsection 1 of section 210.211, unless such facility is a recipient of federal funds for providing care for children, except for federal funds for those programs that meet the requirements for participation in the Child and Adult Care Food Program under 42 U.S.C. Section 1766.**

**(2) The provisions of subsection 1 of this section, as enacted by the ninety-ninth general assembly, second regular session, and any rules or regulations promulgated under such section, shall expire if 42 U.S.C. Section 9858f, as enacted by the Child Care and Development Block Grant (CCDBG) Act of 2014, and 45 CFR 98.43 are repealed or if Missouri no longer receives federal funds from the CCDBG.**

**210.254. RELIGIOUS ORGANIZATION OPERATING FACILITIES EXEMPT UNDER LICENSING LAWS REQUIRED TO FILE PARENTAL NOTICE OF RESPONSIBILITY AND FIRE, SAFETY INSPECTIONS ANNUALLY.** — 1. Child-care facilities operated by religious organizations pursuant to the exempt status recognized in subdivision (5) of section 210.211 shall upon enrollment of any child provide the parent or guardian enrolling the child two copies of a notice of parental responsibility, one copy of which shall be retained in the files of the facility after the enrolling parent acknowledges, by signature, having read and accepted the information contained therein.

2. The notice of parental responsibility shall include the following:

(1) Notification that the child-care facility is exempt as a religious organization from state licensing and therefore not inspected or supervised by the department of health and senior services other than as provided herein and that the facility has been inspected by those designated in section 210.252 and is complying with the fire, health and sanitation requirements of sections 210.252 to 210.257;

(2) The names, addresses and telephone numbers of agencies and authorities which inspect the facility for fire, health and safety and the date of the most recent inspection by each;

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(3) The staff/child ratios for enrolled children under two years of age, for children ages two to four and for those five years of age and older as required by the department of health and senior services regulations in licensed facilities, the standard ratio of staff to number of children for each age level maintained in the exempt facility, and the total number of children to be enrolled by the facility;

(4) Notification that background checks have been conducted ~~[on each individual caregiver and all other personnel at the facility. The background check shall be conducted upon employment and every two years thereafter on each individual caregiver and all other personnel at the facility. Such background check shall include a screening for child abuse or neglect through the children's division, and a criminal record review through the Missouri highway patrol pursuant to section 43.540. The fee for the criminal record review shall be limited to the actual costs incurred by the Missouri highway patrol in conducting such review not to exceed ten dollars]~~ **under the provisions of section 210.1080;**

(5) The disciplinary philosophy and policies of the child-care facility; and

(6) The educational philosophy and policies of the child-care facility.

3. A copy of notice of parental responsibility, signed by the principal operating officer of the exempt child-care facility and the individual primarily responsible for the religious organization conducting the child-care facility and copies of the annual fire and safety inspections shall be filed annually during the month of August with the ~~[director of the]~~ department of health and senior services. ~~[Exempt child care facilities which begin operation after August 28, 1993, shall file such notice at least five days prior to starting to operate.]~~

**210.258. RELIGIOUS ORGANIZATIONS OPERATING FACILITY, NO INTERFERENCE PERMITTED WITH CURRICULUM, PERSONNEL OR SELECTION OF CHILDREN — DISCIPLINE POLICIES, EXPLANATION REQUIRED FOR PARENT.** — The provisions of this section and section 210.259 apply to a child care facility maintained or operated under the exclusive control of a religious organization. Nothing in sections 210.252 to 210.257 shall be construed to authorize the department of health and senior services or any other governmental entity:

(1) To interfere with the program, curriculum, ministry, teaching or instruction offered in a child care facility;

(2) To interfere with the selection, certification, minimal formal educational degree requirements, supervision or terms of employment of a facility's personnel;

(3) To interfere with the selection of individuals sitting on any governing board of a child care facility;

(4) To interfere with the selection of children enrolled in a child care facility; or

(5) To prohibit the use of corporal punishment. However, the department of health and senior services may require the child care facility to provide the parent or guardian enrolling a child in the facility a written explanation of the disciplinary philosophy and policies of the child care facility.

**Nothing in subdivisions (2) and (3) of this section shall be interpreted to relieve a child care facility of its duties and obligations under section 210.1080, or to interfere with the department's duties and obligations under said section.**

**210.482. BACKGROUND CHECKS FOR EMERGENCY PLACEMENTS, REQUIREMENTS, EXCEPTIONS — COST, PAID BY WHOM.** — 1. If the emergency placement of a child in a private

home is necessary due to the unexpected absence of the child's parents, legal guardian, or custodian, the juvenile court or children's division:

(1) May request that a local or state law enforcement agency or juvenile officer, subject to any required federal authorization, immediately conduct a name-based criminal history record check to include full orders of protection and outstanding warrants of each person over the age of seventeen residing in the home by using the Missouri uniform law enforcement system (MULES) and the National Crime Information Center to access the Interstate Identification Index maintained by the Federal Bureau of Investigation; and

(2) Shall determine or, in the case of the juvenile court, shall request the division to determine whether any person over the age of seventeen years residing in the home is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the home, the children's division shall inquire of the person with whom an emergency placement of a child will be made whether any children less than seventeen years of age residing in the home have ever been certified as an adult and convicted of or pled guilty or nolo contendere to any crime.

2. If a name-based search has been conducted pursuant to subsection 1 of this section, within fifteen calendar days after the emergency placement of the child in the private home, and if the private home has not previously been approved as a foster or adoptive home, all persons over the age of seventeen residing in the home and all children less than seventeen residing in the home who the division has determined have been certified as an adult for the commission of a crime shall report to a local law enforcement agency for the purpose of providing ~~[three sets of]~~ fingerprints ~~[each]~~ and accompanying fees, pursuant to ~~[section]~~ **sections 43.530 and 43.540.** ~~[One set of fingerprints shall be used by the highway patrol to search the criminal history repository, one set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, and one set shall be forwarded to and retained by the division.]~~ Results of the checks shall be provided to the juvenile court or children's division office requesting such information. Any child placed in emergency placement in a private home shall be removed immediately if any person residing in the home fails to provide fingerprints after being requested to do so, unless the person refusing to provide fingerprints ceases to reside in the private home.

3. If the placement of a child is denied as a result of a name-based criminal history check and the denial is contested, all persons over the age of seventeen residing in the home and all children less than seventeen years of age residing in the home who the division has determined have been certified as an adult for the commission of a crime shall, within fifteen calendar days, submit to the juvenile court or the children's division ~~[three sets of]~~ fingerprints in the same manner described in subsection 2 of this section, accompanying fees, and written permission authorizing the juvenile court or the children's division to forward the fingerprints to the state criminal record repository for submission to the Federal Bureau of Investigation. ~~[One set of fingerprints shall be used by the highway patrol to search the criminal history repository, one set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, and one set shall be retained by the division.]~~

4. No person who submits fingerprints under this section shall be required to submit additional fingerprints under this section or section 210.487 unless the original fingerprints retained by the division are lost or destroyed.

5. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

6. For the purposes of this section, "emergency placement" refers to those limited instances when the juvenile court or children's division is placing a child in the home of private individuals,

including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker.

**210.487. BACKGROUND CHECKS FOR FOSTER FAMILIES, REQUIREMENTS — COSTS, PAID BY WHOM — RULEMAKING AUTHORITY.** — 1. When conducting investigations of persons for the purpose of foster parent licensing, the division shall:

(1) Conduct a search for all persons over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime for evidence of full orders of protection. The office of state courts administrator shall allow access to the automated court information system by the division. The clerk of each court contacted by the division shall provide the division information within ten days of a request; and

(2) Obtain ~~three sets of~~ fingerprints for any person over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime in the same manner set forth in subsection 2 of section 210.482. ~~[One set of fingerprints shall be used by the highway patrol to search the criminal history repository, one set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, and one set shall be forwarded to and retained by the division.]~~ The highway patrol shall assist the division and provide the criminal fingerprint background information, upon request **under section 43.540**; and

(3) Determine whether any person over the age of seventeen residing in the home and any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the applicant's home, the children's division shall inquire of the applicant whether any children less than seventeen years of age residing in the home have ever been certified as an adult and been convicted of or pled guilty or nolo contendere to any crime.

2. After the initial investigation is completed under subsection 1 of this section:

(1) No person who submits fingerprints under subsection 1 of this section or section 210.482 shall be required to submit additional fingerprints under this section or section 210.482 unless the original fingerprints retained by the division are lost or destroyed; and

(2) The children's division and the department of health and senior services may waive the requirement for a fingerprint background check for any subsequent recertification.

3. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

4. The division may make arrangements with other executive branch agencies to obtain any investigative background information.

5. The division may promulgate rules that are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

**210.1080. BACKGROUND CHECKS REQUIRED — DEFINITIONS — PROCEDURE — INELIGIBLE FOR EMPLOYMENT, WHEN — EXEMPTION, WHEN — EMERGENCY RULES. — 1. As used in this section, the following terms mean:**

(1) "Child care staff member", a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or individuals residing in a family child care home who are seventeen years of age and older;

(2) "Criminal background check":

(a) A Federal Bureau of Investigation fingerprint check;

(b) A search of the National Crime Information Center's National Sex Offender Registry; and

(c) A search of the following registries, repositories, or databases in Missouri, the state where the child care staff member resides, and each state where such staff member resided during the preceding five years:

a. The state criminal registry or repository, with the use of fingerprints being required in the state where the staff member resides and optional in other states;

b. The state sex offender registry or repository; and

c. The state-based child abuse and neglect registry and database.

2. (1) Prior to the employment or presence of a child care staff member in a family child care home, group child care home, child care center, or license-exempt child care facility, the child care provider shall request the results of a criminal background check for such child care staff member from the department of health and senior services.

(2) A prospective child care staff member may begin work for a child care provider after the criminal background check has been requested from the department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five years.

(3) A family child care home, group child care home, child care center, or license-exempt child care facility that has child care staff members at the time this section becomes effective shall request the results of a criminal background check for all child care staff members by January 31, 2019, unless the requirements of subsection 5 of this section are met by the child care provider and proof is submitted to the department of health and senior services by January 31, 2019.

3. The costs of the criminal background check shall be the responsibility of the child care staff member but may be paid or reimbursed by the child care provider at the provider's discretion. The fees charged for the criminal background check shall not exceed the actual cost of processing and administration.

4. Except as otherwise provided in subsection 2 of this section, upon completion of the criminal background check, any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a family child care home, a group child care home, a licensed child care center, or a license-exempt child care facility if such person:

(1) Refuses to consent to the criminal background check as required by this section;

(2) Knowingly makes a materially false statement in connection with the criminal background check as required by this section;

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- (3) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;
- (4) Has a finding of child abuse or neglect under section 210.145 or 210.152 or any other finding of child abuse or neglect based on any other state's registry or database;
- (5) Has been convicted of a felony consisting of:
  - (a) Murder, as described in 18 U.S.C. Section 1111;
  - (b) Child abuse or neglect;
  - (c) A crime against children, including child pornography;
  - (d) Spousal abuse;
  - (e) A crime involving rape or sexual assault;
  - (f) Kidnapping;
  - (g) Arson;
  - (h) Physical assault or battery; or
  - (i) Subject to subsection 5 of this section, a drug-related offense committed during the preceding five years;
- (6) Has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, or sexual assault, or of a misdemeanor involving child pornography; or
- (7) Has been convicted of any similar crime in any federal, state, municipal, or other court.

Adult household members seventeen years of age and older in a family child care home shall be ineligible to maintain a presence at a family child care home if any one or more of the provisions of this subsection applies to them.

5. A child care provider shall not be required to submit a request for a criminal background check under this section for a child care staff member if:

(1) The staff member received a criminal background check within five years before the latest date on which such a submission may be made and while employed by or seeking employment by another child care provider within Missouri;

(2) The department of health and senior services provided to the first provider a qualifying criminal background check result, consistent with this section, for the staff member; and

(3) The staff member is employed by a child care provider within Missouri or has been separated from employment from a child care provider within Missouri for a period of not more than one hundred eighty consecutive days.

6. (1) The department of health and senior services shall process the request for a criminal background check for any prospective child care staff member or child care staff member as expeditiously as possible, but not to exceed forty-five days after the date on which the provider submitted the request.

(2) The department shall provide the results of the criminal background check to the child care provider in a statement that indicates whether the prospective child care staff member or child care staff member is eligible or ineligible for employment or presence at the child care facility. The department shall not reveal to the child care provider any disqualifying crime or other related information regarding the prospective child care staff member or child care staff member.

(3) If such prospective child care staff member or child care staff member is ineligible for employment or presence at the child care facility, the department shall, when providing

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the results of criminal background check, include information related to each disqualifying crime or other related information, in a report to such prospective child care staff member or child care staff member, along with information regarding the opportunity to appeal under subsection 7 of this section.

7. The prospective child care staff member or child care staff member may appeal in writing to the department to challenge the accuracy or completeness of the information contained in his or her criminal background check, or to offer information mitigating the results and explaining why an eligibility exception should be granted. The department of health and senior services shall attempt to verify the accuracy of the information challenged by the individual, including making an effort to locate any missing disposition information related to the disqualifying crime. The appeal shall be filed within ten days from the delivery or mailing of the notice of ineligibility. The department shall make a decision on the appeal in a timely manner.

8. The department may adopt emergency rules to implement the requirements of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

9. (1) The provisions of this section shall not apply to any child care facility, as defined in section 210.201, maintained or operated under the exclusive control of a religious organization, as described in subdivision (5) of subsection 1 of section 210.211, unless such facility is a recipient of federal funds for providing care for children, except for federal funds for those programs that meet the requirements for participation in the Child and Adult Care Food Program under 42 U.S.C. Section 1766.

(2) The provisions of this section, and any rules or regulations promulgated under this section, shall expire if 42 U.S.C. Section 9858f, as enacted by the Child Care and Development Block Grant (CCDBG) Act of 2014, and 45 CFR 98.43 are repealed or if Missouri no longer receives federal funds from the CCDBG.

**302.060. LICENSE NOT TO BE ISSUED TO WHOM, EXCEPTIONS — REINSTATEMENT REQUIREMENTS.** — 1. The director shall not issue any license and shall immediately deny any driving privilege:

- (1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;
- (2) To any person who is under the age of sixteen years, except as hereinafter provided;
- (3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;
- (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;
- (5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;
- (6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as described in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has been found guilty of acting with criminal negligence while driving while intoxicated to cause the death of another person, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.001, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of this chapter, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivision (9) or (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have a photo identification technology feature, and a court may require a global positioning system feature for such device. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director, the license shall be suspended until proof as required by this section is filed with the director.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit ~~two sets of~~ fingerprints collected pursuant to standards as determined by the highway patrol. ~~One set of~~ Fingerprints shall be used by the highway patrol to search the criminal history repository and ~~the second set shall be forwarded to~~ the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

**313.810. APPLICATION, CONTENTS, FINGERPRINTS SUBMISSION — INVESTIGATION, COMMISSION MAY CONDUCT — FALSE INFORMATION ON APPLICATION, PENALTY. — 1.** A person shall not be issued a license to conduct gambling games on an excursion gambling boat or a license to operate an excursion gambling boat, an occupational license, or a supplier license unless the person has completed and signed an application on the form prescribed and published by the commission. The application shall include the full name, residence, date of birth and other personal identifying information as the commission deems necessary, including but not limited to, the information specified in section 313.847. The application shall also indicate whether the applicant has any of the following:

- (1) A record of conviction of a felony; or
- (2) A current addiction to a controlled substance.

2. The commission shall submit ~~two sets of~~ fingerprints for any person seeking employment with the commission or any person who is seeking the issuance or renewal of a license issued by the commission, for the purpose of checking the person's prior criminal history when the

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commission determines a nationwide check is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The ~~[first set of]~~ fingerprints shall be used for searching the state ~~[repository of]~~ criminal history ~~[information. The second set of fingerprints]~~ **repository and** shall **also** be forwarded to the Federal Bureau of Investigation~~[, Identification Division,]~~ for the searching of the federal criminal history files **under section 43.540**. The patrol shall notify the commission of any criminal history information or lack of criminal history information discovered on the individual. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the commission.

3. It is the burden of the applicant to show by clear and convincing evidence his suitability as to character, experience and other factors as may be deemed appropriate by the commission.

4. Before a license is granted, the commission shall conduct a thorough investigation of the applicant for a license to operate a gambling game operation on an excursion gambling boat. The applicant shall provide information on a form as required by the commission.

5. A person who knowingly makes a false statement on an application is guilty of a class A misdemeanor and shall not ever again be considered for application by the commission.

6. The licensee shall permit the commission or commission employees designated to inspect the licensee or holder's person, personal property, excursion gambling boat and effects at any time.

**610.120. RECORDS TO BE CONFIDENTIAL — ACCESSIBLE TO WHOM, PURPOSES. — 1.**

Except as otherwise provided under section 610.124, records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and ~~[section 43.507]~~ **chapter 43**. ~~[The]~~ Closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to section 43.500, criminal justice employment, screening persons with access to criminal justice facilities, procedures, and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including but not limited to watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by ~~[section 43.543 to submit and]~~ **chapter 43 and applicable state law** when submitting fingerprints to the central repository; the sentencing advisory commission created in section 558.019 for the purpose of studying sentencing practices in accordance with ~~[section 43.507]~~ **chapter 43**; to qualified entities for the purpose of screening providers defined in ~~[section 43.540]~~ **chapter 43**; the department of revenue for driver license administration; the department of public safety for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, department of health and senior services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.

2. These records shall be made available only for the purposes and to the entities listed in this section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with section 43.509. All records which are closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record

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shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

Approved June 29, 2018

SS SCS HB 1355

**Enacts provisions relating to public safety.**

AN ACT to repeal sections 43.505, 43.507, 57.117, 57.450, 84.510, 87.135, 99.848, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 190.335, 191.630, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.050, 221.105, 260.391, 292.606, 302.176, 306.030, 306.126, 414.032, 488.5320, 513.653, 566.147, 559.600, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, 595.220, and 610.140, RSMo, and to enact in lieu thereof eighty-eight new sections relating to public safety, with penalty provisions.

SECTION

- A. Enacting clause.
- 21.851 Joint committee established, members, duties — report — expiration date.
- 43.505 Uniform crime reporting system established — duties of department — violations, penalty.
- 43.507 Disclosure of criminal history information, who may receive.
- 44.091 Mutual aid agreements, powers of arrest — law enforcement deemed employee of sending agency — immunity.
- 44.098 Law enforcement mutual-aid region, critical incidents — request for aid, response, Kansas and Oklahoma — notice to revisor, when (Jasper and Newton counties).
- 57.117 Deputy sheriff to be resident of state — or adjoining state — exception, Jackson County and City of St. Louis.
- 57.450 Laws applicable — enforcement of general criminal laws, when.
- 84.510 Police officers and officials — appointment — compensation.
- 87.135 Members shall file detailed account of service — verification of service and issuance of service certificate — cooperative agreements, transfer of creditable service between systems.
- 99.848 Emergency services district and certain counties, reimbursement from special allocation fund authorized, when — rate set by board.
- 135.090 Income tax credit for surviving spouses of public safety officers — sunset provision.
- 190.094 Minimum ambulance staffing — volunteer defined.
- 190.100 Definitions.
- 190.103 Regional EMS medical director, powers, duties — considered public official, when — online telecommunication medical direction permitted — treatment protocols for special needs patients.
- 190.105 Ambulance license required, exceptions — operation of ambulance services — sale or transfer of ownership, notice required.
- 190.131 Certification of training entities.
- 190.142 Emergency medical technician license — rules.
- 190.143 Temporary emergency medical technician license granted, when — limitations — expiration.
- 190.147 Behavioral health patients — temporary hold, when — memorandum of understanding, contents — physical restraints, use of.
- 190.165 Suspension or revocation of licenses, grounds for — procedure.
- 190.173 Confidentiality of information.
- 190.196 Employer to comply with requirements of licensure — report of charges filed against licensee, when.

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- 190.246 Epinephrine auto-injector, possession and use limitations — definitions — use of device considered first aid — violations, penalty.
- 190.335 Central dispatch for emergency services, alternative funding by county sales tax, procedure, ballot form, rate of tax — collection, limitations — adoption of alternate tax, telephone tax to expire, when — board appointment and election, qualification, terms — continuation of board in Greene, Lawrence and Stoddard counties — board appointment in Christian, Taney, and St. Francois counties.
- 190.900 REPLICA enacted — definitions.
- 190.903 Home state licensure.
- 190.906 Compact privilege to practice.
- 190.909 Conditions of practice in a remote state.
- 190.912 Relationship to emergency management assistance compact.
- 190.915 Veterans, service members separating from active duty military, and their spouses.
- 190.918 Adverse actions.
- 190.921 Additional powers invested in a member state's EMS authority.
- 190.924 Establishment of the interstate commission for EMS personnel practice.
- 190.927 Coordinated database.
- 190.930 Rulemaking.
- 190.933 Oversight, dispute resolution, and enforcement.
- 190.936 Date of implementation of the interstate commission for EMS personnel practice and associated rules, and amendment.
- 190.939 Construction and severability.
- 191.630 Definitions.
- 217.015 Divisions created — sections authorized — purpose of department — women offender program established, purpose — advisory committee established, membership, purpose.
- 217.021 Community behavioral health program, purpose — department duties.
- 217.030 Directors of divisions and chairman of parole board, appointment — appointment of general personnel.
- 217.075 Offender records, public records, exceptions — inspection of, when — medical records, available, when — copies admissible as evidence — violations, penalty.
- 217.361 Risk and need assessment tools — department procedures, duties.
- 217.655 Parole board, general duties — division duties.
- 217.665 Board members, appointment, qualifications — terms, vacancies — compensation, expenses — chairman, designation.
- 217.670 Decisions to be by majority vote — hearing panel, membership, duties — jurisdiction removal or appeal to board, when — decision to be final — closed meetings authorized — video conferencing.
- 217.690 Board may order release or parole — assessment, personal hearing — fee — rules — minimum term for eligibility for parole, how calculated — first degree murder, eligibility for hearing — hearing procedure — notice — special conditions — education requirements, exceptions — rulemaking authority.
- 217.703 Earned compliance credits awarded, when.
- 217.705 Probation, parole, institutional parole, officers — appointment — duties.
- 217.720 Arrest of person paroled or on conditional release — report — procedure — revocation of parole or release — effect of sentence — arrest of parolee from another state.
- 217.722 Probation officers, power to arrest, when — preliminary hearing allowed, when — notice to sentencing court.
- 217.735 Lifetime supervision required for certain offenders — electronic monitoring — termination at age sixty-five permitted, when — rulemaking authority.
- 217.750 Probation services provided to circuit courts, when.
- 217.755 Probation services for courts, rules authorized.
- 217.760 Probation and parole officers furnished to circuit courts, when — presentence and preparole investigations — requirements.
- 217.762 Presentence investigation, required, when — victim impact statement, prepared when, contents.
- 217.777 Community corrections program alternative for eligible offenders, purpose — operation — rules.
- 217.810 Interstate compact for supervision of parolees and probationers.

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- 221.050 Separation of prisoners.
- 221.105 Boarding of prisoners — amount expended, how fixed, how paid, limit — reimbursement by state, when.
- 260.391 Hazardous waste fund created — payments — subaccount created, purpose — transfer of moneys — restrictions on use of moneys — general revenue appropriation to be requested annually.
- 260.558 Radioactive waste investigation fund created, purpose, use of moneys — limitation on transfers.
- 292.606 Fees, certain employers, how much, due when, late penalty — excess credited when — agencies receiving funds, duties — use of funds, commission to establish criteria.
- 302.025 Driver training programs, instruction on traffic stops.
- 302.176 First-time licenses, information to receive — rulemaking authority.
- 306.030 Certificate of number, application, procedure, contents, fee — numbers, how attached — numbers from federal or other state governments, reciprocity — renewal of certificate, when, how — personal property tax statement and proof of payment required — deposit and use of fees.
- 306.126 Motorboats, regulations as to passenger seating while under way — person in water, flag required, when — slow speed required, when — penalty.
- 414.032 Requirements, standards, certain fuels — director may inspect fuels, purpose — waiver, when.
- 455.095 Electronic monitoring, when — requirements — expiration date.
- 455.560 Domestic violence fatality review panels, members — report.
- 488.5320 Charges in criminal cases, sheriffs and other officers — MODEX fund created.
- 513.653 Law enforcement agencies using federal forfeiture system, report of federal seizure proceeds — violation, ineligibility for certain funds.
- 559.600 Misdemeanor probation may be provided by contract with private entities, not to exclude board of probation and parole — drug testing — travel limits.
- 566.147 Certain offenders not to reside within one thousand feet of a property line of a school, child care facility, or victim's residence.
- 590.210 Disaster or emergency, retired peace officers may be utilized.
- 590.1040 Peer support counseling session communications, confidentiality of — definitions — applicability.
- 595.010 Definitions.
- 595.015 Compensation claims, department of public safety to administer, method — application filed with department, form, contents — cooperation with law enforcement — information to be made available to department.
- 595.020 Eligibility for compensation.
- 595.025 Claims, filing and hearing, procedure, who may file — time limitation — amount of compensation, considerations — attorney's fees — examination, report by health care provider, when — exemption from collection.
- 595.030 Compensation, paid when — medical care, requirements — counseling, requirements — maximum award — joint claimants, distribution — method, timing of payment determined by department — negotiations with providers.
- 595.035 Award standards to be established — amount of award, factors to be considered — purpose of fund, reduction for other compensation received by victim, exceptions.
- 595.055 Services for victims not provided, when.
- 595.220 Forensic examinations, department of public safety to pay medical providers, when — minor may consent to examination, when — forms — collection kits — definitions — rulemaking authority.
- 610.140 Expungement of certain criminal records, petition, contents, procedure — effect of expungement on employer inquiry — lifetime limits.
- 610.210 Health care coordination, certain records may be released.
- 650.035 Missouri law enforcement assistance program, purpose — funding, eligibility.
- 589.303 Center established, powers.

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

**SECTION A. ENACTING CLAUSE.** — Sections 43.505, 43.507, 57.117, 57.450, 84.510, 87.135, 99.848, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 190.335, 191.630, 217.015, 217.030, 217.075, 217.655, 217.665,

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217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.050, 221.105, 260.391, 292.606, 302.176, 306.030, 306.126, 414.032, 488.5320, 513.653, 566.147, 559.600, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, 595.220, and 610.140, RSMo, are repealed and eighty-eight new sections enacted in lieu thereof, to be known as sections 21.851, 43.505, 43.507, 44.091, 44.098, 57.117, 57.450, 84.510, 87.135, 99.848, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.147, 190.165, 190.173, 190.196, 190.246, 190.335, 190.900, 190.903, 190.906, 190.909, 190.912, 190.915, 190.918, 190.921, 190.924, 190.927, 190.930, 190.933, 190.936, 190.939, 191.630, 217.015, 217.021, 217.030, 217.075, 217.361, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.050, 221.105, 260.391, 260.558, 292.606, 302.025, 302.176, 306.030, 306.126, 414.032, 455.095, 455.560, 488.5320, 513.653, 566.147, 559.600, 590.210, 590.1040, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, 595.220, 610.140, 610.210, and 650.035, to read as follows:

**21.851. JOINT COMMITTEE ESTABLISHED, MEMBERS, DUTIES — REPORT — EXPIRATION DATE. — 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Disaster Preparedness and Awareness" and shall be composed of the following members:**

**(1) Three members of the senate to be appointed by the president pro tempore of the senate;**

**(2) Two members of the senate to be appointed by the minority floor leader of the senate;**

**(3) Three members of the house of representatives to be appointed by the speaker of the house of representatives;**

**(4) Two members of the house of representatives to be appointed by the minority floor leader of the house of representatives;**

**(5) The director of the department of public safety, or his or her designee;**

**(6) The director of the department of agriculture, or his or her designee; and**

**(7) The adjutant general of the state, or his or her designee.**

**2. A majority of the members of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.**

**3. The joint committee shall make a continuous study and investigation into issues relating to disaster preparedness and awareness including, but not limited to, the following areas:**

**(1) Natural and man-made disasters;**

**(2) State and local preparedness for floods;**

**(3) State and local preparedness for tornados, blizzards, and other severe storms;**

**(4) Food and energy resiliency;**

**(5) Cyber-security;**

**(6) The budget reserve fund established under Article IV, Section 27(a) of the Missouri Constitution;**

**(7) The protection of vulnerable populations in intermediate care facilities and skilled nursing facilities as those terms are defined in section 198.006; and**

**(8) Premises that have been previously contaminated with radioactive material.**

**4. The joint committee shall compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than January first of even-**

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numbered years and may include any recommendations which the committee may have for legislative action. The report may also include an analysis and statement of the manner in which statutory provisions relating to disaster preparedness and awareness are being executed.

5. The joint committee may employ such personnel as it deems necessary to carry out the duties imposed by this section, within the limits of any appropriation for such purpose.

6. The members of the committee shall serve without compensation, but any actual and necessary expenses incurred in the performance of the committee's official duties by the joint committee, its members, and any staff assigned to the committee shall be paid from the joint contingent fund.

7. This section shall expire on December 31, 2022.

**43.505. UNIFORM CRIME REPORTING SYSTEM ESTABLISHED — DUTIES OF DEPARTMENT — VIOLATIONS, PENALTY. —** 1. The department of public safety is hereby designated as the central repository for the collection, maintenance, analysis and reporting of crime incident activity generated by law enforcement agencies in this state. The department shall develop and operate a uniform crime reporting system that is compatible with the national uniform crime reporting system operated by the Federal Bureau of Investigation.

2. The department of public safety shall:

(1) Develop, operate and maintain an information system for the collection, storage, maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law enforcement agencies;

(2) Compile the statistical data and forward such data as required to the Federal Bureau of Investigation or the appropriate Department of Justice agency in accordance with the standards and procedures of the national system;

(3) Provide the forms, formats, procedures, standards and related training or training assistance to all law enforcement agencies in the state as necessary for such agencies to report incident and arrest activity for timely inclusion into the statewide system;

(4) Annually publish a report on the nature and extent of crime and submit such report to the governor and the general assembly. Such report and other statistical reports shall be made available to state and local law enforcement agencies and the general public through an electronic or manual medium;

(5) Maintain the privacy and security of information in accordance with applicable state and federal laws, regulations and orders; and

(6) Establish such rules and regulations as are necessary for implementing the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

3. Every law enforcement agency in the state shall:

(1) Submit crime incident reports to the department of public safety on forms or in the format prescribed by the department; and

(2) Submit any other crime incident information which may be required by the department of public safety.

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4. Any law enforcement agency that violates this section **after December 31, 2021**, may be ineligible to receive state or federal funds which would otherwise be paid to such agency for law enforcement, safety or criminal justice purposes.

**43.507. DISCLOSURE OF CRIMINAL HISTORY INFORMATION, WHO MAY RECEIVE.** — All criminal history information, in the possession or control of the central repository, except criminal intelligence and investigative information, may be made available to qualified persons and organizations for research, evaluative and statistical purposes under written agreements reasonably designed to ensure the security and confidentiality of the information and the protection of the privacy interests of the individuals who are subjects of the criminal history. ~~[Prior to such information being made available, information that uniquely identifies the individual shall be deleted. Organizations receiving such criminal history information shall not reestablish the identity of the individual and associate it with the criminal history information being provided.]~~

**44.091. MUTUAL AID AGREEMENTS, POWERS OF ARREST — LAW ENFORCEMENT DEEMED EMPLOYEE OF SENDING AGENCY — IMMUNITY.** — 1. For purposes of this section, the following terms mean:

(1) "Law enforcement officer", any public servant having both the power and duty to make arrests for violations of any ordinance or law of this state, and any federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States;

(2) "Requesting entity", any law enforcement agency or entity within this state empowered by law to maintain a law enforcement agency;

(3) "Sending agency", a law enforcement agency that has been requested to provide assistance by a requesting entity.

2. Whenever any law enforcement agency enters into a mutual aid arrangement or agreement with another entity as provided in section 44.090, any law enforcement officer assisting the requesting entity shall have the same powers of arrest as he or she has in his or her own jurisdiction and the same powers of arrest as officers of the requesting entity. Such powers shall be limited to the location where such services are requested to be provided, for the duration of the specific event, and while acting under the direction of the requesting entity's chief law enforcement officer or his or her designee.

3. Any law enforcement officer assisting a requesting entity under a mutual aid arrangement or agreement under section 44.090 shall be deemed an employee of the sending agency and shall be subject to the workers' compensation, overtime, and expense reimbursement provisions provided to him or her as an employee of the sending agency.

4. Any law enforcement officer assisting a requesting entity under a mutual aid arrangement or agreement under section 44.090 shall enjoy the same legal immunities as an officer of the requesting entity, including sovereign immunity, official immunity, and the public duty doctrine.

5. Nothing in this section shall be construed to limit the powers of arrest provided to a law enforcement officer by any other law.

**44.098. LAW ENFORCEMENT MUTUAL-AID REGION, CRITICAL INCIDENTS — REQUEST FOR AID, RESPONSE, KANSAS AND OKLAHOMA — NOTICE TO REVISOR, WHEN (JASPER AND NEWTON COUNTIES).** — 1. As used in this section, the following terms mean:

(1) "Critical incident", an incident that could result in serious physical injury or loss of life;

(2) "Kansas border county", the county of Cherokee;

(3) "Law enforcement mutual aid region", the counties of Jasper and Newton, including the Joplin metropolitan area, and the Kansas border county and Oklahoma border counties as defined in this section;

(4) "Missouri border counties", the counties of Jasper and Newton;

(5) "Oklahoma border counties", the counties of Ottawa and Delaware.

2. All law enforcement officers in the law enforcement mutual aid region shall be permitted in critical incidents to respond to lawful requests for aid in any other jurisdiction in the law enforcement mutual aid region.

3. The on-scene incident commander, as defined by the National Incident Management System, shall have the authority to make a request for assistance in a critical incident and shall be responsible for on-scene management until command authority is transferred to another person.

4. In the event that an officer makes an arrest or apprehension outside his or her home state, the offender shall be delivered to the first officer who is commissioned in the jurisdiction in which the arrest was made.

5. For the purposes of liability, all members of any political subdivision or public safety agency responding under operational control of the requesting political subdivision or public safety agency are deemed employees of such responding political subdivision or public safety agency and are subject to the liability and workers' compensation provisions provided to them as employees of their respective political subdivision or public safety agency. Qualified immunity, sovereign immunity, official immunity, and the public duty rule shall apply to the provisions of this section as interpreted by the federal and state courts of the responding agency.

6. If the director of the Missouri department of public safety determines that the state of Kansas has enacted legislation or the governor of Kansas has issued an executive order or similar action that permits the Kansas border county to enter into a similar mutual-aid agreement as described under this section, then the director shall execute and deliver to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a written certification of such determination. Upon the execution and delivery of such written certification and the parties receiving such certification providing a unanimous written affirmation, the provisions of this section shall be effective unless otherwise provided by law.

7. If the director of the Missouri department of public safety determines that the state of Oklahoma has enacted legislation or the governor of Oklahoma has issued an executive order or similar action that permits Oklahoma border counties to enter into a similar mutual-aid agreement as described under this section, then the director shall execute and deliver to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a written certification of such determination. Upon the execution and delivery of such written certification and the parties receiving such certification providing a unanimous written affirmation, the provisions of this section shall be effective unless otherwise provided by law.

8. The director of the Missouri department of public safety shall notify the revisor of statutes of any changes that would render the provisions of this section effective.

**57.117. DEPUTY SHERIFF TO BE RESIDENT OF STATE — OR ADJOINING STATE — EXCEPTION, JACKSON COUNTY AND CITY OF ST. LOUIS.** — Hereafter no sheriff in this state shall appoint any under sheriff or deputy sheriff ~~[except]~~ **unless** the person so appointed shall be, at the time of his **or her** appointment, a bona fide resident of ~~[the]~~ **this state or of an adjoining state. The provisions of this section authorizing the appointment of a person as an under sheriff or deputy sheriff who is a bona fide resident of an adjoining state shall not apply to a sheriff of any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants or any city not within a county.**

**57.450. LAWS APPLICABLE — ENFORCEMENT OF GENERAL CRIMINAL LAWS, WHEN.** — All general laws relating and applicable to the sheriffs of the several counties of this state shall apply to the same officer in the City of St. Louis, except that the sheriff of the City of St. Louis shall not enforce the general criminal laws of the state of Missouri unless such enforcement shall be incidental to the duties customarily performed by the sheriff of the City of St. Louis. **The sheriff and sworn deputies of the office of sheriff of the city of St. Louis may be eligible for training and licensure by the peace officer standards and training commission under chapter 590, and such office shall be considered a law enforcement agency with the sheriff and sworn deputies considered law enforcement officers.** All acts and parts of acts providing for any legal process to be directed to any sheriff of any county shall be so construed as to mean the sheriff of the city of St. Louis as if such officer were specifically named in such act.

**84.510. POLICE OFFICERS AND OFFICIALS — APPOINTMENT — COMPENSATION.** — 1. For the purpose of operation of the police department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including police officers and civilian employees as the chief of police from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one thousand nine hundred sixty-nine dollars, nor more than ~~[one hundred thirty-three thousand eight hundred eighty-eight]~~ **one hundred forty-six thousand one hundred twenty four** dollars per annum each;

(2) Majors at not less than sixty-four thousand six hundred seventy-one dollars, nor more than ~~[one hundred twenty-two thousand one hundred fifty-three]~~ **one hundred thirty-three thousand three hundred twenty** dollars per annum each;

(3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars, nor more than ~~[one hundred eleven thousand four hundred thirty-four]~~ **one hundred twenty-one thousand six hundred eight** dollars per annum each;

(4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars, nor more than ~~[ninety-seven thousand eighty-six]~~ **one hundred six thousand five hundred sixty** dollars per annum each;

(5) Master patrol officers at not less than fifty-six thousand three hundred four dollars, nor more than ~~[eighty-seven thousand seven hundred one]~~ **ninety-four thousand three hundred thirty-two** dollars per annum each;

(6) Master detectives at not less than fifty-six thousand three hundred four dollars, nor more than ~~[eighty-seven thousand seven hundred one]~~ **ninety-four thousand three hundred thirty-two** dollars per annum each;

(7) Detectives, investigators, and police officers at not less than twenty-six thousand six hundred forty-three dollars, nor more than ~~[eighty-two thousand six hundred nineteen]~~ **eighty-seven thousand six hundred thirty-six** dollars per annum each.

3. The board of police commissioners has the authority by resolution to effect a comprehensive pay schedule program to provide for step increases with separate pay rates within each rank, in the above-specified salary ranges from police officers through chief of police.

4. Officers assigned to wear civilian clothes in the performance of their regular duties may receive an additional one hundred fifty dollars per month clothing allowance. Uniformed officers may receive seventy-five dollars per month uniform maintenance allowance.

5. The chief of police, subject to the approval of the board, shall establish the total regular working hours for all police department employees, and the board has the power, upon recommendation of the chief, to pay additional compensation for all hours of service rendered in excess of the established regular working period, but the rate of overtime compensation shall not exceed one and one-half times the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given nor deductions made from payments for overtime for the purpose of retirement benefits.

6. The board of police commissioners, by majority affirmative vote, including the mayor, has the authority by resolution to authorize incentive pay in addition to the base compensation as provided for in subsection 2 of this section, to be paid police officers of any rank who they determine are assigned duties which require an extraordinary degree of skill, technical knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

7. The board of police commissioners may effect programs to provide additional compensation for successful completion of academic work at an accredited college or university. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

8. The additional pay increments provided in subsections 6 and 7 of this section shall not be considered a part of the base compensation of police officers of any rank and shall not exceed ten percent of what the officer would otherwise be entitled to pursuant to subsections 2 and 3 of this section.

9. Not more than twenty-five percent of the officers in any rank who are receiving the maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional pay increments authorized by subsections 6 and 7 of this section at any given time. However, any officer receiving a pay increment provided pursuant to the provisions of subsections 6 and 7 of this section shall not be deprived of such pay increment as a result of the limitations of this subsection.

**87.135. MEMBERS SHALL FILE DETAILED ACCOUNT OF SERVICE — VERIFICATION OF SERVICE AND ISSUANCE OF SERVICE CERTIFICATE — COOPERATIVE AGREEMENTS, TRANSFER OF CREDITABLE SERVICE BETWEEN SYSTEMS.** — 1. Under such rules and regulations as the board of trustees shall adopt, each member who was a firefighter on and prior to the date of the establishment of the retirement system shall file a detailed statement of all service as a firefighter rendered by him or her prior to that date for which the firefighter claims credit.

2. The board of trustees shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the board of trustees allow credit as service for any period of more than one month's duration during which the member was absent without pay.

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

3. Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt, the board of trustees shall verify the service claims as soon as practicable after the filing of the statement of service.

4. Upon verification of the statements of service the board of trustees shall issue prior service certificates, certifying to each member the length of prior service with which the member is credited on the basis of his or her statement of service. So long as the holder of the certificate continues to be a member, a prior service certificate shall be final and conclusive for retirement purposes as to such service, except that any member may, within one year from the date of issuance or modification of the certificate, request the board of trustees to modify or correct the member's prior service certificate, and upon such request or of its own motion the board may correct the certificate. When any firefighter ceases to be a member his or her prior service certificate shall become void. Should he or she again become a member, he or she shall enter the retirement system as a member not entitled to prior service credit except as provided in section 87.215.

5. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of creditable membership service rendered by him or her, and also if the member has a prior service certificate which is in full force and effect, the amount of the service certified on the member's prior service certificate. Service rendered by a firefighter after the operative date and prior to becoming a member shall be included as creditable membership service provided the service was rendered since he or she last became a firefighter.

**6. The retirement system, with the approval of the board of trustees, may enter into cooperative agreements to transfer creditable service between the retirement system and any other retirement plan established by the state of Missouri or any political subdivision or instrumentality of the state when a member who has been employed in a position covered by one plan is employed in a position covered by another plan. The transfer of creditable service shall be in accordance with the provisions of section 105.691 and the policies and procedures established by the board of trustees.**

**99.848. EMERGENCY SERVICES DISTRICT AND CERTAIN COUNTIES, REIMBURSEMENT FROM SPECIAL ALLOCATION FUND AUTHORIZED, WHEN — RATE SET BY BOARD. — 1.** Notwithstanding subsection 1 of section ~~[99.847]~~ **99.845**, any district **or county imposing a property tax for the purposes of** providing emergency services pursuant to chapter 190 or 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent ~~[not]~~ **but not** more than one hundred percent of the district's tax increment. This section shall not apply to tax increment financing projects or districts approved prior to August 28, 2004.

**2. Beginning August 28, 2018, an ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall annually set the reimbursement rate under subsection 1 of this section prior to the time the assessment is paid into the special allocation fund. If the redevelopment plan, area, or project is amended by ordinance or by other means after August 28, 2018, the ambulance or fire protection district board or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall have the right to recalculate the reimbursement rate under this section.**

**135.090. INCOME TAX CREDIT FOR SURVIVING SPOUSES OF PUBLIC SAFETY OFFICERS — SUNSET PROVISION. — 1.** As used in this section, the following terms mean:

(1) "Homestead", the dwelling in Missouri owned by the surviving spouse and not exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. As used in this section, "homestead" shall not include any dwelling which is occupied by more than two families;

(2) "Public safety officer", any firefighter, police officer, capitol police officer, parole officer, probation officer, correctional employee, water patrol officer, park ranger, conservation officer, commercial motor **vehicle** enforcement officer, emergency medical technician, **emergency medical responder, as defined in section 190.100**, first responder, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty, unless the death was the result of the officer's own misconduct or abuse of alcohol or drugs;

(3) "Surviving spouse", a spouse, who has not remarried, of a public safety officer.

2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the total amount of the property taxes on the surviving spouse's homestead paid during the tax year for which the credit is claimed. A surviving spouse may claim the credit authorized under this section for each tax year beginning the year of death of the public safety officer spouse until the tax year in which the surviving spouse remarries. No credit shall be allowed for the tax year in which the surviving spouse remarries. If the amount allowable as a credit exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of the income tax.

3. The department of revenue shall promulgate rules to implement the provisions of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall expire on December 31, 2019, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

**190.094. MINIMUM AMBULANCE STAFFING — VOLUNTEER DEFINED.** — 1. Any ambulance licensed in this state, when used as an ambulance and staffed with volunteer staff, shall be staffed with a minimum of one emergency medical technician and one other crew member who may be a licensed emergency medical technician, registered nurse, physician, or someone who has a ~~first~~ **emergency medical responder** certification.

2. When transporting a patient, at least one licensed emergency medical technician, registered nurse, or physician shall be in attendance with the patient in the patient compartment at all times.

3. For purposes of this section, "volunteer" shall mean an individual who performs hours of service without promise, expectation or receipt of compensation for services rendered.

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Compensation such as a nominal stipend per call to compensate for fuel, uniforms, and training shall not nullify the volunteer status.

**190.100. DEFINITIONS.** — As used in sections 190.001 to 190.245, the following words and terms mean:

(1) **"Advanced emergency medical technician" or "AEMT", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;**

(2) **"Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;**

~~[(2)]~~ (3) **"Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;**

~~[(3)]~~ (4) **"Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;**

~~[(4)]~~ (5) **"Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;**

~~[(5)]~~ (6) **"Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;**

~~[(6)]~~ (7) **"Council", the state advisory council on emergency medical services;**

~~[(7)]~~ (8) **"Department", the department of health and senior services, state of Missouri;**

~~[(8)]~~ (9) **"Director", the director of the department of health and senior services or the director's duly authorized representative;**

~~[(9)]~~ (10) **"Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;**

~~[(10)]~~ (11) **"Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:**

(a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

~~[(11)]~~ (12) **"Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any**

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modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

**(13) "Emergency medical responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;**

~~[(12)]~~ **(14) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;**

~~[(13)]~~ **(15) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;**

~~[(14)]~~ **(16) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;**

~~[(15)]~~ **(17) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;**

~~[(16)]~~ **(18) "Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;**

~~[(17)]~~ **(19) "Emergency medical technician-community paramedic", "community paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;**

~~[(18)] "Emergency medical technician-intermediate" or "EMT-I", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;]~~

~~[(19)]~~ **(20) "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;**

~~[(20)]~~ **(21) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;**

~~[(21) "First responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules~~

~~adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;~~

(22) "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

(23) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

(24) "Medical control", supervision provided by or under the direction of physicians ~~to providers by written or verbal communications~~, **or their designated registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;**

(25) "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

(26) "Medical director", a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

(27) "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(28) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

(29) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(30) "Physician", a person licensed as a physician pursuant to chapter 334;

(31) "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

(32) "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(33) "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(34) "Protocol", a predetermined, written medical care guideline, which may include standing orders;

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(35) "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(36) "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

(37) "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(38) "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

(39) "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

(41) "STEMI care", includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

(42) "STEMI center", a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

(43) "Stroke", a condition of impaired blood flow to a patient's brain as defined by the department;

(44) "Stroke care", includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

(45) "Stroke center", a hospital that is currently designated as such by the department;

(46) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

(47) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

(48) "Trauma center", a hospital that is currently designated as such by the department.

**190.103. REGIONAL EMS MEDICAL DIRECTOR, POWERS, DUTIES — CONSIDERED PUBLIC OFFICIAL, WHEN — ONLINE TELECOMMUNICATION MEDICAL DIRECTION PERMITTED — TREATMENT PROTOCOLS FOR SPECIAL NEEDS PATIENTS.** — 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical

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directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, **and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.**

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. **Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.**

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors **and the state EMS medical director** elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to **AEMTs**, EMT-Bs, [~~EMT-Is,~~] EMT-Ps, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including **AEMTs**, EMT-Bs, [~~EMT-Is,~~] EMT-Ps, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to **AEMTs**, EMT-Bs, ~~EMT-Is,~~ EMT-Ps, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

**190.105. AMBULANCE LICENSE REQUIRED, EXCEPTIONS — OPERATION OF AMBULANCE SERVICES — SALE OR TRANSFER OF OWNERSHIP, NOTICE REQUIRED.** — 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to 190.245.

2. No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an emergency medical technician's license. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094. In emergency situations which require additional medical personnel to assist the patient during transportation, ~~a first~~ **an emergency medical** responder, firefighter, or law enforcement personnel with a valid driver's license and prior experience with driving emergency vehicles may drive the ground ambulance provided the ground ambulance service stipulates to this practice in operational policies.

3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:

(1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no

such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.

4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245 shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.

6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages pursuant to chapter 67.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

**190.131. CERTIFICATION OF TRAINING ENTITIES.** — 1. The department shall accredit or certify training entities for ~~[first]~~ **emergency medical responders, emergency medical dispatchers, and emergency medical** ~~[technicians basic, emergency medical technicians intermediate, and emergency medical technicians paramedic]~~ **technicians**, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting.

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to 190.245.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

7. No person or entity shall hold itself out or provide training required by this section without accreditation or certification by the department.

**190.142. EMERGENCY MEDICAL TECHNICIAN LICENSE — RULES.** — 1. **(1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license.**

**(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol.**

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The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, of the recognition of EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.

(3) The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) **Emergency medical technician and paramedic** education and training requirements based on respective ~~[national curricula of the United States Department of Transportation]~~ **National Emergency Medical Services Education Standards** and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) **Paramedic accreditation requirements. Paramedic training programs shall be accredited by the Commission on Accreditation of Allied Health Education Program (CAAHEP) or hold a CAAHEP letter of review;**

(4) Initial licensure testing requirements. Initial EMT-P licensure testing shall be through the national registry of EMTs ~~[or examinations developed and administered by the department of health and senior services];~~

~~[(4)]~~ (5) Continuing education and relicensure requirements; and

~~[(5)]~~ (6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

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**190.143. TEMPORARY EMERGENCY MEDICAL TECHNICIAN LICENSE GRANTED, WHEN — LIMITATIONS — EXPIRATION.** — 1. Notwithstanding any other provisions of law, the department may grant a ninety-day temporary emergency medical technician license to all levels of emergency medical technicians who meet the following:

(1) Can demonstrate that they have, or will have, employment requiring an emergency medical technician license;

(2) Are not currently licensed as an emergency medical technician in Missouri or have been licensed as an emergency medical technician in Missouri and fingerprints need to be submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal history, or they are currently licensed and the license will expire before a verification can be completed of the existence or absence of a criminal history;

(3) Have submitted a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245;

(4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245;

(5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to 190.245.

2. A temporary emergency medical technician license shall only authorize the license to practice while under the immediate supervision of a licensed emergency medical ~~technician basic, emergency medical technician intermediate, emergency medical technician paramedic~~ **technician**, registered nurse, or physician who is currently licensed, without restrictions, to practice in Missouri.

3. A temporary emergency medical technician license shall automatically expire either ninety days from the date of issuance or upon the issuance of a five-year emergency medical technician license.

**190.147. BEHAVIORAL HEALTH PATIENTS — TEMPORARY HOLD, WHEN — MEMORANDUM OF UNDERSTANDING, CONTENTS — PHYSICAL RESTRAINTS, USE OF.** — 1. **Emergency medical technician paramedics (EMT-Ps):**

(1) **Who have completed a standard crisis intervention training course as endorsed and developed by the state EMS medical director's advisory committee;**

(2) **Who have been authorized by their ground or air ambulance service's administration and medical director under subsection 3 of section 190.103; and**

(3) **Whose ground or air ambulance service has developed and adopted standardized triage, treatment, and transport protocols under subsection 3 of section 190.103, which address the challenge of treating and transporting behavioral health patients who present a likelihood of serious harm to themselves or others as the term "likelihood of serious harm" is defined under section 632.005 or who are significantly incapacitated by alcohol or drugs; provided, that such protocols shall be reviewed and approved by the state EMS medical director's advisory committee and that such protocols shall direct the EMT-P regarding the proper use of patient restraint and coordination with area law enforcement. Patient restraint protocols shall be based upon current applicable national guidelines;**

**may make a good faith determination that such patients shall be placed into a temporary hold for the sole purposes of transport to the nearest appropriate facility; provided, that such determination shall be made in cooperation with at least one other EMT-P or other medical professional involved in the transport. Once in a temporary hold, the patient shall**

be treated with humane care in a manner that preserves human dignity, consistent with applicable federal regulations and nationally-recognized guidelines regarding the appropriate use of temporary holds and restraints in medical transport.

2. In any instance in which a good faith determination for a temporary hold of a patient has been made, such hold shall be made in a clinically appropriate and adequately justified manner, and shall be documented and attested to in writing. The writing shall be retained by the ambulance service and included as part of the patient's medical file.

3. EMT-Ps who have made a good faith decision for a temporary hold of a patient as authorized by this section shall no longer have to rely on the common law doctrine of implied consent and therefore shall not be civilly liable for a good faith determination made in accordance with this section and shall not have waived any sovereign immunity defense, official immunity defense, or Missouri public duty doctrine defense if employed at the time of the good faith determination by a government employer.

4. Any ground or air ambulance service that adopts the authority and protocols provided for by this section shall have a memorandum of understanding with applicable local law enforcement agencies in order to achieve a collaborative and coordinated response to patients displaying symptoms of either a likelihood of serious harm to themselves or others or significant incapacitation by alcohol or drugs, which require a crisis intervention response. The memorandum of understanding shall include, but not be limited to, the following:

(1) Administrative oversight, including coordination between ambulance services and law enforcement agencies;

(2) Patient restraint techniques and coordination of agency responses to situations in which patient restraint may be required;

(3) Field interaction between paramedics and law enforcement, including patient destination and transportation; and

(4) Coordination of program quality assurance.

5. The physical restraint of a patient by an emergency medical technician under the authority of this section shall be permitted only in order to provide for the safety of bystanders, the patient, or emergency personnel due to an imminent or immediate danger, or upon approval by local medical control through direct communications. Restraint shall also be permitted through cooperation with on-scene law enforcement officers. All incidents involving patient restraint used under the authority of this section shall be reviewed by the ambulance service physician medical director.

**190.165. SUSPENSION OR REVOCATION OF LICENSES, GROUNDS FOR — PROCEDURE. — 1.**

The department may refuse to issue or deny renewal of any certificate, permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to implement its provisions as described in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate, permit or license required by sections 190.100 to 190.245 or any person who has failed to renew or has surrendered his or her certificate, permit or license for failure to comply with the provisions of sections 190.100

to 190.245 or any lawful regulations promulgated by the department to implement such sections. Those regulations shall be limited to the following:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 190.100 to 190.245;

(2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to take any examination given or required pursuant to sections 190.100 to 190.245;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to sections 190.100 to 190.245;

(7) Impersonation of any person holding a certificate, permit or license or allowing any person to use his or her certificate, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 190.100 to 190.245 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) For an individual being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice pursuant to sections 190.100 to 190.245;

(11) Issuance of a certificate, permit or license based upon a material mistake of fact;

(12) Violation of any professional trust, confidence, or legally protected privacy rights of a patient by means of an unauthorized or unlawful disclosure;

(13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(15) Refusal of any applicant or licensee to respond to reasonable department of health and senior services' requests for necessary information to process an application or to determine license status or license eligibility;

(16) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health or safety of a patient or the public;

(17) Repeated acts of negligence or recklessness in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245.

3. If the department conducts investigations, the department, prior to interviewing a licensee who is the subject of the investigation, shall explain to the licensee that he or she has the right to:

- (1) Consult legal counsel or have legal counsel present;
- (2) Have anyone present whom he or she deems to be necessary or desirable~~[-, except for any holder of any certificate, permit, or license required by sections 190.100 to 190.245];~~ and
- (3) Refuse to answer any question or refuse to provide or sign any written statement.

The assertion of any right listed in this subsection shall not be deemed by the department to be a failure to cooperate with any department investigation.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit. Notwithstanding any provision of law to the contrary, the department shall be authorized to impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the administrative hearing commission. **The administrative hearing commission shall hear all relevant evidence on remediation activities of the licensee and shall make a recommendation to the department of health and senior services as to licensure disposition based on such evidence.**

5. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of an applicant for the first time. Any individual whose license has been revoked twice within a ten-year period shall not be eligible for relicensure.

6. The department may notify the proper licensing authority of any other state in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

7. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections 190.100 to 190.245 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

8. The department of health and senior services may suspend any certificate, permit or license required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate or permit to the department. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

**190.173. CONFIDENTIALITY OF INFORMATION.** — 1. All complaints, investigatory reports, and information pertaining to any applicant, holder of any certificate, permit, or license, or other individual are confidential and shall only be disclosed upon written consent of the person whose records are involved or to other administrative or law enforcement agencies acting within the scope of their statutory authority. However, no applicant, holder of any certificate, permit, or license, or

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other individual shall have access to any complaints, investigatory reports, or information concerning an investigation in progress until such time as the investigation has been completed as required by subsection 1 of section 190.248.

2. Any information regarding the identity, name, address, license, final disciplinary action taken, currency of the license, permit, or certificate of an applicant for or a person possessing a license, permit, or certificate in accordance with sections 190.100 to 190.245 shall not be confidential.

3. **Any information regarding the physical address, mailing address, phone number, fax number, or email address of a licensed ambulance service or a certified training entity, including the name of the medical director and organizational contact information, shall not be confidential.**

4. This section shall not be construed to authorize the release of records, reports, or other information which may be held in department files for any holder of or applicant for any certificate, permit, or license that is subject to other specific state or federal laws concerning their disclosure.

5. **Nothing in this section shall prohibit the department from releasing aggregate information in accordance with section 192.067.**

**190.196. EMPLOYER TO COMPLY WITH REQUIREMENTS OF LICENSURE — REPORT OF CHARGES FILED AGAINST LICENSEE, WHEN.** — 1. No employer shall knowingly employ or permit any employee to perform any services for which a license, certificate or other authorization is required by sections 190.001 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the person so employed possesses all licenses, certificates or authorizations that are required.

2. Any person or entity that employs or supervises a person's activities as ~~[a-first]~~ **an emergency medical responder, emergency medical dispatcher, emergency medical [technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic] technician**, registered nurse, or physician shall cooperate with the department's efforts to monitor and enforce compliance by those individuals subject to the requirements of sections 190.001 to 190.245.

3. Any person or entity who employs individuals licensed by the department pursuant to sections 190.001 to 190.245 shall report to the department within seventy-two hours of their having knowledge of any charges filed against a licensee in their employ for possible criminal action involving the following felony offenses:

- (1) Child abuse or sexual abuse of a child;
- (2) Crimes of violence; or
- (3) Rape or sexual abuse.

4. Any licensee who has charges filed against him or her for the felony offenses in subsection 3 of this section shall report such an occurrence to the department within seventy-two hours of the charges being filed.

5. The department will monitor these reports for possible licensure action authorized pursuant to section 190.165.

**190.246. EPINEPHRINE AUTO-INJECTOR, POSSESSION AND USE LIMITATIONS — DEFINITIONS — USE OF DEVICE CONSIDERED FIRST AID — VIOLATIONS, PENALTY.** — 1. As used in this section, the following terms shall mean:

(1) "Eligible person, firm, organization or other entity", an ambulance service or emergency medical response agency, ~~[a-certified-first]~~ **an emergency medical responder, [emergency**

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~~medical-technical-base]~~ or **an** emergency medical ~~[technician-paramedic]~~ **technician** who is employed by, or an enrolled member, person, firm, organization or entity designated by, rule of the department of health and senior services in consultation with other appropriate agencies. All such eligible persons, firms, organizations or other entities shall be subject to the rules promulgated by the director of the department of health and senior services;

(2) "Emergency health care provider":

(a) A physician licensed pursuant to chapter 334 with knowledge and experience in the delivery of emergency care; or

(b) A hospital licensed pursuant to chapter 197 that provides emergency care.

2. Possession and use of epinephrine auto-injector devices shall be limited as follows:

(1) No person shall use an epinephrine auto-injector device unless such person has successfully completed a training course in the use of epinephrine auto-injector devices approved by the director of the department of health and senior services. Nothing in this section shall prohibit the use of an epinephrine auto-injector device:

(a) By a health care professional licensed or certified by this state who is acting within the scope of his or her practice; or

(b) By a person acting pursuant to a lawful prescription;

(2) Every person, firm, organization and entity authorized to possess and use epinephrine auto-injector devices pursuant to this section shall use, maintain and dispose of such devices in accordance with the rules of the department;

(3) Every use of an epinephrine auto-injector device pursuant to this section shall immediately be reported to the emergency health care provider.

3. (1) Use of an epinephrine auto-injector device pursuant to this section shall be considered first aid or emergency treatment for the purpose of any law relating to liability.

(2) Purchase, acquisition, possession or use of an epinephrine auto-injector device pursuant to this section shall not constitute the unlawful practice of medicine or the unlawful practice of a profession.

(3) Any person otherwise authorized to sell or provide an epinephrine auto-injector device may sell or provide it to a person authorized to possess it pursuant to this section.

4. Any person, firm, organization or entity that violates the provisions of this section is guilty of a class B misdemeanor.

**190.335. CENTRAL DISPATCH FOR EMERGENCY SERVICES, ALTERNATIVE FUNDING BY COUNTY SALES TAX, PROCEDURE, BALLOT FORM, RATE OF TAX — COLLECTION, LIMITATIONS — ADOPTION OF ALTERNATE TAX, TELEPHONE TAX TO EXPIRE, WHEN — BOARD APPOINTMENT AND ELECTION, QUALIFICATION, TERMS — CONTINUATION OF BOARD IN GREENE, LAWRENCE AND STODDARD COUNTIES — BOARD APPOINTMENT IN CHRISTIAN, TANEY, AND ST. FRANCOIS COUNTIES.** — 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax

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under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of \_\_\_\_\_ (insert name of county) impose a county sales tax of \_\_\_\_\_ (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

YES

NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years. Notwithstanding any other provision of law, if there is no candidate for an open position on the board, then no election shall be held for that position and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for each open position, no election shall be held and the candidate or candidates shall assume office at the same time and in the same manner as if elected.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants or in any county of the third classification with a township form of government and with more than twenty-eight thousand but fewer than thirty-one thousand inhabitants **or in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat**, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339. Such boards which existed prior to August 25, 2010, shall not be considered a body corporate and a political subdivision of the state for any purpose, unless and until an order is entered upon an unanimous vote of the commissioners of the county in which such board is established reclassifying such board as a corporate body and political subdivision of the state. The order shall approve the transfer of the assets and liabilities related to the operation of the emergency service 911 system to the new entity created by the reclassification of the board.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

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

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member.

**190.900. REPLICIA ENACTED — DEFINITIONS. — 1.** The "Recognition of EMS Personnel Licensure Interstate Compact" (REPLICIA) is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows in sections 190.900 to 190.939.

**2.** As used in sections 190.900 to 190.939, the following terms mean:

(1) "Advanced emergency medical technician" or "AEMT", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;

(2) "Adverse action", any administrative, civil, equitable, or criminal action permitted by a state's laws that may be imposed against licensed EMS personnel by a state EMS authority or state court including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation, or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court judgments enforcing adverse actions by the state EMS authority;

(3) "Certification", the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination;

(4) "Commission", the national administrative body of which all states that have enacted the compact are members;

(5) "Emergency medical technician" or "EMT", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;

(6) "EMS", emergency medical services;

(7) "Home state", a member state where an individual is licensed to practice emergency medical services;

(8) "License", the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic;

(9) "Medical director", a physician licensed in a member state who is accountable for the care delivered by EMS personnel;

(10) "Member state", a state that has enacted this compact;

(11) "Paramedic", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;

(12) "Privilege to practice", an individual's authority to deliver emergency medical services in remote states as authorized under this compact;

(13) "Remote state", a member state in which an individual is not licensed;

(14) "Restricted", the outcome of an adverse action that limits a license or the privilege to practice;

(15) "Rule", a written statement by the interstate commission promulgated under section 190.930 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule;

(16) "Scope of practice", defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform;

(17) "Significant investigatory information":

(a) Investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would result in the imposition of an adverse action on a license or privilege to practice; or

(b) Investigative information that indicates that the individual represents an immediate threat to public health and safety, regardless of whether the individual has been notified and had an opportunity to respond;

(18) "State", any state, commonwealth, district, or territory of the United States;

(19) "State EMS authority", the board, office, or other agency with the legislative mandate to license EMS personnel.

**190.903. HOME STATE LICENSURE. — 1. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.**

**2. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.**

**3. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:**

(1) Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

(2) Has a mechanism in place for receiving and investigating complaints about individuals;

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

(4) No later than five years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with 5 CFR 731.202 and submit documentation of such as promulgated in the rules of the commission; and

(5) Complies with the rules of the commission.

**190.906. COMPACT PRIVILEGE TO PRACTICE. — 1. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with section 190.903.**

**2. To exercise the privilege to practice under the terms and provisions of this compact, an individual shall:**

- (1) Be at least eighteen years of age;
  - (2) Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state-recognized and licensed level with a scope of practice and authority between EMT and paramedic; and
  - (3) Practice under the supervision of a medical director.
3. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state, as may be defined in the rules of the commission.
4. Except as provided in subsection 3 of this section, an individual practicing in a remote state shall be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action, it shall promptly notify the home state and the commission.
5. If an individual's license in any home state is restricted, suspended, or revoked, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.
6. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked, the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

**190.909. CONDITIONS OF PRACTICE IN A REMOTE STATE.** — An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the commission, and under the following circumstances:

- (1) The individual originates a patient transport in a home state and transports the patient to a remote state;
- (2) The individual originates in the home state and enters a remote state to pick up a patient and provides care and transport of the patient to the home state;
- (3) The individual enters a remote state to provide patient care or transport within that remote state;
- (4) The individual enters a remote state to pick up a patient and provides care and transport to a third member state; or
- (5) Other conditions as determined by rules promulgated by the commission.

**190.912. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT.** — Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply, and to the extent any terms or provisions of this compact conflict with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

**190.915. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES.** — 1. Member states shall consider a veteran, active military service member, or member of the National Guard and Reserves separating from an active duty tour, or a spouse thereof, who holds a current, valid, and unrestricted NREMT certification

at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

2. Member states shall expedite the process of licensure applications submitted by veterans, active military service members, or members of the National Guard and Reserves separating from an active duty tour, or their spouses.

3. All individuals functioning with a privilege to practice under this section remain subject to the adverse action provisions of section 190.918.

**190.918. ADVERSE ACTIONS.** — 1. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

2. If an individual's license in any home state is restricted, suspended, or revoked, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

(1) All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and the remote state's EMS authority.

(2) An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

3. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the commission in accordance with the rules of the commission.

4. A remote state may take adverse action on an individual's privilege to practice within that state.

5. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

6. A home state's EMS authority shall coordinate investigative activities, share information via the coordinated database, and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

7. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states shall require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

**190.921. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY.** — A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:

(1) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the remote state by any court of

competent jurisdiction according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state's EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence is located; and

(2) Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.

**190.924. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE.**—1. The compact states hereby create and establish a joint public agency known as the "Interstate Commission for EMS Personnel Practice".

(1) The commission is a body politic and an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

2. Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his or her designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the governor of the state shall determine which entity shall be responsible for assigning the delegate.

(1) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws, and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(2) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(3) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 190.930.

(4) The commission may convene in a closed, nonpublic meeting if the commission must discuss:

(a) Noncompliance of a member state with its obligations under the compact;

(b) The employment, compensation, discipline or other personnel matters, practices, or procedures related to specific employees, or other matters related to the commission's internal personnel practices and procedures;

(c) Current, threatened, or reasonably anticipated litigation;

(d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

(e) Accusing any person of a crime or formally censuring any person;

(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(g) Disclosure of information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;

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- (h) Disclosure of investigatory records compiled for law enforcement purposes;
- (i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
- (j) Matters specifically exempted from disclosure by federal or member state statute.

(5) If a meeting or portion of a meeting is closed under this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

3. The commission shall, by a majority vote of the delegates, prescribe bylaws and rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact including, but not limited to:

- (1) Establishing the fiscal year of the commission;
- (2) Providing reasonable standards and procedures:
  - (a) For the establishment and meetings of other committees; and
  - (b) Governing any general or specific delegation of any authority or function of the commission;
- (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;
- (4) Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the commission;
- (5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the commission;
- (6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;
- (7) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations;
- (8) The commission shall publish its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any;
- (9) The commission shall maintain its financial records in accordance with the bylaws; and
- (10) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

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4. The commission shall have the following powers:

(1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding on all member states;

(2) To bring and prosecute legal proceedings or actions in the name of the commission; provided that, the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept, or contract for services of personnel including, but not limited to, employees of a member state;

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that, at all times the commission shall strive to avoid any appearance of impropriety and conflict of interest;

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed; provided that, at all times the commission shall strive to avoid any appearance of impropriety;

(8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(9) To establish a budget and make expenditures;

(10) To borrow money;

(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(12) To provide and receive information from, and to cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of EMS personnel licensure and practice.

5. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, **except by and with the authority of the member state.**

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(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

6. (1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim, damage to or loss of property, personal injury, or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of the person.

**190.927. COORDINATED DATABASE. — 1. The commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.**

**2. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the commission, including:**

- (1) Identifying information;**
- (2) Licensure data;**
- (3) Significant investigatory information;**
- (4) Adverse actions against an individual's license;**
- (5) An indicator that an individual's privilege to practice is restricted, suspended, or revoked;**
- (6) Nonconfidential information related to alternative program participation;**

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Matter in bold-face type is proposed language.

(7) Any denial of application for licensure and the reasons for such denial; and  
(8) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

3. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

4. Member states contributing information to the coordinated database may designate information that shall not be shared with the public without the express permission of the contributing state.

5. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

190.930. RULEMAKING. — 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

2. If a majority of the legislatures of the member states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any member state.

3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule or rules shall be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

(2) On the website of each member state's EMS authority or the publication in which each state would otherwise publish proposed rules.

5. The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting at which the rule shall be considered and voted upon;

(2) The text of the proposed rule or amendment and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person; and

(4) The manner in which interested parties may submit notice to the commission of their intention to attend the public hearing and any written comments.

6. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments that shall be made available to the public.

7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least twenty-five persons;

(2) A governmental subdivision or agency; or

(3) An association having at least twenty-five members.

8. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided that, the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of commission or member state funds;

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) Protect public health and safety.

13. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

**190.933. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. — 1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.**

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceedings in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

3. The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

4. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission; and

(2) Provide remedial training and specific technical assistance regarding the default.

5. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

6. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

7. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

8. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state.

9. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

10. Upon a request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

11. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

12. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

13. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

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14. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

**190.936. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, AND AMENDMENT. — 1.** The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

2. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

3. Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

4. Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

5. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

**190.939. CONSTRUCTION AND SEVERABILITY. —** This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any member state thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

**191.630. DEFINITIONS. —** As used in sections 191.630 and 191.631, the following terms mean:

(1) "Communicable disease", acquired immunodeficiency syndrome (AIDS), cutaneous anthrax, hepatitis in any form, human immunodeficiency virus (HIV), measles, meningococcal disease, mumps, pertussis, pneumonic plague, rubella, severe acute respiratory syndrome (SARS-CoV), smallpox, tuberculosis, varicella disease, vaccinia, viral hemorrhagic fevers, and other such diseases as the department may define by rule or regulation;

(2) "Communicable disease tests", tests designed for detection of communicable diseases. Rapid testing of the source patient in accordance with the Occupational Safety and Health Administration (OSHA) enforcement of the Centers for Disease Control and Prevention (CDC) guidelines shall be recommended;

(3) "Coroner or medical examiner", the same meaning as defined in chapter 58;

(4) "Department", the Missouri department of health and senior services;

(5) "Designated infection control officer", the person or persons within the entity or agency who are responsible for managing the infection control program and for coordinating efforts surrounding the investigation of an exposure such as:

(a) Collecting, upon request, facts surrounding possible exposure of an emergency care provider or Good Samaritan to a communicable disease;

(b) Contacting facilities that receive patients or clients of potentially exposed emergency care providers or Good Samaritans to ascertain if a determination has been made as to whether the patient or client has had a communicable disease and to ascertain the results of that determination; and

(c) Notifying the emergency care provider or Good Samaritan as to whether there is reason for concern regarding possible exposure;

(6) "Emergency care provider", a person who is serving as a licensed or certified person trained to provide emergency and nonemergency medical care as a first responder, emergency **medical responder**, [~~EMT-B, EMT-I, or EMT-P~~] **as defined in section 190.100, emergency medical technician**, as defined in section 190.100, firefighter, law enforcement officer, sheriff, deputy sheriff, registered nurse, physician, medical helicopter pilot, or other certification or licensure levels adopted by rule of the department;

(7) "Exposure", a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties;

(8) "Good Samaritan", any person who renders emergency medical assistance or aid within his or her level of training or skill until such time as he or she is relieved of those duties by an emergency care provider;

(9) "Hospital", the same meaning as defined in section 197.020;

(10) "Source patient", any person who is sick or injured and requiring the care or services of a Good Samaritan or emergency care provider, for whose blood or other potentially infectious materials have resulted in exposure.

**217.015. DIVISIONS CREATED — SECTIONS AUTHORIZED — PURPOSE OF DEPARTMENT — WOMEN OFFENDER PROGRAM ESTABLISHED, PURPOSE — ADVISORY COMMITTEE ESTABLISHED, MEMBERSHIP, PURPOSE.** — 1. The department shall supervise and manage all correctional centers, and probation and parole of the state of Missouri.

2. The department shall be composed of the **parole board and the** following divisions:

(1) The division of human services;

(2) The division of adult institutions;

(3) The ~~board~~ **division** of probation and parole; and

(4) The division of offender rehabilitative services.

3. Each division may be subdivided by the director into such sections, bureaus, or offices as is necessary to carry out the duties assigned by law.

4. The department shall operate a women offender program to be supervised by a director of women's programs. The purpose of the women offender program shall be to ensure that female offenders are provided a continuum of **gender-responsive and trauma-informed** supervision strategies and program services reflecting best practices for female probationers, prisoners and parolees in areas including but not limited to classification, diagnostic processes, facilities, medical and mental health care, child custody and visitation.

5. There shall be an advisory committee under the direction of the director of women's programs. The members of the committee shall include the director of the office on women's

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health, the director of the department of mental health or a designee and four others appointed by the director of the department of corrections. The committee shall address the needs of women in the criminal justice system as they are affected by the changes in their community, family concerns, the judicial system and the organization and available resources of the department of corrections.

**217.021. COMMUNITY BEHAVIORAL HEALTH PROGRAM, PURPOSE — DEPARTMENT DUTIES.—1. The department shall establish and implement a community behavioral health program to provide comprehensive community-based services for individuals under the supervision of the department who have serious behavioral health conditions.**

**2. The department shall, in collaboration with the department of mental health:**

**(1) Establish a referral and evaluation process for access to the program;**

**(2) Establish eligibility criteria that include consideration of recidivism risk and behavioral health condition severity;**

**(3) Establish discharge criteria and processes, with a goal of establishing a seamless transition to post-program services to decrease recidivism; and**

**(4) Develop multidisciplinary program oversight, auditing, and evaluation processes that shall include:**

**(a) Oversight authority of program case management services through the department of mental health;**

**(b) Provider performance and outcome metrics; and**

**(c) Reports to the legislature and the governor on the status of the program as requested.**

**3. The department of mental health shall, in collaboration with the department of corrections:**

**(1) Contract for and pay behavioral health service providers under the program;**

**(2) Supervise, support, and monitor referral caseloads and the provision of services by contract behavioral health service providers;**

**(3) Require that contract behavioral health service providers:**

**(a) Accept all eligible referrals, provide individualized care delivered through integrated multidisciplinary care teams, and continue services on an ongoing basis until established discharge criteria are met;**

**(b) Accept reimbursement on a per-month, per-referral basis, and ensure that the payment schedule is based on a pay-for-performance model that includes consideration of identified outcomes and the level of services required; and**

**(c) Bill third parties for services.**

**217.030. DIRECTORS OF DIVISIONS AND CHAIRMAN OF PAROLE BOARD, APPOINTMENT — APPOINTMENT OF GENERAL PERSONNEL. —** The director shall appoint the directors of the divisions of the department, except the chairman of the **parole** board [~~of probation and parole~~] who shall be appointed by the governor [~~and who shall serve as the director of the division of probation and parole~~]. Division directors shall serve at the pleasure of the director, except the chairman of the **parole** board [~~of probation and parole~~] who shall serve in the capacity of chairman at the pleasure of the governor. The director of the department shall be the appointing authority under chapter 36 to employ such administrative, technical and other personnel who may be assigned to the department generally rather than to any of the department divisions or facilities and whose employment is necessary for the performance of the powers and duties of the department.

**217.075. OFFENDER RECORDS, PUBLIC RECORDS, EXCEPTIONS — INSPECTION OF, WHEN — MEDICAL RECORDS, AVAILABLE, WHEN — COPIES ADMISSIBLE AS EVIDENCE — VIOLATIONS, PENALTY.** — 1. All offender records compiled, obtained, prepared or maintained by the department or its divisions shall be designated public records within the meaning of chapter 610 except:

(1) Any information, report, record or other document pertaining to an offender's personal medical history, which shall be a closed record;

(2) Any information, report, record or other document in the control of the department or its divisions authorized by federal or state law to be a closed record;

(3) Any internal administrative report or document relating to institutional security.

2. The court of jurisdiction, or the department, may at their discretion permit the inspection of the department reports or parts of such reports by the offender, whenever the court or department determines that such inspection is in the best interest or welfare of the offender.

3. ~~[The]~~ Department records may ~~[permit inspection of its files by]~~ **be automated and made available to:**

(1) Treatment agencies working with the department in the treatment of the offender;

(2) **Law enforcement agencies; or**

(3) **Qualified persons and organizations for research, evaluative, and statistical purposes under written agreements reasonably designed to ensure the security and confidentiality of the information and the protection of the privacy interests of the individuals who are subjects of the records.**

4. No department employee shall have access to any material closed by this section unless such access is necessary for the employee to carry out his duties. The department by rule shall determine what department employees or other persons shall have access to closed records and the procedures needed to maintain the confidentiality of such closed records.

5. No person, association, firm, corporation or other agency shall knowingly solicit, disclose, receive, publish, make use of, authorize, permit, participate in or acquiesce in the use of any name or lists of names for commercial or political purposes of any nature in violation of this section.

6. All health care providers and hospitals who have cared for offenders during the period of the offender's incarceration shall provide a copy of all medical records in their possession related to such offender upon demand from the department's health care administrator. The department shall provide reasonable compensation for the cost of such copies and no health care provider shall be liable for breach of confidentiality when acting pursuant to this subsection.

7. Copies of all papers, documents, or records compiled, obtained, prepared or maintained by the department or its divisions, properly certified by the appropriate division, shall be admissible as evidence in all courts and in all administrative tribunals in the same manner and with like effect as the originals, whenever the papers, documents, or records are either designated by the department of corrections as public records within the meaning of chapter 610 or are declared admissible as evidence by a court of competent jurisdiction or administrative tribunal of competent jurisdiction.

8. Any person found guilty of violating the provisions of this section shall be guilty of a class A misdemeanor.

**217.361. RISK AND NEED ASSESSMENT TOOLS — DEPARTMENT PROCEDURES, DUTIES. — 1. The department shall adopt streamlined, validated risk and need assessment tools for men and women, and review the tools and scoring cutoffs every five years for predictive validity across gender and racial groups.**

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2. This subsection applies to all programs operated with department funding. The department shall develop procedures to promote the use of:

- (1) Risk and need assessment and appropriate risk and need levels to prioritize access to programs;
- (2) Consistent criteria for admission into programs; and
- (3) Recidivism measurement by risk and need level as part of assessing the effectiveness of programs.

3. For offenders under supervision, the department shall:

- (1) Implement evidence-based cognitive-behavioral programs;
- (2) Adopt behavior response policy guiding sanction and incentive responses; and
- (3) Adopt policy for readministration of risk and need assessment tools to guide case management practices and supervision level.

4. For department staff in institutional and community settings, the department shall:

- (1) Require periodic training on how to complete risk and need assessment tools and apply the results in making decisions affecting client interactions and program placements;
- (2) Provide training on how to maximize client interactions and use of case plans; and
- (3) Measure staff performance against best practices.

5. For community-based mental health treatment programs, the department shall adopt a protocol to collect data on quality assurance.

6. The department shall adopt performance metrics to report on supervision outcomes.

**217.655. PAROLE BOARD, GENERAL DUTIES — DIVISION DUTIES.** — 1. The parole board [~~of probation and parole~~] shall be responsible for determining whether a person confined in the department shall be paroled or released conditionally as provided by section 558.011. The board shall receive **administrative support from the division of probation and parole.** The **division of probation and parole shall** provide supervision to all persons referred by the circuit courts of the state as provided by sections 217.750 and 217.760. **The board shall exercise independence in making decisions about individual cases, but operate cooperatively within the department and with other agencies, officials, courts, and stakeholders to achieve systemic improvement including the requirements of this section.**

2. The board shall adopt parole guidelines to:

- (1) Preserve finite prison capacity for the most serious and violent offenders;
- (2) Release supervision-manageable cases consistent with section 217.690;
- (3) Use finite resources guided by validated risk and needs assessments;
- (4) Support a seamless reentry process;
- (5) Set appropriate conditions of supervision; and
- (6) Develop effective strategies for responding to violation behaviors.

3. The board shall collect, analyze, and apply data in carrying out its responsibilities to achieve its mission and end goals. The board shall establish agency performance and outcome measures that are directly responsive to statutory responsibilities and consistent with agency goals for release decisions, supervision, revocation, recidivism, and caseloads.

4. The board shall publish parole data, including grant rates, revocation and recidivism rates, length of time served, and successful supervision completions, and other performance metrics.

5. The board shall provide for appropriate training to members and staff, including communication skills.

6. The ~~board~~ **division of probation and parole** shall provide such programs as necessary to carry out its responsibilities consistent with its goals and statutory obligations.

**217.665. BOARD MEMBERS, APPOINTMENT, QUALIFICATIONS — TERMS, VACANCIES — COMPENSATION, EXPENSES — CHAIRMAN, DESIGNATION.** — 1. Beginning August 28, 1996, the **parole** board ~~[of probation and parole]~~ shall consist of seven members appointed by the governor by and with the advice and consent of the senate.

2. Beginning August 28, 1996, members of the board shall be persons of recognized integrity and honor, known to possess education and ability in decision making through career experience and other qualifications for the successful performance of their official duties. Not more than four members of the board shall be of the same political party.

3. At the expiration of the term of each member and of each succeeding member, the governor shall appoint a successor who shall hold office for a term of six years and until his successor has been appointed and qualified. Members may be appointed to succeed themselves.

4. Vacancies occurring in the office of any member shall be filled by appointment by the governor for the unexpired term.

5. The governor shall designate one member of the board as chairman and one member as vice chairman. The chairman shall ~~[be the director of the division and shall have charge of the division's operations, funds and expenditures]~~ **establish the duties and responsibilities of the members of the board and supervise their performance and may require reports from any member as to his or her conduct and exercise of duties.** In the event of the chairman's removal, death, resignation, or inability to serve, the vice chairman shall act as chairman upon written order of the governor or chairman.

6. Members of the board shall devote full time to the duties of their office and before taking office shall subscribe to an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri. The oath shall be signed in the office of the secretary of state.

7. The annual compensation for each member of the board whose term commenced before August 28, 1999, shall be forty-five thousand dollars plus any salary adjustment, including prior salary adjustments, provided pursuant to section 105.005. Salaries for board members whose terms commence after August 27, 1999, shall be set as provided in section 105.950; provided, however, that the compensation of a board member shall not be increased during the member's term of office, except as provided in section 105.005. In addition to compensation provided by law, the members shall be entitled to reimbursement for necessary travel and other expenses incurred pursuant to section 33.090.

8. Any person who served as a member of the board of probation and parole prior to July 1, 2000, shall be made, constituted, appointed and employed by the board of trustees of the state employees' retirement system as a special consultant on the problems of retirement, aging and other state matters. As compensation for such services, such consultant shall not be denied use of any unused sick leave, or the ability to receive credit for unused sick leave pursuant to chapter 104, provided such sick leave was maintained by the board of probation and parole in the regular course of business prior to July 1, 2000, but only to the extent of such sick leave records are consistent with the rules promulgated pursuant to section 36.350. Nothing in this section shall authorize the use of any other form of leave that may have been maintained by the board prior to July 1, 2000.

**217.670. DECISIONS TO BE BY MAJORITY VOTE — HEARING PANEL, MEMBERSHIP, DUTIES — JURISDICTION REMOVAL OR APPEAL TO BOARD, WHEN — DECISION TO BE FINAL —**

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**CLOSED MEETINGS AUTHORIZED — VIDEO CONFERENCING.** — 1. The board shall adopt an official seal of which the courts shall take official notice.

2. Decisions of the board regarding granting of paroles, extensions of a conditional release date or revocations of a parole or conditional release shall be by a majority vote of the hearing panel members. The hearing panel shall consist of one member of the board and two hearing officers appointed by the board. A member of the board may remove the case from the jurisdiction of the hearing panel and refer it to the full board for a decision. Within thirty days of entry of the decision of the hearing panel to deny parole or to revoke a parole or conditional release, the offender may appeal the decision of the hearing panel to the board. The board shall consider the appeal within thirty days of receipt of the appeal. The decision of the board shall be by majority vote of the board members and shall be final.

3. The orders of the board shall not be reviewable except as to compliance with the terms of sections 217.650 to 217.810 or any rules promulgated pursuant to such section.

4. The board shall keep a record of its acts and shall notify each correctional center of its decisions relating to persons who are or have been confined in such correctional center.

5. Notwithstanding any other provision of law, any meeting, record, or vote, of proceedings involving probation, parole, or pardon, may be a closed meeting, closed record, or closed vote.

6. Notwithstanding any other provision of law, when the appearance or presence of an offender before the board or a hearing panel is required for the purpose of deciding whether to grant conditional release or parole, extend the date of conditional release, revoke parole or conditional release, or for any other purpose, such appearance or presence may occur by means of a videoconference at the discretion of the board. Victims having a right to attend parole hearings may testify either at the site where the board is conducting the videoconference or at the institution where the offender is located. The use of videoconferencing in this section shall be at the discretion of the board, and shall not be utilized if either ~~[the offender,]~~ the victim or the victim's family objects to it.

**217.690. BOARD MAY ORDER RELEASE OR PAROLE — ASSESSMENT, PERSONAL HEARING — FEE — RULES — MINIMUM TERM FOR ELIGIBILITY FOR PAROLE, HOW CALCULATED — FIRST DEGREE MURDER, ELIGIBILITY FOR HEARING — HEARING PROCEDURE — NOTICE — SPECIAL CONDITIONS — EDUCATION REQUIREMENTS, EXCEPTIONS — RULEMAKING AUTHORITY.** — 1. ~~[When in its opinion there is reasonable probability that an offender of a correctional center can be released without detriment to the community or to himself, the board may in its discretion release or parole such person except as otherwise prohibited by law.]~~ All releases or paroles shall issue upon order of the board, duly adopted.

2. Before ordering the parole of any offender, the board shall **conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the board. The board shall then** have the offender appear before a hearing panel and shall conduct a personal interview with him, unless waived by the offender, **or if the guidelines indicate the offender may be paroled without need for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means of a videoconference at the discretion of the board.** A parole ~~[shall]~~ **may** be ordered ~~[only]~~ for the best interest of society **when there is a reasonable probability, based on the risk assessment and indicators of release readiness, that the person can be supervised under parole supervision and successfully reintegrated into the community,** not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. ~~[An offender shall be placed on parole only when the board believes that he is able and~~

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~~willing to fulfill the obligations of a law-abiding citizen.]~~ Every offender while on parole shall remain in the legal custody of the department but shall be subject to the orders of the board.

3. The ~~[board]~~ **division of probation and parole** has discretionary authority to require the payment of a fee, not to exceed sixty dollars per month, from every offender placed under ~~[board]~~ **division** supervision on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee collections services. All fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected may be used to pay the costs of contracted collections services. The fees collected may otherwise be used to provide community corrections and intervention services for offenders. Such services include substance abuse assessment and treatment, mental health assessment and treatment, electronic monitoring services, residential facilities services, employment placement services, and other offender community corrections or intervention services designated by the ~~[board]~~ **division of probation and parole** to assist offenders to successfully complete probation, parole, or conditional release. The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

4. The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall recite the conditions of such parole.

5. When considering parole for an offender with consecutive sentences, the minimum term for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

6. Any offender under a sentence for first degree murder who has been denied release on parole after a parole hearing shall not be eligible for another parole hearing until at least three years from the month of the parole denial; however, this subsection shall not prevent a release pursuant to subsection 4 of section 558.011.

7. **A victim who has requested an opportunity to be heard shall receive notice that the board is conducting an assessment of the offender's risk and readiness for release and that the victim's input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.**

8. Parole hearings shall, at a minimum, contain the following procedures:

(1) The victim or person representing the victim who attends a hearing may be accompanied by one other person;

(2) The victim or person representing the victim who attends a hearing shall have the option of giving testimony in the presence of the inmate or to the hearing panel without the inmate being present;

(3) The victim or person representing the victim may call or write the parole board rather than attend the hearing;

(4) The victim or person representing the victim may have a personal meeting with a board member at the board's central office;

(5) The judge, prosecuting attorney or circuit attorney and a representative of the local law enforcement agency investigating the crime shall be allowed to attend the hearing or provide information to the hearing panel in regard to the parole consideration; and

(6) The board shall evaluate information listed in the juvenile sex offender registry pursuant to section 211.425, provided the offender is between the ages of seventeen and twenty-one, as it impacts the safety of the community.

[8-] 9. The board shall notify any person of the results of a parole eligibility hearing if the person indicates to the board a desire to be notified.

[9-] 10. The board may, at its discretion, require any offender seeking parole to meet certain conditions during the term of that parole so long as said conditions are not illegal or impossible for the offender to perform. These conditions may include an amount of restitution to the state for the cost of that offender's incarceration.

**11. Special parole conditions shall be responsive to the assessed risk and needs of the offender or the need for extraordinary supervision, such as electronic monitoring. The board shall adopt rules to minimize the conditions placed on low risk cases, to frontload conditions upon release, and to require the modification and reduction of conditions based on the person's continuing stability in the community. Board rules shall permit parole conditions to be modified by parole officers with review and approval by supervisors.**

[10-] 12. Nothing contained in this section shall be construed to require the release of an offender on parole nor to reduce the sentence of an offender heretofore committed.

[11-] 13. Beginning January 1, 2001, the board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the board is satisfied that the offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the board that the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

[12-] 14. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

**217.703. EARNED COMPLIANCE CREDITS AWARDED, WHEN.** — 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter 579, or an offense previously listed in chapter 195, or for a class D or E felony, excluding ~~[the offenses of stalking in the first degree, rape in the second degree, sexual assault, sodomy in the second degree]~~ **sections 565.225, 565.252, 566.031, 566.061, 566.083, 566.093, 568.020, 568.060, offenses defined as "sexual assault" under section 589.015, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section 565.052, [sexual misconduct involving a child,] endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, [incest, invasion of privacy, abuse of a child,] and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;**

(3) Supervised by the ~~board~~ **division of probation and parole;** and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

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2. If an offender was placed on probation, parole, or conditional release for an offense of:
  - (1) Involuntary manslaughter in the second degree;
  - (2) Assault in the second degree except under subdivision (2) of subsection 1 of section 565.052 or section 565.060 as it existed prior to January 1, 2017;
  - (3) Domestic assault in the second degree;
  - (4) Assault in the third degree when the victim is a special victim or assault of a law enforcement officer in the second degree as it existed prior to January 1, 2017;
  - (5) Statutory rape in the second degree;
  - (6) Statutory sodomy in the second degree;
  - (7) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or
  - (8) Any case in which the defendant is found guilty of a felony offense under chapter 571;

the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section **or at a hearing under subsection 5 of this section**. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.

4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report **or notice of citation** submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a violation report, **which may include a report of absconder status**, has been submitted, **the offender is in custody**, or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held, **or if a hearing is held and the offender is continued under supervision**, or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. **If a hearing is held**, all earned credits shall be rescinded if:

(1) The court or board revokes the probation or parole or the court places the offender in a department program under subsection 4 of section 559.036 **or under section 217.785**; or

(2) **The offender is found by the court or board to be ineligible to earn compliance credits because the nature and circumstances of the violation indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender.**

Earned credits, **if not rescinded**, shall continue to be suspended for a period of time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, "absconder" shall mean an offender under supervision **whose whereabouts are unknown and** who has left such offender's place of residency without the permission of the offender's supervising officer **and without notifying of their whereabouts** for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination of time served in custody, if applicable, time served on probation, parole, or conditional release, and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court shall order final discharge of the offender, so long as the offender has completed **restitution and** at least two years of his or her probation ~~[or]~~, parole, **or conditional release**, which shall include any time served in custody under section 217.718 and sections 559.036 and 559.115.

8. The award or rescission of any credits earned under this section shall not be subject to appeal or any motion for postconviction relief.

9. At least twice a year, the division shall calculate the number of months the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the offender of the length of the remaining term.

10. No less than sixty days before the date of final discharge, the division shall notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be discharged under subsection 7 of this section.

11. Any offender who was sentenced prior to January 1, 2017, to an offense that was eligible for earned compliance credits under subsection 1 or 2 of this section at the time of sentencing shall continue to remain eligible for earned compliance credits so long as the offender meets all the other requirements provided under this section.

**217.705. PROBATION, PAROLE, INSTITUTIONAL PAROLE, OFFICERS — APPOINTMENT — DUTIES.** — 1. The ~~[chairman]~~ **director of the division of probation and parole** shall appoint probation and parole officers and institutional parole officers as deemed necessary to carry out the purposes of the board.

2. Probation and parole officers shall investigate all persons referred to them for investigation by the board or by any court as provided by sections 217.750 and 217.760. They shall furnish to each offender released under their supervision a written statement of the conditions of probation, parole or conditional release and shall instruct the offender regarding these conditions. They shall keep informed of the offender's conduct and condition and use all suitable methods to aid and encourage the offender to bring about improvement in the offender's conduct and conditions.

3. The probation and parole officer may recommend and, by order duly entered, the court may impose and may at any time modify any conditions of probation. The court shall cause a copy of any such order to be delivered to the probation and parole officer and the offender.

4. Probation and parole officers shall keep detailed records of their work and shall make such reports in writing and perform such other duties as may be incidental to those enumerated that the board may require. In the event a parolee is transferred to another probation and parole officer, the

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written record of the former probation and parole officer shall be given to the new probation and parole officer.

5. Institutional parole officers shall investigate all offenders referred to them for investigation by the board and shall provide the board such other reports the board may require. They shall furnish the offender prior to release on parole or conditional release a written statement of the conditions of parole or conditional release and shall instruct the offender regarding these conditions.

6. The department shall furnish probation and parole officers and institutional parole officers, including supervisors, with credentials and a special badge which such officers and supervisors shall carry on their person at all times while on duty.

**217.720. ARREST OF PERSON PAROLED OR ON CONDITIONAL RELEASE — REPORT — PROCEDURE — REVOCATION OF PAROLE OR RELEASE — EFFECT OF SENTENCE — ARREST OF PAROLEE FROM ANOTHER STATE.** — 1. At any time during release on parole or conditional release the **[board] division of probation and parole** may issue a warrant for the arrest of a released offender for violation of any of the conditions of parole or conditional release. The warrant shall authorize any law enforcement officer to return the offender to the actual custody of the correctional center from which the offender was released, or to any other suitable facility designated by the **[board] division**. If any parole or probation officer has probable cause to believe that such offender has violated a condition of parole or conditional release, the probation or parole officer may issue a warrant for the arrest of the offender. The probation or parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation and contain the statement that the offender has, in the judgment of the probation or parole officer, violated conditions of parole or conditional release. The warrant delivered with the offender by the arresting officer to the official in charge of any facility designated by the **[board] division** to which the offender is brought shall be sufficient legal authority for detaining the offender. After the arrest the parole or probation officer shall present to the detaining authorities a similar statement of the circumstances of violation. Pending hearing as hereinafter provided, upon any charge of violation, the offender shall remain in custody or incarcerated without consideration of bail.

2. If the offender is arrested under the authority granted in subsection 1 of this section, the offender shall have the right to a preliminary hearing on the violation charged unless the offender waives such hearing. Upon such arrest and detention, the parole or probation officer shall immediately notify the board and shall submit in writing a report showing in what manner the offender has violated the conditions of his parole or conditional release. The board shall order the offender discharged from such facility, require as a condition of parole or conditional release the placement of the offender in a treatment center operated by the department of corrections, or shall cause the offender to be brought before it for a hearing on the violation charged, under such rules and regulations as the board may adopt. If the violation is established and found, the board may continue or revoke the parole or conditional release, or enter such other order as it may see fit. If no violation is established and found, then the parole or conditional release shall continue. If at any time during release on parole or conditional release the offender is arrested for a crime which later leads to conviction, and sentence is then served outside the Missouri department of corrections, the board shall determine what part, if any, of the time from the date of arrest until completion of the sentence imposed is counted as time served under the sentence from which the offender was paroled or conditionally released.

3. An offender for whose return a warrant has been issued by the ~~board~~ **division** shall, if it is found that the warrant cannot be served, be deemed to be a fugitive from justice or to have fled from justice. If it shall appear that the offender has violated the provisions and conditions of his parole or conditional release, the board shall determine whether the time from the issuing date of the warrant to the date of his arrest on the warrant, or continuance on parole or conditional release shall be counted as time served under the sentence. In all other cases, time served on parole or conditional release shall be counted as time served under the sentence.

4. At any time during parole or probation, the ~~board~~ **division** may issue a warrant for the arrest of any person from another jurisdiction, the visitation and supervision of whom the ~~board~~ **division** has undertaken pursuant to the provisions of the interstate compact for the supervision of parolees and probationers authorized in section 217.810, for violation of any of the conditions of release, or a notice to appear to answer a charge of violation. The notice shall be served personally upon the person. The warrant shall authorize any law enforcement officer to return the offender to any suitable detention facility designated by the ~~board~~ **division**. Any parole or probation officer may arrest such person without a warrant, or may deputize any other officer with power of arrest to do so by issuing a written statement setting forth that the defendant has, in the judgment of the parole or probation officer, violated the conditions of his release. The written statement delivered with the person by the arresting officer to the official in charge of the detention facility to which the person is brought shall be sufficient legal authority for detaining him. After making an arrest the parole or probation officer shall present to the detaining authorities a similar statement of the circumstances of violation.

**217.722. PROBATION OFFICERS, POWER TO ARREST, WHEN — PRELIMINARY HEARING ALLOWED, WHEN — NOTICE TO SENTENCING COURT. —** 1. If any probation officer has probable cause to believe that the person on probation has violated a condition of probation, the probation officer may issue a warrant for the arrest of the person on probation. The officer may effect the arrest or may deputize any other officer with the power of arrest to do so by giving the officer a copy of the warrant which will outline the circumstances of the alleged violation and contain the statement that the person on probation has, in the judgment of the probation officer, violated the conditions of probation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility shall be sufficient authority for detaining the person on probation pending a preliminary hearing on the alleged violation. Other provisions of law relating to release on bail of persons charged with criminal offenses shall be applicable to persons detained on alleged probation violations.

2. Any person on probation arrested under the authority granted in subsection 1 of this section shall have the right to a preliminary hearing on the violation charged as long as the person on probation remains in custody or unless the offender waives such hearing. The person on probation shall be notified immediately in writing of the alleged probation violation. If arrested in the jurisdiction of the sentencing court, and the court which placed the person on probation is immediately available, the preliminary hearing shall be heard by the sentencing court. Otherwise, the person on probation shall be taken before a judge or associate circuit judge in the county of the alleged violation or arrest having original jurisdiction to try criminal offenses or before an impartial member of the staff of the ~~Missouri board~~ **division** of probation and parole, and the preliminary hearing shall be held as soon as possible after the arrest. Such preliminary hearings shall be conducted as provided by rule of court or by rules of the ~~Missouri parole board [of probation and parole]~~ **parole board [of probation and parole]**. If it appears that there is probable cause to believe that the person on probation has violated a condition of probation, or if the person on probation waives the preliminary hearing, the

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judge or associate circuit judge, or member of the staff of the ~~Missouri board~~ **division** of probation and parole shall order the person on probation held for further proceedings in the sentencing court. If probable cause is not found, the court shall not be barred from holding a hearing on the question of the alleged violation of a condition of probation nor from ordering the person on probation to be present at such a hearing.

3. Upon such arrest and detention, the probation officer shall immediately notify the sentencing court and shall submit to the court a written report showing in what manner the person on probation has violated the conditions of probation. Thereupon, or upon arrest by warrant, the court shall cause the person on probation to be brought before it without unnecessary delay for a hearing on the violation charged. Revocation hearings shall be conducted as provided by rule of court.

**217.735. LIFETIME SUPERVISION REQUIRED FOR CERTAIN OFFENDERS — ELECTRONIC MONITORING — TERMINATION AT AGE SIXTY-FIVE PERMITTED, WHEN — RULEMAKING AUTHORITY.** — 1. Notwithstanding any other provision of law to the contrary, the ~~board~~ **division of probation and parole** shall supervise an offender for the duration of his or her natural life when the offender has been found guilty of an offense under:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section.

2. For the purpose of this section, a prior sex offender is a person who has previously pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim, or violating subdivision (2) of subsection 1 of section 568.045.

3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

4. A mandatory condition of lifetime supervision of an offender under this section is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

5. In appropriate cases as determined by a risk assessment, the board may terminate the supervision of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

6. In accordance with section 217.040, the board may adopt rules relating to supervision and electronic monitoring of offenders under this section.

**217.750. PROBATION SERVICES PROVIDED TO CIRCUIT COURTS, WHEN.** — 1. At the request of a judge of any circuit court, the ~~board~~ **division of probation and parole** shall provide probation services for such court as provided in subsection 2 of this section.

2. The ~~board~~ **division of probation and parole** shall provide probation services for any person convicted of any class of felony. The ~~board~~ **division of probation and parole** shall not provide probation services for any class of misdemeanor except those class A misdemeanors the

basis of which is contained in chapters 565 and 566 or in section 568.050, 455.085, 589.425, or section 455.538.

**217.755. PROBATION SERVICES FOR COURTS, RULES AUTHORIZED.** — The [board] **division of probation and parole** shall adopt general rules and regulations, in accordance with section 217.040, concerning the conditions of probation applicable to cases in the courts for which it provides probation service. Nothing herein, however, shall limit the authority of the court to impose or modify any general or specific conditions of probation.

**217.760. PROBATION AND PAROLE OFFICERS FURNISHED TO CIRCUIT COURTS, WHEN — PRESENTENCE AND PREPAROLE INVESTIGATIONS — REQUIREMENTS.** — 1. In all felony cases and class A misdemeanor cases, the basis of which misdemeanor cases are contained in chapters 565 and 566 and section 577.023, at the request of a circuit judge of any circuit court, the [board] **division of probation and parole** shall assign one or more state probation and parole officers to make an investigation of the person convicted of the crime or offense before sentence is imposed. In all felony cases in which the recommended sentence established by the sentencing advisory commission pursuant to subsection 6 of section 558.019 includes probation but the recommendation of the prosecuting attorney or circuit attorney does not include probation, the [board] **division of probation and parole** shall, prior to sentencing, provide the judge with a report on available alternatives to incarceration. If a presentence investigation report is completed then the available alternatives shall be included in the presentence investigation report.

2. The report of the presentence investigation or preparole investigation shall contain any prior criminal record of the defendant and such information about his or her characteristics, his or her financial condition, his or her social history, the circumstances affecting his or her behavior as may be helpful in imposing sentence or in granting probation or in the correctional treatment of the defendant, information concerning the impact of the crime upon the victim, the recommended sentence established by the sentencing advisory commission and available alternatives to incarceration including opportunities for restorative justice, as well as a recommendation by the probation and parole officer. The officer shall secure such other information as may be required by the court and, whenever it is practicable and needed, such investigation shall include a physical and mental examination of the defendant.

**217.762. PRESENTENCE INVESTIGATION, REQUIRED, WHEN — VICTIM IMPACT STATEMENT, PREPARED WHEN, CONTENTS.** — 1. Prior to sentencing any defendant convicted of a felony which resulted in serious physical injury or death to the victim, a presentence investigation shall be conducted by the [board] **division of probation and parole** to be considered by the court, unless the court orders otherwise.

2. The presentence investigation shall include a victim impact statement if the defendant caused physical, psychological, or economic injury to the victim.

3. If the court does not order a presentence investigation, the prosecuting attorney may prepare a victim impact statement to be submitted to the court. The court shall consider the victim impact statement in determining the appropriate sentence, and in entering any order of restitution to the victim.

4. A victim impact statement shall:

- (1) Identify the victim of the offense;
- (2) Itemize any economic loss suffered by the victim as a result of the offense;

- (3) Identify any physical injury suffered by the victim as a result of the offense, along with its seriousness and permanence;
- (4) Describe any change in the victim's personal welfare or familial relationships as a result of the offense;
- (5) Identify any request for psychological services initiated by the victim or the victim's family as a result of the offense; and
- (6) Contain any other information related to the impact of the offense upon the victim that the court requires.

**217.777. COMMUNITY CORRECTIONS PROGRAM ALTERNATIVE FOR ELIGIBLE OFFENDERS, PURPOSE — OPERATION — RULES.** — 1. The department shall administer a community corrections program to encourage the establishment of local sentencing alternatives for offenders to:

- (1) Promote accountability of offenders to crime victims, local communities and the state by providing increased opportunities for offenders to make restitution to victims of crime through financial reimbursement or community service;
- (2) Ensure that victims of crime are included in meaningful ways in Missouri's response to crime;
- (3) Provide structured opportunities for local communities to determine effective local sentencing options to assure that individual community programs are specifically designed to meet local needs;
- (4) Reduce the cost of punishment, supervision and treatment significantly below the annual per-offender cost of confinement within the traditional prison system; ~~and~~
- (5) **Utilize community supervision centers to effectively respond to violations and prevent revocations; and**
- (6) Improve public confidence in the criminal justice system by involving the public in the development of community-based sentencing options for eligible offenders.

2. The program shall be designed to implement and operate community-based restorative justice projects including, but not limited to: preventive or diversionary programs, community-based intensive probation and parole services, community-based treatment centers, day reporting centers, and the operation of facilities for the detention, confinement, care and treatment of adults under the purview of this chapter.

3. The department shall promulgate rules and regulations for operation of the program established pursuant to this section as provided for in section 217.040 and chapter 536.

4. Any proposed program or strategy created pursuant to this section shall be developed after identification of a need in the community for such programs, through consultation with representatives of the general public, judiciary, law enforcement and defense and prosecution bar.

5. In communities where local volunteer community boards are established at the request of the court, the following guidelines apply:

- (1) The department shall provide a program of training to eligible volunteers and develop specific conditions of a probation program and conditions of probation for offenders referred to it by the court. Such conditions, as established by the community boards and the department, may include compensation and restitution to the community and the victim by fines, fees, day fines, victim-offender mediation, participation in victim impact panels, community service, or a combination of the aforementioned conditions;
- (2) The term of probation shall not exceed five years and may be concluded by the court when conditions imposed are met to the satisfaction of the local volunteer community board.

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6. The department may staff programs created pursuant to this section with employees of the department or may contract with other public or private agencies for delivery of services as otherwise provided by law.

**217.810. INTERSTATE COMPACT FOR SUPERVISION OF PAROLEES AND PROBATIONERS. —**

1. The governor is hereby authorized and directed to enter into the interstate compact for the supervision of parolees and probationers on behalf of the state of Missouri with the commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any and all other states of the United States legally joining therein and pursuant to the provisions of an act of the Congress of the United States of America granting the consent of Congress to the commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes, which compact shall have as its objective the permitting of persons placed on probation or released on parole to reside in any other state signatory to the compact assuming the duties of visitation and supervision over such probationers and parolees; permitting the extradition and transportation without interference of prisoners, being retaken, through any and all states signatory to the compact under such terms, conditions, rules and regulations, and for such duration as in the opinion of the governor of this state shall be necessary and proper and in a form substantially as contained in subsection 2 of this section. The chairman of the board shall administer the compact for the state.

2. **INTERSTATE COMPACT FOR THE  
SUPERVISION OF PAROLEES AND PROBATIONERS**

This compact shall be entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if

(a) Such a person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) The receiving state shall assume the duties of visitation and supervision over probationers or parolees of any sending state transferred under the compact and will apply the same standards of supervision that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will

be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state. Provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) Each state may designate an officer who, acting jointly with like officers of other contracting states shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

3. If any section, sentence, subdivision or clause within subsection 2 of this section is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining provisions of that subsection or this section.

4. All necessary and proper expenses accruing as a result of a person being returned to this state by order of a court or the **parole board** [~~of probation and parole~~] shall be paid by the state as provided in section 548.241 or 548.243.

**221.050. SEPARATION OF PRISONERS.** — Persons confined in jails shall be separated and confined according to sex. Persons confined under civil process or for civil causes shall be kept separate from criminals. **Nothing in this section shall be construed to prohibit the housing of persons on probation or parole with offenders or persons being held on criminal charges.**

**221.105. BOARDING OF PRISONERS — AMOUNT EXPENDED, HOW FIXED, HOW PAID, LIMIT — REIMBURSEMENT BY STATE, WHEN.** — 1. The governing body of any county and of any city not within a county shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost of incarceration of these prisoners chargeable by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. When the final determination of any criminal prosecution shall be such as to render the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court

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on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state. In any city not within a county it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the superintendents of such facilities to supply the cost per diem to the chief executive officer on the first day of each year, and thereafter whenever the amount may be changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding such prisoners which are properly chargeable to the state. The chief executive may by notification to the department of corrections delegate such responsibility to another duly sworn official of such city not within a county. The clerk of the court of any city not within a county shall not include such fees in the bill of costs chargeable to the state. The department of corrections shall revise its criminal cost manual in accordance with this provision.

3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable to the state, including those incurred for a prisoner who is incarcerated in the county jail because the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has, violated any condition of the prisoner's parole or probation, and such parole or probation is a consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri department of corrections or otherwise held at the request of the Missouri department of corrections regardless of whether or not a warrant has been issued shall be the actual cost of incarceration not to exceed:

- (1) Until July 1, 1996, seventeen dollars per day per prisoner;
- (2) On and after July 1, 1996, twenty dollars per day per prisoner;
- (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per prisoner, subject to appropriations, but not less than the amount appropriated in the previous fiscal year.

**4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may include pretrial assessment and supervision strategies for defendants who are ultimately eligible for state incarceration. A county may not receive more than its share of the amount appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall convey such proposal to the department, and any such proposal presented by a presiding judge shall include the documented agreement with the proposal by the county governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the county responsible for custody or incarceration of prisoners of the county represented in the proposal. Any county that declines to convey a proposal to the department, pursuant to the provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this section.**

**260.391. HAZARDOUS WASTE FUND CREATED — PAYMENTS — SUBACCOUNT CREATED, PURPOSE — TRANSFER OF MONEYS — RESTRICTIONS ON USE OF MONEYS — GENERAL REVENUE APPROPRIATION TO BE REQUESTED ANNUALLY. — 1.** There is hereby created in the state treasury a fund to be known as the "Hazardous Waste Fund". All funds received from hazardous waste permit and license fees, generator fees or taxes, penalties, or interest assessed on those fees or taxes, taxes collected by contract hazardous waste landfill operators, general revenue, federal funds, gifts, bequests, donations, or any other moneys so designated shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste fund.

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The hazardous waste fund, subject to appropriation by the general assembly, shall be used by the department as provided by appropriations and consistent with rules and regulations established by the hazardous waste management commission for the purpose of carrying out the provisions of sections 260.350 to 260.430 and sections 319.100 to 319.127, and 319.137, and 319.139 for the management of hazardous waste, responses to hazardous substance releases as provided in sections 260.500 to 260.550, corrective actions at regulated facilities and illegal hazardous waste sites, prevention of leaks from underground storage tanks and response to petroleum releases from underground and aboveground storage tanks and other related activities required to carry out provisions of sections 260.350 to 260.575 and sections 319.100 to 319.127, and for payments to other state agencies for such services consistent with sections 260.350 to 260.575 and sections 319.100 to 319.139 upon proper warrant issued by the commissioner of administration, and for any other expenditures which are not covered pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, including but not limited to the following purposes:

(1) Administrative services as appropriate and necessary for the identification, assessment and cleanup of abandoned or uncontrolled sites pursuant to sections 260.435 to 260.550;

(2) Payments to other state agencies for such services consistent with sections 260.435 to 260.550, upon proper warrant issued by the commissioner of administration, including, but not limited to, the department of health and senior services for the purpose of conducting health studies of persons exposed to waste from an uncontrolled or abandoned hazardous waste site or exposed to the release of any hazardous substance as defined in section 260.500;

(3) Acquisition of property as provided in section 260.420;

(4) The study of the development of a hazardous waste facility in Missouri as authorized in section 260.037;

(5) Financing the nonfederal share of the cost of cleanup and site remediation activities as well as postclosure operation and maintenance costs, pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; ~~and~~

(6) Reimbursement of owners or operators who accept waste pursuant to departmental orders pursuant to subdivision (2) of subsection 1 of section 260.420; **and**

**(7) Transfer of funds, upon appropriation, into the radioactive waste investigation fund in section 260.558.**

2. The unexpended balance in the hazardous waste fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state treasurer, except as directed by the general assembly by appropriation, and shall be invested to generate income to the fund. The provisions of section 33.080 relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to the hazardous waste fund.

3. There is hereby created within the hazardous waste fund a subaccount known as the "Hazardous Waste Facility Inspection Subaccount". All funds received from hazardous waste facility inspection fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste facility inspection subaccount. Moneys from such subaccount shall be used by the department for conducting inspections at facilities that are permitted or are required to be permitted as hazardous waste facilities by the department.

4. The fund balance remaining in the hazardous waste remedial fund shall be transferred to the hazardous waste fund created in this section.

5. No moneys shall be available from the fund for abandoned site cleanup unless the director has made all reasonable efforts to secure voluntary agreement to pay the costs of necessary

remedial actions from owners or operators of abandoned or uncontrolled hazardous waste sites or other responsible persons.

6. The director shall make all reasonable efforts to recover the full amount of any funds expended from the fund for cleanup through litigation or cooperative agreements with responsible persons. All moneys recovered or reimbursed pursuant to this section through voluntary agreements or court orders shall be deposited to the hazardous waste fund created herein.

7. In addition to revenue from all licenses, taxes, fees, penalties, and interest, specified in subsection 1 of this section, the department shall request an annual appropriation of general revenue equal to any state match obligation to the U.S. Environmental Protection Agency for cleanup performed pursuant to the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

**260.558. RADIOACTIVE WASTE INVESTIGATION FUND CREATED, PURPOSE, USE OF MONEYS — LIMITATION ON TRANSFERS. — 1. There is hereby created in the state treasury the "Radioactive Waste Investigation Fund". The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the department of natural resources to investigate concerns of exposure to radioactive waste. Upon written request by a local governing body expressing concerns of radioactive waste contamination in a specified area within its jurisdiction, the department of natural resources shall use moneys in the radioactive waste investigation fund to develop and conduct an investigation, using sound scientific methods, for the specified area of concern. The request by a local governing body shall include a specified area of concern and any supporting documentation related to the concern. The department shall prioritize requests in the order in which they are received, except that the department may give priority to requests that are in close proximity to federally designated sites where radioactive contaminants are known or reasonably expected to exist. The investigation shall be performed by applicable federal or state agencies or by a qualified contractor selected by the department through a competitive bidding process. In conducting an investigation under this section, the department shall work with the applicable government agency or approved contractor, as well as local officials, to develop a sampling and analysis plan to determine if radioactive contaminants in the area of concern exceed federal standards for remedial action due to contamination. Within a residential area, this plan may include dust samples collected inside residential homes only after obtaining permission from the homeowners. The samples shall be analyzed for the isotopes necessary to correlate the samples with the suspected contamination, as described in the sampling and analysis plan. Within forty-five days of receiving the final sampling results, the department shall report the results to the attorney general and the local governing body that requested the investigation and make the finalized report and testing results publicly available on the department's website.**

**2. The transfer to the fund shall not exceed one hundred fifty thousand dollars per fiscal year. Investigation costs expended from this fund shall not exceed one hundred fifty thousand dollars per fiscal year. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the hazardous waste fund.**

**3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

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**292.606. FEES, CERTAIN EMPLOYERS, HOW MUCH, DUE WHEN, LATE PENALTY — EXCESS CREDITED WHEN — AGENCIES RECEIVING FUNDS, DUTIES — USE OF FUNDS, COMMISSION TO ESTABLISH CRITERIA.** — 1. Fees shall be collected for a period of six years from August 28, ~~2012~~ **2018**.

2. (1) Any employer required to report under subsection 1 of section 292.605, except local governments and family-owned farm operations, shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, if such person, firm or corporation is paying fees under the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such federal fees from those fees owed to the state under the provisions of this subsection. If the federal fees exceed or are equal to what would otherwise be owed under this subsection, such employer shall not be liable for state fees under this subsection. In relation to petroleum products "primary business" shall mean that the person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline are considered to be one product, and all varieties of motor lubricating oil are considered to be one product. For the purposes of this section "facility" shall mean all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person. If more than three hazardous substances or mixtures are reported on the Tier II form, the employer shall submit an additional twenty dollar fee for each hazardous substance or mixture. Fees collected under this subdivision shall be for each hazardous chemical on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances on hand at any one time in excess of five hundred pounds or the threshold planning quantity, whichever is less, or for explosives or blasting agents on hand at any one time in excess of one hundred pounds. However, no employer shall pay more than ten thousand dollars per year in fees. Moneys acquired through litigation and any administrative fees paid pursuant to subsection 3 of this section shall not be applied toward this cap.

(2) Employers engaged in transporting hazardous materials by pipeline except local gas distribution companies regulated by the Missouri public service commission shall pay to the commission a fee of two hundred fifty dollars for each county in which they operate.

(3) Payment of fees is due each year by March first. A late fee of ten percent of the total owed, plus one percent per month of the total, may be assessed by the commission.

(4) If, on March first of each year, fees collected under this section and natural resources damages made available pursuant to section 640.235 exceed one million dollars, any excess over one million dollars shall be proportionately credited to fees payable in the succeeding year by each employer who was required to pay a fee and who did pay a fee in the year in which the excess occurred. The limit of one million dollars contained herein shall be reviewed by the commission concurrent with the review of fees as required in subsection 1 of this section.

3. Beginning January 1, 2013, any employer filing its Tier II form pursuant to subsection 1 of section 292.605 may request that the commission distribute that employer's Tier II report to the local emergency planning committees and fire departments listed in its Tier II report. Any employer opting to have the commission distribute its Tier II report shall pay an additional fee of

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ten dollars for each facility listed in the report at the time of filing to recoup the commission's distribution costs. Fees shall be deposited in the chemical emergency preparedness fund established under section 292.607. An employer who pays the additional fee and whose Tier II report includes all local emergency planning committees and fire departments required to be notified under subsection 1 of section 292.605 shall satisfy the reporting requirements of subsection 1 of section 292.605. The commission shall develop a mechanism for an employer to exercise its option to have the commission distribute its Tier II report.

4. Local emergency planning committees receiving funds under section 292.604 shall coordinate with the commission and the department in chemical emergency planning, training, preparedness, and response activities. Local emergency planning committees receiving funds under this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section 640.235 shall provide to the commission an annual report of expenditures and activities.

5. Fees collected by the department and all funds provided to local emergency planning committees shall be used for chemical emergency preparedness purposes as outlined in sections 292.600 to 292.625 and the federal act, including contingency planning for chemical releases; exercising, evaluating, and distributing plans, providing training related to chemical emergency preparedness and prevention of chemical accidents; identifying facilities required to report; processing the information submitted by facilities and making it available to the public; receiving and handling emergency notifications of chemical releases; operating a local emergency planning committee; and providing public notice of chemical preparedness activities. Local emergency planning committees receiving funds under this section may combine such funds with other local emergency planning committees to further the purposes of sections 292.600 to 292.625, or the federal act.

6. The commission shall establish criteria and guidance on how funds received by local emergency planning committees may be used.

**302.025. DRIVER TRAINING PROGRAMS, INSTRUCTION ON TRAFFIC STOPS. — All driver training programs offered within this state shall include instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement. Such programs shall also present enrollees with the information provided by the department of revenue pursuant to section 302.176. As used in this section, "driver training programs" shall include private drivers' education programs and driver training programs taught by an instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education.**

**302.176. FIRST-TIME LICENSES, INFORMATION TO RECEIVE — RULEMAKING AUTHORITY. — 1.** Upon successful completion of the requirements of this chapter to obtain a driver's license, all first-time licensees in this state shall receive information from the department of revenue relating to:

- (1) The dangers of operating a motor vehicle while in an intoxicated or drugged condition;
- (2) **Law enforcement procedures for traffic stops, the proper actions to be taken during a traffic stop, and appropriate interactions with law enforcement; and**
- (3) **A description of drivers' and passengers' constitutional and other legal rights as they relate to a traffic stop, including but not limited to, searches and seizures, the right to remain silent, and the right to an attorney.**

**2. The director of revenue shall, in consultation with the superintendent of the Missouri state highway patrol and attorney general of this state, promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**306.030. CERTIFICATE OF NUMBER, APPLICATION, PROCEDURE, CONTENTS, FEE — NUMBERS, HOW ATTACHED — NUMBERS FROM FEDERAL OR OTHER STATE GOVERNMENTS, RECIPROCITY — RENEWAL OF CERTIFICATE, WHEN, HOW — PERSONAL PROPERTY TAX STATEMENT AND PROOF OF PAYMENT REQUIRED — DEPOSIT AND USE OF FEES. — 1.** The owner of each vessel requiring numbering by this state shall file an application for number with the department of revenue on forms provided by it. The application shall contain a full description of the vessel, factory number or serial number, together with a statement of the applicant's source of title and of any liens or encumbrances on the vessel. For good cause shown the director of revenue may extend the period of time for making such application. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true, and, if satisfied that the applicant is the lawful owner of such vessel, or otherwise entitled to have the same registered in his or her name, shall thereupon issue an appropriate certificate of title over the director's signature and sealed with the seal of the director's office, procured and used for such purpose, and a certificate of number stating the number awarded to the vessel. The application shall include a provision stating that the applicant will consent to any inspection necessary to determine compliance with the provisions of this chapter and shall be signed by the owner of the vessel and shall be accompanied by the fee specified in subsection 10 of this section. The owner shall paint on or attach to each side of the bow of the vessel the identification number in a manner as may be prescribed by rules and regulations of the division of water safety in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever the vessel is in operation. The operator of a vessel in which such certificate of number is not available for inspection by the water patrol division or, if the operator cannot be determined, the person who is the registered owner of the vessel shall be subject to the penalties provided in section 306.210. Vessels owned by the state or a political subdivision shall be registered but no fee shall be assessed for such registration.

2. Each new vessel sold in this state after January 1, 1970, shall have die stamped on or within three feet of the transom or stern a factory number or serial number.

3. The owner of any vessel already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the vessel on the waters of this state in excess of the sixty-day reciprocity period provided for in section 306.080. The recordation and payment of registration fee shall be in the manner and pursuant to the procedure required for the award of a number under subsection 1 of this section. No additional or substitute number shall be issued unless the number is a duplicate of an existing Missouri number.

4. In the event that an agency of the United States government shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this chapter by the department of revenue shall be in conformity therewith.

5. All records of the department of revenue made and kept pursuant to this section shall be public records.

6. Every certificate of number awarded pursuant to this chapter shall continue in force and effect for a period of three years unless sooner terminated or discontinued in accordance with the provisions of this chapter. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same or in accordance with the provisions of sections 306.010 to 306.030.

7. The department of revenue shall fix the days and months of the year on which certificates of number due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this chapter and may stagger such dates in order to distribute the workload.

8. When applying for or renewing a vessel's certificate of number, the owner shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the year in which the renewal is due and which reflects that the vessel being renewed is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

9. When applying for or renewing a certificate of registration for a vessel documented with the United States Coast Guard under section 306.016, owners of vessels shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the renewal is due and which reflects that the vessel is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

10. The fee to accompany each application for a certificate of number is:

For vessels under 16 feet in length.....	\$25.00
For vessels at least 16 feet in length but less than 26 feet in length.....	\$55.00
For vessels at least 26 feet in length but less than 40 feet in length.....	\$100.00
For vessels at least 40 feet and over.....	\$150.00

11. The certificate of title and certificate of number issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection.

12. **For fiscal years ending before July 1, 2019**, the first two million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of two million dollars annually shall be deposited in the water patrol division fund and shall be used exclusively for the water patrol division.

13. **Beginning July 1, 2019, the first one million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of one million dollars annually shall be deposited in the water patrol division fund and shall be used exclusively for the water patrol division.**

14. Notwithstanding the provisions of subsection 10 of this section, vessels at least sixteen feet in length but less than twenty-eight feet in length, that are homemade, constructed out of wood, and have a beam of five feet or less, shall pay a fee of fifty-five dollars which shall accompany each application for a certification number.

**306.126. MOTORBOATS, REGULATIONS AS TO PASSENGER SEATING WHILE UNDER WAY — PERSON IN WATER, FLAG REQUIRED, WHEN — SLOW SPEED REQUIRED, WHEN — PENALTY.**

— 1. The operator of a motorboat shall not allow any person to ride or sit on the gunwales, decking over the bow, railing, top of seat back or decking over the back of the motorboat while under way, unless such person is inboard of adequate guards or railing provided on the motorboat to prevent a passenger from being lost overboard. As used in this section, the term "adequate guards or railing" means guards or railings having a height parameter of at least six inches but not more than eighteen inches. Nothing in this section shall be construed to mean that passengers or other persons aboard a motorboat cannot occupy the decking over the bow of the boat to moor it to a mooring buoy or to cast off from such a buoy, or for any other necessary purpose. The provisions of this section shall not apply to vessels propelled by sail **or vessels propelled by jet motors or propellers operating on a stretch of waterway not created or widened by impoundment.**

2. Whenever any person leaves any watercraft, other than a personal watercraft, on the waters of the Mississippi River, the waters of the Missouri River or the lakes of this state and enters the water between the hours of 11:00 a.m. and sunset, the operator of such watercraft shall display on the watercraft a red or orange flag measuring not less than twelve inches by twelve inches. The provisions of this subsection shall not apply to watercraft that is moored or anchored. The flag required by this subsection shall be visible for three hundred sixty degrees around the horizon when displayed and shall be displayed only when an occupant of the watercraft has left the confines of the watercraft and entered the water. The flag required by this subsection shall not be displayed when the watercraft is engaged in towing any person, but shall be displayed when such person has ceased being towed and has reentered the water.

3. No operator shall knowingly operate any watercraft within fifty yards of a flag required by subsection 2 of this section at a speed in excess of a slow-no wake speed.

**414.032. REQUIREMENTS, STANDARDS, CERTAIN FUELS — DIRECTOR MAY INSPECT FUELS, PURPOSE — WAIVER, WHEN.** — 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline, gasoline-alcohol blends and other motor fuels shall meet the requirements in the annual book of ASTM standards and supplements thereto. The director may promulgate rules and regulations on the labeling, standards for, and identity of motor fuels and heating oils.

2. The director may inspect gasoline, gasoline-alcohol blends or other motor fuels to insure that these fuels conform to advertised grade and octane. In no event shall the penalty for a first violation of this section exceed a written reprimand.

**3. The director may waive specific requirements in this section and in regulations promulgated according to this section, or may establish temporary alternative requirements for fuels as determined to be necessary in the event of an extreme and unusual fuel supply circumstance as a result of a petroleum pipeline or petroleum refinery equipment failure,**

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emergency, or a natural disaster as determined by the director for a specified period of time. If any action is taken by the director under this section, the director shall:

- (1) Advise the U.S. Environmental Protection Agency of such action;
- (2) Review the action after thirty days; and
- (3) Notify industry stakeholders of such action.

4. Any waiver issued or action taken under subsection 3 of this section shall be as limited in scope and applicability as necessary, and shall apply equally and uniformly to all persons and companies in the impacted petroleum motor fuel supply and distribution system, including but not limited to petroleum producers, terminals, distributors, and retailers.

**455.095. ELECTRONIC MONITORING, WHEN — REQUIREMENTS — EXPIRATION DATE. —**

1. For purposes of this section, the following terms mean:

(1) "Electronic monitoring with victim notification", an electronic monitoring system that has the capability to track and monitor the movement of a person and immediately transmit the monitored person's location to the protected person and the local law enforcement agency with jurisdiction over the protected premises through an appropriate means, including the telephone, an electronic beeper, or paging device whenever the monitored person enters the protected premises as specified in the order by the court;

(2) "Informed consent", the protected person is given the following information before consenting to participate in electronic monitoring with victim notification:

(a) The protected person's right to refuse to participate in such monitoring and the process for requesting the court to terminate his or her participation after it has been ordered;

(b) The manner in which the electronic monitoring technology functions and the risks and limitations of that technology;

(c) The boundaries imposed on the person being monitored during the electronic monitoring;

(d) The sanctions that the court may impose for violations of the order issued by the court;

(e) The procedure that the protected person is to follow if the monitored person violates an order or if the electronic monitoring equipment fails;

(f) Identification of support services available to assist the protected person in developing a safety plan to use if the monitored person violates an order or if the electronic monitoring equipment fails;

(g) Identification of community services available to assist the protected person in obtaining shelter, counseling, education, child care, legal representation, and other help in addressing the consequences and effects of domestic violence; and

(h) The non-confidential nature of the protected person's communications with the court concerning electronic monitoring and the restrictions to be imposed upon the monitored person's movements.

2. When a person is found guilty of violating the terms and conditions of an ex parte or full order of protection under sections 455.085 or 455.538, the court may, in addition to or in lieu of any other disposition:

(1) Sentence the person to electronic monitoring with victim notification; or

(2) Place the person on probation and, as a condition of such probation, order electronic monitoring with victim notification.

3. When a person charged with violating the terms and conditions of an ex parte or full order of protection under sections 455.085 or 455.538 is released from custody before trial pursuant to section 544.455, the court may, as a condition of release, order electronic monitoring of the person with victim notification.

4. Electronic monitoring with victim notification shall be ordered only with the protected person's informed consent. In determining whether to place a person on electronic monitoring with victim notification, the court may hold a hearing to consider the likelihood that the person's participation in electronic monitoring will deter the person from injuring the protected person. The court shall consider the following factors:

(1) The gravity and seriousness of harm that the person inflicted on the protected person in the commission of any act of domestic violence;

(2) The person's previous history of domestic violence;

(3) The person's history of other criminal acts, if any;

(4) Whether the person has access to a weapon;

(5) Whether the person has threatened suicide or homicide;

(6) Whether the person has a history of mental illness or has been civilly committed; and

(7) Whether the person has a history of alcohol or substance abuse.

5. Unless the person is determined to be indigent by the court, a person ordered to be placed on electronic monitoring with victim notification shall be ordered to pay the related costs and expenses. If the court determines the person is indigent, the person may be placed on electronic monitoring with victim notification, and the clerk of the court in which the case was determined shall notify the department of corrections that the person was determined to be indigent and shall include in a bill to the department the costs associated with the monitoring. The department shall establish by rule a procedure to determine the portion of costs each indigent person is able to pay based on a person's income, number of dependents, and other factors as determined by the department and shall seek reimbursement of such costs.

6. An alert from an electronic monitoring device shall be probable cause to arrest the monitored person for a violation of an ex parte or full order of protection.

7. The department of corrections, department of public safety, Missouri state highway patrol, the circuit courts, and county and municipal law enforcement agencies shall share information obtained via electronic monitoring conducted pursuant to this section.

8. No supplier of a product, system, or service used for electronic monitoring with victim notification shall be liable, directly or indirectly, for damages arising from any injury or death associated with the use of the product, system, or service unless, and only to the extent that, such action is based on a claim that the injury or death was proximately caused by a manufacturing defect in the product or system.

9. Nothing in this section shall be construed as limiting a court's ability to place a person on electronic monitoring without victim notification under sections 544.455 or 557.011.

10. A person shall be found guilty of the offense of tampering with electronic monitoring equipment under section 575.205 if he or she commits the actions prohibited under such section with any equipment that a court orders the person to wear under this section.

11. The department of corrections shall promulgate rules and regulations for the implementation of subsection 5 of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, **and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any**

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of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

12. The provisions of this section shall expire on August 28, 2024.

**455.560. DOMESTIC VIOLENCE FATALITY REVIEW PANELS, MEMBERS — REPORT. — 1.** A prosecuting attorney or circuit attorney may impanel a domestic violence fatality review panel for the county or city not within a county in which he or she serves to investigate the deaths of victims of homicides determined to be related to domestic violence, as the term is defined in section 455.010.

2. Members of the panel may include any representative of programs or organizations that provide services and responses to victims of domestic violence within the county or city not within a county. The panel shall include, but shall not be limited to, the following members:

- (1) The prosecuting or circuit attorney;
- (2) The coroner or medical examiner for the county or city not within a county;
- (3) A representative of law enforcement personnel in the county or city not within a county;
- (4) A provider of public health care services;
- (5) A provider of emergency medical services or other medical or health care providers;
- (6) A representative of any victim assistant unit for the prosecuting or circuit attorney, law enforcement organization, or court of the county or city not within a county;
- (7) A representative of shelters for victims of domestic violence, as defined in section 455.200, or domestic violence services organizations that provide services for victims within the county or city not within a county; and
- (8) A representative of rape crisis centers, as defined in section 455.003, that provide sexual assault services for victims within the county or city not within a county.

3. A prosecuting or circuit attorney shall organize the panel and shall call the first organizational meeting of the panel. The panel shall elect a chairperson who shall convene the panel to meet to review all deaths of victims of homicides determined to be related to domestic violence.

4. The executive officer of any municipality or county may request that a domestic violence fatality review panel be convened in response to any fatality which occurs within the boundaries of the municipality or county.

5. Work products of the domestic violence fatality review panel other than the final report required by subsection 6 of this section, including, but not limited to internal memoranda, summaries or minutes of panel meetings, and written, audio recorded, or electronic records and communications, are not public records as defined by subdivision (6) of section 610.010 and are not available for public examination, reproduction, or disclosure, and are not admissible as evidence in any civil, criminal, or administrative proceeding.

6. The panel shall issue a final report, which shall be a public record as defined by subdivision (6) of section 610.010, of each investigation. The final report shall include the panel's findings and recommendations for enhanced practices, protocols, and collaborations to address domestic violence and prevent homicides, and a copy shall be provided to the governor, the speaker of the house of representatives, the president pro tempore of the senate, the executive leadership of the government of the political subdivision of the state of

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**Missouri in which the panel operates, and the statewide domestic violence coalition, as such is recognized by the United States Department of Justice and the United States Department of Health and Human Services. The final report shall also include a summary.**

**488.5320. CHARGES IN CRIMINAL CASES, SHERIFFS AND OTHER OFFICERS — MODEX FUND CREATED.** — 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, including cases disposed of by a violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury; except that, those charges from cases disposed of by a violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the MODEX fund established in subsection ~~[6]~~ **5** of this section for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, all of the funds shall be deposited in the MODEX fund.

2. ~~[Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.~~

~~3.]~~ The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the City of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

~~[4.]~~ **3.** The charges provided in subsection 1 of this section shall be taxed as other costs in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

~~[5.]~~ **4.** Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

~~[6.]~~ **5.** (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the peace officers standards and training commission established in section 590.120. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation,

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money in the fund shall be used solely for the operational support and expansion of the MODEX system.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

**513.653. LAW ENFORCEMENT AGENCIES USING FEDERAL FORFEITURE SYSTEM, REPORT OF FEDERAL SEIZURE PROCEEDS — VIOLATION, INELIGIBILITY FOR CERTAIN FUNDS. — 1.** Law enforcement agencies involved in using the federal forfeiture system under federal law shall file a report regarding federal seizures and the proceeds therefrom. Such report shall be filed annually by ~~[January thirty-first]~~ **February fifteenth** for the previous calendar year with the ~~[department of public safety and the]~~ state auditor's office. The report for the calendar year shall ~~[include the type and value of items seized and turned over to the federal forfeiture system, the beginning balance as of January first of federal forfeiture funds or assets previously received and not expended or used, the proceeds received from the federal government (the equitable sharing amount), the expenditures resulting from the proceeds received, and the ending balance as of December thirty-first of federal forfeiture funds or assets on hand. The department of public safety shall not issue funds to any law enforcement agency that fails to comply with the provisions of this section]~~ **consist of a copy of the federal form entitled "ACA Form - Equitable Sharing Agreement and Certification" which is identical to the form submitted in that year to the federal government.**

2. ~~[Intentional or knowing failure to comply with the reporting requirement contained in this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars.]~~ **Any law enforcement agency that intentionally or knowingly fails to comply with the reporting requirement contained in this section shall be ineligible to receive state or federal funds which would otherwise be paid to such agency for law enforcement, safety, or criminal justice purposes.**

**559.600. MISDEMEANOR PROBATION MAY BE PROVIDED BY CONTRACT WITH PRIVATE ENTITIES, NOT TO EXCLUDE BOARD OF PROBATION AND PAROLE — DRUG TESTING — TRAVEL LIMITS. — 1.** In cases where the board of probation and parole is not required under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to provide such services. The court-approved entity, including private or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, C, and D misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the board of probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a probation entity.

**2. In all cases, the entity providing such private probation service shall utilize the cutoff concentrations utilized by the department of corrections with regard to drug and alcohol screening for clients assigned to such entity. A drug test is positive if drug presence is at or above the cutoff concentration or negative if no drug is detected or if drug presence is below the cutoff concentration.**

**3. In all cases, the entity providing such private probation service shall not require the clients assigned to such entity to travel in excess of fifty miles in order to attend their regular probation meetings.**

**566.147. CERTAIN OFFENDERS NOT TO RESIDE WITHIN ONE THOUSAND FEET OF A PROPERTY LINE OF A SCHOOL, CHILD CARE FACILITY, OR VICTIM'S RESIDENCE.** — 1. Any person who, since July 1, 1979, has been or hereafter has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location. **Such person shall also not reside within one thousand feet of the property line of the residence of a former victim of such person.**

2. If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, **or a former victim subsequently resides on property with a property line within one thousand feet of such person's residence**, then such person shall, within one week of the opening of such public school, private school, or child care facility, **or the former victim residing on the property**, notify the county sheriff where such public school, private school, ~~or~~ child care facility, **or residence of a former victim** is located that he or she is now residing within one thousand feet of such public school, private school, ~~or~~ child care facility, **or property line of the residence of a former victim**, and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child care facility, **or the former victim residing on the property.**

3. For purposes of this section, "resides" means sleeps in a residence, which may include more than one location and may be mobile or transitory.

4. **For the purposes of the section, one thousand feet shall be measured from the edge of the offender's property nearest the public school, private school, child care facility, or former victim to the nearest edge of the public school, private school, child care facility, or former victim's property.**

5. Violation of the provisions of subsection 1 of this section is a class E felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class E felony.

**590.210. DISASTER OR EMERGENCY, RETIRED PEACE OFFICERS MAY BE UTILIZED. —** Notwithstanding any other provision of law, any law enforcement agency in this state may supplement such agency's workforce as necessary with qualified retired peace officers as defined in subsection 12 of section 571.030 when a disaster or emergency has been proclaimed by the governor or when there is a national emergency. Retirees assisting law enforcement agencies under the provisions of this section shall be in compliance with the annual firearms training and qualification standards for retired law enforcement officers carrying concealed firearms established by the department of public safety under section 650.030. Any compensation awarded to retirees for service under this section shall be paid by the law enforcement agency.

**590.1040. PEER SUPPORT COUNSELING SESSION COMMUNICATIONS, CONFIDENTIALITY OF — DEFINITIONS — APPLICABILITY. — 1.** For purposes of this section, the following terms mean:

(1) "Emergency services personnel", any employee or volunteer of an emergency services provider who is engaged in providing or supporting fire fighting, dispatching services, and emergency medical services;

(2) "Emergency services provider", any public employer that employs persons to provide fire fighting, dispatching services, and emergency medical services;

(3) "Employee assistance program", a program established by a law enforcement agency or emergency services provider to provide professional counseling or support services to employees of a law enforcement agency, emergency services provider, or a professional mental health provider associated with a peer support team;

(4) "Law enforcement agency", any public agency that employs law enforcement personnel;

(5) "Law enforcement personnel", any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Missouri or ordinances of any municipality thereof, or with a duty to maintain or assert custody or supervision over persons accused or convicted of a crime, while acting within the scope of his or her authority as an employee or volunteer of a law enforcement agency;

(6) "Peer support counseling session", any session conducted by a peer support specialist that is called or requested in response to a critical incident or traumatic event involving the personnel of the law enforcement agency or emergency services provider;

(7) "Peer support specialist", a person who:

(a) Is designated by a law enforcement agency, emergency services provider, employee assistance program, or peer support team leader to lead, moderate, or assist in a peer support counseling session;

(b) Is a member of a peer support team; and

(c) Has received training in counseling and providing emotional and moral support to law enforcement officers or emergency services personnel who have been involved in emotionally traumatic incidents by reason of his or her employment;

(8) "Peer support team", a group of peer support specialists serving one or more law enforcement providers or emergency services providers.

2. Any communication made by a participant or peer support specialist in a peer support counseling session, and any oral or written information conveyed in or as the result

of a peer support counseling session, are confidential and may not be disclosed by any person participating in the peer support counseling session.

3. Any communication relating to a peer support counseling session that is made between peer support specialists, between peer support specialists and the supervisors or staff of an employee assistance program, or between the supervisors or staff of an employee assistance program, is confidential and may not be disclosed.

4. The provisions of this section shall apply only to peer support counseling sessions conducted by a peer support specialist.

5. The provisions of this section shall apply to all oral communications, notes, records, and reports arising out of a peer support counseling session. Any notes, records, or reports arising out of a peer support counseling session shall not be public records and shall not be subject to the provisions of chapter 610. Nothing in this section limits the discovery or introduction into evidence of knowledge acquired by any law enforcement personnel or emergency services personnel from observation made during the course of employment, or material or information acquired during the course of employment, that is otherwise subject to discovery or introduction into evidence.

6. The provisions of this section shall not apply to any:

(1) Threat of suicide or criminal act made by a participant in a peer support counseling session, or any information conveyed in a peer support counseling session relating to a threat of suicide or criminal act;

(2) Information relating to abuse of spouses, children, or the elderly, or other information that is required to be reported by law;

(3) Admission of criminal conduct;

(4) Disclosure of testimony by a participant who received peer support counseling services and expressly consented to such disclosure; or

(5) Disclosure of testimony by the surviving spouse or executor or administrator of the estate of a deceased participant who received peer support counseling services and such surviving spouse or executor or administrator expressly consented to such disclosure.

7. The provisions of this section shall not prohibit any communications between peer support specialists who conduct peer support counseling sessions or any communications between peer support specialists and the supervisors or staff of an employee assistance program.

8. The provisions of this section shall not prohibit communications regarding fitness of an employee for duty between an employee assistance program and an employer.

**595.010. DEFINITIONS.** — 1. As used in sections 595.010 to 595.075, unless the context requires otherwise, the following terms shall mean:

(1) "Child", a dependent, unmarried person who is under eighteen years of age and includes a posthumous child, stepchild, or an adopted child;

(2) "Claimant", a victim or a dependent, relative, survivor, or member of the family, of a victim eligible for compensation pursuant to sections 595.010 to 595.075;

(3) "Conservator", a person or corporation appointed by a court to have the care and custody of the estate of a minor or a disabled person, including a limited conservator;

(4) "Counseling", problem-solving and support concerning emotional issues that result from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential service provided either on an individual basis or in a group. Counseling has as a primary purpose to enhance, protect and restore a person's sense of well-being and social functioning after

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victimization. Counseling does not include victim advocacy services such as crisis telephone counseling, attendance at medical procedures, law enforcement interviews or criminal justice proceedings;

(5) "Crime", an act committed in this state which, ~~[if committed by a mentally competent, criminally responsible person who had no legal exemption or defense, would constitute a crime; provided that, such act]~~ **regardless of whether it is adjudicated**, involves the application of force or violence or the threat of force or violence by the offender upon the victim but shall include the crime of driving while intoxicated, vehicular manslaughter and hit and run; and provided, further, that no act involving the operation of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit and run which results in injury to another shall constitute a crime for the purpose of sections 595.010 to 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331, which has been committed outside of the United States against a resident of Missouri;

(6) "Crisis intervention counseling", helping to reduce psychological trauma where victimization occurs;

(7) "Department", the department of public safety;

(8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child, grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially dependent for support upon, and living with, but shall include children entitled to child support but not living with, the victim at the time of his injury or death due to a crime alleged in a claim pursuant to sections 595.010 to 595.075;

(9) "Direct service", providing physical services to a victim of crime including, but not limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter, notification and information;

(10) "Director", the director of public safety of this state or a person designated by him for the purposes of sections 595.010 to 595.075;

(11) "Disabled person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage his financial resources, including a partially disabled person who lacks the ability, in part, to manage his financial resources;

(12) "Emergency service", those services provided ~~[within thirty days]~~ to alleviate the immediate effects of the criminal act or offense, and may include cash grants of not more than one hundred dollars;

(13) "Earnings", net income or net wages;

(14) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, adopted children of parent, or spouse's parents;

(15) "Funeral expenses", the expenses of the funeral, burial, cremation or other chosen method of interment, including plot or tomb and other necessary incidents to the disposition of the remains;

(16) "Gainful employment", engaging on a regular and continuous basis, up to the date of the incident upon which the claim is based, in a lawful activity from which a person derives a livelihood;

(17) "Guardian", one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person, including a limited guardian;

(18) "Hit and run", the crime of leaving the scene of a motor vehicle accident as defined in section 577.060;

(19) "Incapacitated person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur, including a partially incapacitated person who lacks the capacity to meet, in part, such essential requirements;

(20) "Injured victim", a person:

(a) Killed or receiving a personal physical injury in this state as a result of another person's commission of or attempt to commit any crime;

(b) Killed or receiving a personal physical injury in this state while in a good faith attempt to assist a person against whom a crime is being perpetrated or attempted;

(c) Killed or receiving a personal physical injury in this state while assisting a law enforcement officer in the apprehension of a person who the officer has reason to believe has perpetrated or attempted a crime;

(21) "Law enforcement official", a sheriff and his regular deputies, municipal police officer or member of the Missouri state highway patrol and such other persons as may be designated by law as peace officers;

(22) "Offender", a person who commits a crime;

(23) "Personal [physical] injury", [~~actual bodily harm only with respect to the victim. Personal physical injury may include mental or nervous shock~~] **physical, emotional, or mental harm or trauma** resulting from the [~~specific incident~~] **crime** upon which the claim is based;

(24) "Private agency", a not-for-profit corporation, in good standing in this state, which provides services to victims of crime and their dependents;

(25) "Public agency", a part of any local or state government organization which provides services to victims of crime;

(26) "Relative", the spouse of the victim or a person related to the victim within the third degree of consanguinity or affinity as calculated according to civil law;

(27) "Survivor", the spouse, parent, legal guardian, grandparent, sibling or child of the deceased victim of the victim's household at the time of the crime;

(28) "Victim", a person who suffers personal [physical] injury or death as a direct result of a crime, as defined in subdivision (5) of this subsection;

(29) "Victim advocacy", assisting the victim of a crime and his dependents to acquire services from existing community resources.

2. As used in [~~sections 565.024 and 565.060 and~~] sections 595.010 to 595.075, the term "alcohol-related traffic offense" means those offenses defined by sections 577.001, 577.010, and 577.012, and any county or municipal ordinance which prohibits operation of a motor vehicle while under the influence of alcohol.

**595.015. COMPENSATION CLAIMS, DEPARTMENT OF PUBLIC SAFETY TO ADMINISTER, METHOD — APPLICATION FILED WITH DEPARTMENT, FORM, CONTENTS — COOPERATION WITH LAW ENFORCEMENT — INFORMATION TO BE MADE AVAILABLE TO DEPARTMENT. — 1.** The department of public safety shall, pursuant to the provisions of sections 595.010 to 595.075, have jurisdiction to determine and award compensation to, or on behalf of, victims of crimes. In making such determinations and awards, the department shall ensure the compensation sought is reasonable and consistent with the limitations described in sections 595.010 to 595.075. Additionally, if compensation being sought includes medical expenses, the department shall further ensure that such expenses are medically necessary. The department of public safety may pay directly to the provider of the services compensation for medical or funeral expenses, or

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expenses for other services as described in section 595.030, incurred by the claimant. The department is not required to provide compensation in any case, nor is it required to award the full amount claimed. The department shall make its award of compensation based upon independent verification obtained during its investigation.

2. Such claims shall be made by filing an application for compensation with the department of public safety. The application form shall be furnished by the department ~~[and the signature shall be notarized]~~. The application shall include:

- (1) The name and address of the victim;
- (2) If the claimant is not the victim, the name and address of the claimant and relationship to the victim, the names and addresses of the victim's dependents, if any, and the extent to which each is so dependent;
- (3) The date and nature of the crime or attempted crime on which the application for compensation is based;
- (4) The date and place where, and the law enforcement officials to whom, notification of the crime was given;
- (5) The nature and extent of the injuries sustained by the victim, the names and addresses of those giving medical and hospital treatment to the victim and whether death resulted;
- (6) The loss to the claimant or a dependent resulting from the injury or death;
- (7) The amount of benefits, payments or awards, if any, payable from any source which the claimant or dependent has received or for which the claimant or dependent is eligible as a result of the injury or death;
- (8) Releases authorizing the surrender to the department of reports, documents and other information relating to the matters specified under this section; and
- (9) Such other information as the department determines is necessary.

3. In addition to the application, the department may require that the claimant submit materials substantiating the facts stated in the application.

4. ~~[If the department finds that an application does not contain the required information or that the facts stated therein have not been substantiated, it shall notify the claimant in writing of the specific additional items of information or materials required and that the claimant has thirty days from the date of mailing in which to furnish those items to the department. Unless a claimant requests and is granted an extension of time by the department, the department shall reject with prejudice the claim of the claimant for failure to file the additional information or materials within the specified time.]~~

5. ~~The claimant may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the department has completed its consideration of the original application.~~

6. ~~The claimant, victim or dependent shall cooperate with law enforcement officials in the apprehension [and prosecution] of the offender in order to be eligible, or the department has found that the failure to cooperate was for good cause.~~

~~[7.]~~ **5.** Any state or local agency, including a prosecuting attorney or law enforcement agency, shall make available without cost to the fund all reports, files and other appropriate information which the department requests in order to make a determination that a claimant is eligible for an award pursuant to sections 595.010 to 595.075.

**595.020. ELIGIBILITY FOR COMPENSATION.** — 1. Except as hereinafter provided, the following persons shall be eligible for compensation pursuant to sections 595.010 to 595.075:

- (1) A victim of a crime;

(2) In the case of a sexual assault victim[~~;~~  
~~(a)~~], a relative of the victim requiring counseling in order to better assist the victim in his recovery; and

(3) In the case of the death of the victim as a direct result of the crime:

(a) A dependent of the victim;

(b) Any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof; and

(c) A survivor of the victim requiring counseling as a direct result of the death of the victim.

2. An offender or an accomplice of an offender shall in no case be eligible to receive compensation with respect to a crime committed by the offender. No victim or dependent shall be denied compensation solely because he is a relative of the offender or was living with the offender as a family or household member at the time of the injury or death. However, the department may award compensation to a victim or dependent who is a relative, family or household member of the offender only if the department can reasonably determine the offender will receive no substantial economic benefit or unjust enrichment from the compensation.

3. No compensation of any kind may be made to a victim or intervenor injured while confined in any federal, state, county, or municipal jail, prison or other correctional facility, including house arrest or electronic monitoring.

4. ~~[No compensation of any kind may be made to a victim who has been finally adjudicated and found guilty, in a criminal prosecution under the laws of this state, of two felonies within the past ten years, of which one or both involves illegal drugs or violence. The department may waive this restriction if it determines that the interest of justice would be served otherwise.]~~

5.] In the case of a claimant [who is not otherwise ineligible pursuant to subsection 4 of this section,] who is incarcerated as a result of a conviction of a crime not related to the incident upon which the claim is based at the time of application, or at any time following the filing of the application:

(1) The department shall suspend all proceedings and payments until such time as the claimant is released from incarceration;

(2) The department shall notify the applicant at the time the proceedings are suspended of the right to reactivate the claim within six months of release from incarceration. The notice shall be deemed sufficient if mailed to the applicant at the applicant's last known address;

(3) The claimant shall file an application to request that the case be reactivated not later than six months after the date the claimant is released from incarceration. Failure to file such request within the six-month period shall serve as a bar to any recovery.

~~[6. Victims of crime who are not residents of the state of Missouri may be compensated only when federal funds are available for that purpose. Compensation for nonresident victims shall terminate when federal funds for that purpose are no longer available.]~~

7.] 5. A Missouri resident who suffers personal [physical] injury or, in the case of death, a dependent of the victim or any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof, in another state, possession or territory of the United States may make application for compensation in Missouri if:

(1) The victim of the crime would be compensated if the crime had occurred in the state of Missouri;

(2) The place that the crime occurred is a state, possession or territory of the United States, or location outside of the United States that is covered and defined in 18 U.S.C. Section 2331, that does not have a crime victims' compensation program for which the victim is eligible and which

provides at least the same compensation that the victim would have received if he had been injured in Missouri.

**595.025. CLAIMS, FILING AND HEARING, PROCEDURE, WHO MAY FILE — TIME LIMITATION — AMOUNT OF COMPENSATION, CONSIDERATIONS — ATTORNEY'S FEES — EXAMINATION, REPORT BY HEALTH CARE PROVIDER, WHEN — EXEMPTION FROM COLLECTION.**— 1. A claim for compensation may be filed by a person eligible for compensation or, if the person is an incapacitated or disabled person, or a minor, by the person's spouse, parent, conservator, or guardian.

2. A claim shall be filed not later than two years after the occurrence of the crime or the discovery of the crime upon which it is based.

3. Each claim shall be ~~filed in person or by mail~~ **submitted to the department**. The department of public safety shall investigate such claim, prior to the opening of formal proceedings. The claimant shall be notified of the date and time of any hearing on such claim. In determining the amount of compensation for which a claimant is eligible, the department shall consider the facts stated on the application filed pursuant to section 595.015, and:

(1) Need not consider whether or not the alleged assailant has been apprehended or brought to trial or the result of any criminal proceedings against that person; however, if any person is convicted of the crime which is the basis for an application for compensation, proof of the conviction shall be conclusive evidence that the crime was committed;

(2) Shall determine the amount of the loss to the claimant, or the victim's survivors or dependents;

(3) Shall determine the degree or extent to which the victim's acts or conduct provoked, incited, or contributed to the injuries or death of the victim.

4. The claimant may present evidence and testimony on his own behalf or may retain counsel. The department of public safety may, as part of any award entered under sections 595.010 to 595.075, determine and allow reasonable attorney's fees, which shall not exceed fifteen percent of the amount awarded as compensation under sections 595.010 to 595.075, which fee shall be paid out of, but not in addition to, the amount of compensation, to the attorney representing the claimant. No attorney for the claimant shall ask for, contract for or receive any larger sum than the amount so allowed.

5. The person filing a claim shall, prior to any hearing thereon, submit reports, if available, from all hospitals, physicians ~~or~~, surgeons, **or other health care providers** who treated or examined the victim for the injury for which compensation is sought. **A hospital, physician, surgeon, or other health care provider may submit reports on behalf of the person filing a claim.** If, in the opinion of the department of public safety, an examination of the injured victim and a report thereon, or a report on the cause of death of the victim, would be of material aid, the department of public safety may appoint a duly qualified, impartial physician to make such examination and report.

6. Each and every payment shall be exempt from attachment, garnishment or any other remedy available to creditors for the collection of a debt.

7. Payments of compensation shall not be made directly to any person legally incompetent to receive them but shall be made to the parent, guardian or conservator for the benefit of such minor, disabled or incapacitated person.

**595.030. COMPENSATION, PAID WHEN — MEDICAL CARE, REQUIREMENTS — COUNSELING, REQUIREMENTS — MAXIMUM AWARD — JOINT CLAIMANTS, DISTRIBUTION —**

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Matter in bold-face type is proposed language.

**METHOD, TIMING OF PAYMENT DETERMINED BY DEPARTMENT — NEGOTIATIONS WITH PROVIDERS.** — 1. ~~No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred:~~

~~(1) For medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars; or~~

~~(2) As a result of personal property being seized in an investigation by law enforcement.~~

~~Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to the loss sustained, but shall not exceed two hundred fifty dollars.~~

~~2.] No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal [physical] injury to, or the death of, the victim, and that police, court, or other official records show that such crime was [promptly] reported to the proper authorities. [In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the department of public safety finds that the report to the police was delayed for good cause.] **In lieu of other records the claimant may provide a sworn statement by the applicant under paragraph (c) of subdivision (2) of section 589.663 that the applicant has good reason to believe that he or she is a victim of domestic violence, rape, sexual assault, human trafficking, or stalking, and fears further violent acts from his or her assailant.** If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the children's division personnel; or by any other member of the victim's family. In the case of a sexual offense, filing a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the county in which the alleged incident occurred, **receiving a forensic examination, or securing an order of protection.**~~

~~[3-] 2.~~ No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

~~[4-] 3.~~ No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337;

(4) Professional counselor licensed pursuant to chapter 337; or

(5) Board-certified psychiatric-mental health clinical nurse specialist or board certified psychiatric-mental health nurse practitioner licensed under chapter 335 or licensed in the state in which the service is provided.

~~[5-] 4.~~ Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed four hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable

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and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

~~[6.]~~ 5. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed four hundred dollars per week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the department of public safety among the claimants in proportion to their loss.

~~[7.]~~ 6. The method and timing of the payment of any compensation pursuant to sections 595.010 to 595.075 shall be determined by the department.

~~[8.]~~ 7. The department shall have the authority to negotiate the costs of medical care or other services directly with the providers of the care or services on behalf of any victim receiving compensation pursuant to sections 595.010 to 595.075.

**595.035. AWARD STANDARDS TO BE ESTABLISHED — AMOUNT OF AWARD, FACTORS TO BE CONSIDERED — PURPOSE OF FUND, REDUCTION FOR OTHER COMPENSATION RECEIVED BY VICTIM, EXCEPTIONS.** — 1. For the purpose of determining the amount of compensation payable pursuant to sections 595.010 to 595.075, the department of public safety shall, insofar as practicable, formulate standards for the uniform application of sections 595.010 to 595.075, taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts of compensation payable for injuries and death pursuant to other laws of this state and of the United States, excluding pain and suffering, and the availability of funds appropriated for the purpose of sections 595.010 to 595.075. All decisions of the department of public safety on claims pursuant to sections 595.010 to 595.075 shall be in writing, setting forth the name of the claimant, the amount of compensation and the reasons for the decision. ~~[The department of public safety shall immediately notify the claimant in writing of the decision and shall forward to the state treasurer a certified copy of the decision and a warrant for the amount of the claim. The state treasurer, upon certification by the commissioner of administration, shall, if there are sufficient funds in the crime victims' compensation fund, pay to or on behalf of the claimant the amount determined by the department.]~~

2. The crime victims' compensation fund is not a state health program and is not intended to be used as a primary payor to other health care assistance programs, but is a public, quasi-charitable fund whose fundamental purpose is to assist victims of violent crimes through a period of financial hardship, as a payor of last resort. Accordingly, any compensation paid pursuant to sections 595.010 to 595.075 shall be reduced by the amount of any payments, benefits or awards received or to be received as a result of the injury or death:

- (1) From or on behalf of the offender;
- (2) Under private or public insurance programs, including ~~[champus]~~ **Tricare**, Medicare, Medicaid and other state or federal programs, but not including any life insurance proceeds; or
- (3) From any other public or private funds, including an award payable pursuant to the workers' compensation laws of this state.

3. In determining the amount of compensation payable, the department of public safety shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether, in accordance with such determination; provided, however, that the department of public safety may disregard the responsibility of the victim for his or her own injury where such responsibility was attributable to efforts by the victim to aid a victim,

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or to prevent a crime or an attempted crime from occurring in his or her presence, or to apprehend a person who had committed a crime in his or her presence or had in fact committed a felony.

4. In determining the amount of compensation payable pursuant to sections 595.010 to 595.075, monthly Social Security disability or retirement benefits received by the victim shall not be considered by the department as a factor for reduction of benefits.

~~[5. The department shall not be liable for payment of compensation for any out-of-pocket expenses incurred more than three years following the date of the occurrence of the crime upon which the claim is based.]~~

**595.055. SERVICES FOR VICTIMS NOT PROVIDED, WHEN.** — ~~[1. No public or private agency shall provide service to a victim of crime pursuant to any contract made under section 595.050 unless the incident is reported to an appropriate law enforcement office within forty-eight hours after its occurrence or within forty-eight hours after the victim of crime, a dependent, or a member of the family of the victim reasonably could be expected to make such a report.~~

~~2.] No service may be provided under section 595.050 if the victim of crime:~~

(1) Was the perpetrator or a principal or accessory involved in the commission of the crime for which he otherwise would have been eligible for assistance under the provisions of section 595.050; or

(2) Is injured as a result of the operation of a motor vehicle, boat or airplane unless the same was used as a weapon in a deliberate attempt to inflict personal injury upon any person or unless the victim is injured as a result of the crime of driving while intoxicated or vehicular manslaughter.

**595.220. FORENSIC EXAMINATIONS, DEPARTMENT OF PUBLIC SAFETY TO PAY MEDICAL PROVIDERS, WHEN — MINOR MAY CONSENT TO EXAMINATION, WHEN — FORMS — COLLECTION KITS — DEFINITIONS — RULEMAKING AUTHORITY.** — 1. The department of public safety shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the reasonable charges of the forensic examination of persons who may be a victim of a sexual offense if:

(1) The victim or the victim's guardian consents in writing to the examination; and

(2) The report of the examination is made on a form approved by the attorney general with the advice of the department of public safety.

The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam.

2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

3. The ~~[attorney general]~~ **department of public safety**, with the advice of the ~~[department of public safety]~~ **attorney general**, shall develop the forms and procedures for gathering, **transmitting, and storing** evidence during **and after** the forensic examination under the provisions of this section. The department of health and senior services shall develop a checklist, protocols, and procedures for appropriate medical providers to refer to while providing medical treatment to victims of a sexual offense, including those specific to victims who are minors. **The procedures for transmitting and storing examination evidence shall include the following requirements:**

(1) **An appropriate medical provider shall provide electronic notification to the appropriate law enforcement agency when the provider has a reported or anonymous evidentiary collection kit;**

(2) **Within fourteen days of notification from the appropriate medical provider, the law enforcement agency shall take possession of the evidentiary collection kit;**

(3) **Within fourteen days of taking possession, the law enforcement agency shall provide the evidentiary collection kit to a laboratory;**

(4) **A law enforcement agency shall secure an evidentiary collection kit for a period of thirty years if the offense has not been adjudicated.**

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit, or other collection procedures developed for victims who are minors, and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

5. In reviewing claims submitted under this section, the department shall first determine if the claim was submitted within ninety days of the examination. If the claim is submitted within ninety days, the department shall, at a minimum, use the following criteria in reviewing the claim: examination charges submitted shall be itemized and fall within the definition of forensic examination as defined in subdivision (3) of subsection 8 of this section.

6. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety. No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the victim shall seek compensation under sections 595.010 to 595.075.

7. The department of public safety shall establish rules regarding the reimbursement of the costs of forensic examinations for children under fourteen years of age, including establishing conditions and definitions for emergency and nonemergency forensic examinations and may by rule establish additional qualifications for appropriate medical providers performing nonemergency forensic examinations for children under fourteen years of age. The department shall provide reimbursement regardless of whether or not the findings indicate that the child was abused.

8. For purposes of this section, the following terms mean:

(1) **"Anonymous evidentiary collection kit", an evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit, and to participate in the criminal justice process, but who wishes to remain anonymous;**

(2) "Appropriate medical provider":

(a) Any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants, provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section; or

(b) For the purposes of any nonemergency forensic examination of a child under fourteen years of age, the department of public safety may establish additional qualifications for any provider listed in paragraph (a) of this subdivision under rules authorized under subsection 7 of this section;

~~[(2)]~~ **(3) "Consent", the electronically documented authorization by the victim, or his or her designee, to allow the evidentiary collection kit to be analyzed;**

**(4) "Emergency forensic examination", an examination of a person under fourteen years of age that occurs within five days of the alleged sexual offense. The department of public safety may further define the term emergency forensic examination by rule;**

~~[(3)]~~ **(5) "Evidentiary collection kit", a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the ~~[attorney general]~~ department of public safety for forensic examinations;**

~~[(4)]~~ **(6) "Forensic examination", an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit or using other collection procedures developed for victims who are minors;**

~~[(5)]~~ **(7) "Medical treatment", the treatment of all injuries and health concerns resulting directly from a patient's sexual assault or victimization;**

~~[(6)]~~ **(8) "Nonemergency forensic examination", an examination of a person under fourteen years of age that occurs more than five days after the alleged sexual offense. The department of public safety may further define the term nonemergency forensic examination by rule;**

**(9) "Reported evidentiary collection kit", an evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit and has consented to participate in the criminal justice process;**

**(10) "Unreported evidentiary collection kit", an evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit but has not consented to participate in the criminal justice process.**

9. The attorney general shall establish protocols and an electronic platform to implement an electronic evidence tracking system that:

(1) Identifies, documents, records, and tracks evidentiary collection kits and their components, including individual specimen containers, through their existence from forensic examination, to possession by a law enforcement agency, to testing, to use as evidence in criminal proceedings, and until disposition of such proceedings;

(2) Assigns a unique alphanumeric identifier to each respective evidentiary collection kit, and all its respective components, and to each respective person, or his or her designees, who may handle an evidentiary test kit;

(3) Links the identifiers of an evidentiary collection kit and its components, which shall be machine-readable indicia;

(4) Allows each person, or his or her designees, who is properly credentialed to handle an evidentiary test kit to check the status of an evidentiary test kit or its components and to save a portfolio of identifiers so that the person, or his or her designees may track, obtain reports, and receive updates of the status of evidentiary collection kits or their components; and

(5) Allows sexual assault victims or their designees access in order to monitor the current status of their evidentiary test kit.

10. The department shall have authority to promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in

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section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

**610.140. EXPUNGEMENT OF CERTAIN CRIMINAL RECORDS, PETITION, CONTENTS, PROCEDURE — EFFECT OF EXPUNGEMENT ON EMPLOYER INQUIRY — LIFETIME LIMITS. — 1.** Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

- (1) Any class A felony offense;
- (2) Any dangerous felony as that term is defined in section 556.061;
- (3) Any offense that requires registration as a sex offender;
- (4) Any felony offense where death is an element of the offense;
- (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;
- (6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.100, 569.160, 570.025, 570.030, 570.090, 570.100, 570.130, 570.180, 570.223, 570.224, 570.310, 571.020, ~~571.030,~~ 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;
- (7) Any offense eligible for expungement under section 577.054 or 610.130;
- (8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;
- (9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section; ~~and~~

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(10) Any ~~violations~~ **violation** of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state; **and**

**(11) Any offense of section 571.030, except any offense under subdivision (1) of subsection 1 of section 571.030 where the person was convicted or found guilty prior to January 1, 2017.**

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Driver's license number, if applicable; and

(e) Current address;

(2) Each offense, violation, or infraction for which the petitioner is requesting expungement;

(3) The approximate date the petitioner was charged for each offense, violation, or infraction; and

(4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and

(5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

(1) It has been at least seven years if the offense is a felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;

(2) The person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;

(3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;

(4) The person does not have charges pending;

(5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and

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(6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

- (1) A license, certificate, or permit issued by this state to practice such individual's profession;
- (2) Any license issued under chapter 313 or permit issued under chapter 571;
- (3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;

(4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

(5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or

(6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

(1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and

(2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law.

**610.210. HEALTH CARE COORDINATION, CERTAIN RECORDS MAY BE RELEASED.** — Notwithstanding any other provisions of law to the contrary, information in law enforcement agency records that would enable the provision of health care to a person in contact with law enforcement may be released for the purpose of health care coordination to any health care provider, as defined in the Health Insurance Portability and Accountability Act of 1996 as amended, that is providing or may provide services to the person.

**650.035. MISSOURI LAW ENFORCEMENT ASSISTANCE PROGRAM, PURPOSE — FUNDING, ELIGIBILITY.** — 1. There is hereby created the "Missouri Law Enforcement Assistance Program" within the department of public safety.

2. The purpose of this program is to provide state financial and technical assistance to create or improve local law enforcement pilot programs that may include:

(1) Reimbursement for overtime required to enhance specialized, non-routine training opportunities;

(2) Analytical capacity for targeting enforcement efforts; and

(3) Community policing efforts derived from research-based models.

3. Distribution of state funds or technical assistance shall be by contractual arrangement between the department and each recipient law enforcement agency. Terms of the contract shall be negotiable each year. The state auditor shall periodically audit all law enforcement agencies receiving state funds.

4. Nothing in this section shall prohibit any law enforcement agency from receiving federal or local funds should such funds become available.

5. All law enforcement agencies, municipal and county, located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, and any county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants shall be eligible to receive funding hereunder, according to standards adopted by the department of public safety, unless otherwise restricted by statute.

6. No state funds shall be expended unless appropriated by the general assembly for this purpose.

~~**589.303. CENTER ESTABLISHED, POWERS.** — The "Missouri Crime Prevention Information Center" is hereby established within the department of public safety. The center, subject to appropriation and within the limits of available funds from private sources, gifts, donations, or moneys generated by center sponsored activities, may:~~

~~(1) Develop, plan and implement a comprehensive, long-range, integrated program which will mobilize all Missouri residents, including the youth of this state, in a year-round preventive effort to reduce crime, violence, drug abuse and delinquency;~~

~~(2) Provide a mechanism to support, unify, promote, implement, and evaluate crime prevention efforts;~~

~~(3) Act as an information clearinghouse for crime prevention efforts;~~

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

~~(4) Provide a means by which law enforcement and prevention-related agencies, civilian personnel, and the education community may acquire the resource materials, technical assistance, knowledge, and skills necessary to develop, implement and evaluate crime prevention and intervention programs;~~

~~(5) Provide ongoing, programmatic support to crime prevention efforts of law enforcement and local crime prevention organizations, enabling them to develop programs within their jurisdiction or community;~~

~~(6) Assist law enforcement agencies and local crime prevention organizations to increase the awareness of communities, businesses, and governments regarding the need for crime prevention while offering information on current and future programming in their communities and in this state;~~

~~(7) Increase the availability of resource materials which may be utilized by local crime prevention programs, analyze data, evaluate needs, and develop specific crime prevention strategies;~~

~~(8) Act as a liaison between local, state, and national agencies concerning crime prevention issues;~~

~~(9) Coordinate efforts with any statewide associations or organizations which are also concerned with reducing crime, violence, drug abuse, and delinquency and receive from such associations or organizations advice and direction for the operation of the center and related activities;~~

~~(10) Operate as a resource for local governments and, upon the request of any local agency, may:~~

~~(a) Provide technical assistance in the form of resource development and distribution, consultation, community resource identification, utilization, training, and distribution, consultation, community resource identification, utilization, training, and promotion of crime prevention programs or activities;~~

~~(b) Provide assistance in increasing the knowledge of community, business, and governmental leaders concerning the theory and operation of crime prevention and how their involvement will assist in efforts to prevent crime; and~~

~~(c) Provide resource materials to, and assistance in developing the skills of, law enforcement personnel, which materials and skills are necessary to create successful crime prevention strategies which meet the needs of specific regions and communities throughout the state.]~~

Approved June 1, 2018

SS SCS HCS HB 1364

**Enacts provisions relating to petroleum products.**

AN ACT to repeal sections 292.606, 319.129, and 414.032, RSMo, and to enact in lieu thereof four new sections relating to petroleum products.

SECTION

A. Enacting clause.

292.606 Fees, certain employers, how much, due when, late penalty — excess credited when — agencies receiving funds, duties — use of funds, commission to establish criteria.

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

- 319.129 Petroleum storage tank insurance fund created — fees — state treasurer may deposit funds where, interest credited to fund — administration of fund — board of trustees created, members, meetings — expires when — continuation after expiration, when — independent audit.
- 319.140 Task force on the petroleum storage tank insurance fund established, members, duties, meetings — expiration date.
- 414.032 Requirements, standards, certain fuels — director may inspect fuels, purpose — waiver, when.

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

**SECTION A. ENACTING CLAUSE.** — Sections 292.606, 319.129, and 414.032, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 292.606, 319.129, 319.140, and 414.032, to read as follows:

**292.606. FEES, CERTAIN EMPLOYERS, HOW MUCH, DUE WHEN, LATE PENALTY — EXCESS CREDITED WHEN — AGENCIES RECEIVING FUNDS, DUTIES — USE OF FUNDS, COMMISSION TO ESTABLISH CRITERIA.** — 1. Fees shall be collected for a period of six years from August 28, ~~2012~~ **2018**.

2. (1) Any employer required to report under subsection 1 of section 292.605, except local governments and family-owned farm operations, shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, if such person, firm or corporation is paying fees under the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such federal fees from those fees owed to the state under the provisions of this subsection. If the federal fees exceed or are equal to what would otherwise be owed under this subsection, such employer shall not be liable for state fees under this subsection. In relation to petroleum products "primary business" shall mean that the person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline are considered to be one product, and all varieties of motor lubricating oil are considered to be one product. For the purposes of this section "facility" shall mean all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person. If more than three hazardous substances or mixtures are reported on the Tier II form, the employer shall submit an additional twenty dollar fee for each hazardous substance or mixture. Fees collected under this subdivision shall be for each hazardous chemical on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances on hand at any one time in excess of five hundred pounds or the threshold planning quantity, whichever is less, or for explosives or blasting agents on hand at any one time in excess of one hundred pounds. However, no employer shall pay more than ten thousand dollars per year in fees. Moneys acquired through litigation and any administrative fees paid pursuant to subsection 3 of this section shall not be applied toward this cap.

(2) Employers engaged in transporting hazardous materials by pipeline except local gas distribution companies regulated by the Missouri public service commission shall pay to the commission a fee of two hundred fifty dollars for each county in which they operate.

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Matter in bold-face type is proposed language.

(3) Payment of fees is due each year by March first. A late fee of ten percent of the total owed, plus one percent per month of the total, may be assessed by the commission.

(4) If, on March first of each year, fees collected under this section and natural resources damages made available pursuant to section 640.235 exceed one million dollars, any excess over one million dollars shall be proportionately credited to fees payable in the succeeding year by each employer who was required to pay a fee and who did pay a fee in the year in which the excess occurred. The limit of one million dollars contained herein shall be reviewed by the commission concurrent with the review of fees as required in subsection 1 of this section.

3. Beginning January 1, 2013, any employer filing its Tier II form pursuant to subsection 1 of section 292.605 may request that the commission distribute that employer's Tier II report to the local emergency planning committees and fire departments listed in its Tier II report. Any employer opting to have the commission distribute its Tier II report shall pay an additional fee of ten dollars for each facility listed in the report at the time of filing to recoup the commission's distribution costs. Fees shall be deposited in the chemical emergency preparedness fund established under section 292.607. An employer who pays the additional fee and whose Tier II report includes all local emergency planning committees and fire departments required to be notified under subsection 1 of section 292.605 shall satisfy the reporting requirements of subsection 1 of section 292.605. The commission shall develop a mechanism for an employer to exercise its option to have the commission distribute its Tier II report.

4. Local emergency planning committees receiving funds under section 292.604 shall coordinate with the commission and the department in chemical emergency planning, training, preparedness, and response activities. Local emergency planning committees receiving funds under this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section 640.235 shall provide to the commission an annual report of expenditures and activities.

5. Fees collected by the department and all funds provided to local emergency planning committees shall be used for chemical emergency preparedness purposes as outlined in sections 292.600 to 292.625 and the federal act, including contingency planning for chemical releases; exercising, evaluating, and distributing plans, providing training related to chemical emergency preparedness and prevention of chemical accidents; identifying facilities required to report; processing the information submitted by facilities and making it available to the public; receiving and handling emergency notifications of chemical releases; operating a local emergency planning committee; and providing public notice of chemical preparedness activities. Local emergency planning committees receiving funds under this section may combine such funds with other local emergency planning committees to further the purposes of sections 292.600 to 292.625, or the federal act.

6. The commission shall establish criteria and guidance on how funds received by local emergency planning committees may be used.

**319.129. PETROLEUM STORAGE TANK INSURANCE FUND CREATED — FEES — STATE TREASURER MAY DEPOSIT FUNDS WHERE, INTEREST CREDITED TO FUND — ADMINISTRATION OF FUND — BOARD OF TRUSTEES CREATED, MEMBERS, MEETINGS — EXPIRES WHEN — CONTINUATION AFTER EXPIRATION, WHEN — INDEPENDENT AUDIT. — 1.** There is hereby created a special trust fund to be known as the "Petroleum Storage Tank Insurance Fund" within the state treasury which shall be the successor to the underground storage tank insurance fund. Moneys in such special trust fund shall not be deemed to be state funds. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not be transferred to general revenue at the end of each biennium.

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2. The owner or operator of any underground storage tank, including the state of Missouri and its political subdivisions and public transportation systems, in service on August 28, 1989, shall submit to the department a fee of one hundred dollars per tank on or before December 31, 1989. The owner or operator of any underground storage tank who seeks to participate in the petroleum storage tank insurance fund, including the state of Missouri and its political subdivisions and public transportation systems, and whose underground storage tank is brought into service after August 28, 1998, shall transmit one hundred dollars per tank to the board with his or her initial application. Such amount shall be a one-time payment, and shall be in addition to the payment required by section 319.133. The owner or operator of any aboveground storage tank regulated by this chapter, including the state of Missouri and its political subdivisions and public transportation systems, who seeks to participate in the petroleum storage tank insurance fund, shall transmit one hundred dollars per tank to the board with his or her initial application. Such amount shall be a one-time payment and shall be in addition to the payment required by section 319.133. Moneys received pursuant to this section shall be transmitted to the director of revenue for deposit in the petroleum storage tank insurance fund.

3. The state treasurer may deposit moneys in the fund in any of the qualified depositories of the state. All such deposits shall be secured in a manner and upon the terms as are provided by law relative to state deposits. Interest earned shall be credited to the petroleum storage tank insurance fund.

4. The general administration of the fund and the responsibility for the proper operation of the fund, including all decisions relating to payments from the fund, are hereby vested in a board of trustees. The board of trustees shall consist of the commissioner of administration or the commissioner's designee, the director of the department of natural resources or the director's designee, the director of the department of agriculture or the director's designee, and eight citizens appointed by the governor with the advice and consent of the senate. Three of the appointed members shall be owners or operators of retail petroleum storage tanks, including one tank owner or operator of greater than one hundred tanks; one tank owner or operator of less than one hundred tanks; and one aboveground storage tank owner or operator. One appointed trustee shall represent a financial lending institution, and one appointed trustee shall represent the insurance underwriting industry. One appointed trustee shall represent industrial or commercial users of petroleum. The two remaining appointed citizens shall have no petroleum-related business interest, and shall represent the nonregulated public at large. The members appointed by the governor shall serve four-year terms except that the governor shall designate two of the original appointees to be appointed for one year, two to be appointed for two years, two to be appointed for three years and two to be appointed for four years. Any vacancies occurring on the board shall be filled in the same manner as provided in this section.

5. The board shall meet in Jefferson City, Missouri, within thirty days following August 28, 1996. Thereafter, the board shall meet upon the written call of the chairman of the board or by the agreement of any six members of the board. Notice of each meeting shall be delivered to all other trustees in person or by registered mail not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

6. Six trustees shall constitute a quorum for the transaction of business, and any official action of the board shall be based on a majority vote of the trustees present.

7. The trustees shall serve without compensation but shall receive from the fund their actual and necessary expenses incurred in the performance of their duties for the board.

8. The board of trustees shall be a type III agency and shall appoint an executive director and other employees as needed, who shall be state employees and be eligible for all corresponding benefits. The executive director shall have charge of the offices, operations, records, and other employees of the board, subject to the direction of the board. Employees of the board shall receive such salaries and necessary expenses as shall be fixed by the board.

9. Staff resources for the Missouri petroleum storage tank insurance fund may be provided by the department of natural resources or another state agency as otherwise specifically determined by the board. The fund shall compensate the department of natural resources or other state agency for all costs of providing staff required by this subsection. Such compensation shall be made pursuant to contracts negotiated between the board and the department of natural resources or other state agency.

10. In order to carry out the fiduciary management of the fund, the board may select and employ, or may contract with, persons experienced in insurance underwriting, accounting, the servicing of claims and rate making, and legal counsel to defend third-party claims, who shall serve at the board's pleasure. Invoices for such services shall be presented to the board in sufficient detail to allow a thorough review of the costs of such services.

11. At the first meeting of the board, the board shall elect one of its members as chairman. The chairman shall preside over meetings of the board and perform such other duties as shall be required by action of the board.

12. The board shall elect one of its members as vice chairman, and the vice chairman shall perform the duties of the chairman in the absence of the latter or upon the chairman's inability or refusal to act.

13. The board shall determine and prescribe all rules and regulations as they relate to fiduciary management of the fund, pursuant to the purposes of sections 319.100 to 319.137. In no case shall the board have oversight regarding environmental cleanup standards for petroleum storage tanks.

14. No trustee or staff member of the fund shall receive any gain or profit from any moneys or transactions of the fund. This shall not preclude any eligible trustee from making a claim or receiving benefits from the petroleum storage tank insurance fund as provided by sections 319.100 to 319.137.

15. The board may reinsure all or a portion of the fund's liability. Any insurer who sells environmental liability insurance in this state may, at the option of the board, reinsure some portion of the fund's liability.

16. The petroleum storage tank insurance fund shall expire on December 31, ~~2020~~ **2025**, unless extended by action of the general assembly. After December 31, ~~2020~~ **2025**, the board of trustees may continue to function for the sole purpose of completing payment of claims made prior to December 31, ~~2020~~ **2025**.

17. The board shall annually commission an independent financial audit of the petroleum storage tank insurance fund. The board shall biennially commission an actuarial analysis of the petroleum storage tank insurance fund. The results of the financial audit and the actuarial analysis shall be made available to the public. The board may contract with third parties to carry out the requirements of this subsection.

**319.140. TASK FORCE ON THE PETROLEUM STORAGE TANK INSURANCE FUND ESTABLISHED, MEMBERS, DUTIES, MEETINGS — EXPIRATION DATE. — 1. There is established a task force of the general assembly to be known as the "Task Force on the Petroleum Storage Tank Insurance Fund". Such task force shall be composed of eight members. Three members shall be from the house of representatives with two appointed by the speaker of**

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the house of representatives and one appointed by the minority floor leader of the house of representatives. Three members shall be from the senate with two appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate. Two members shall be industry stakeholders with one appointed by the speaker of the house of representatives and one appointed by the president pro tempore of the senate. No more than two members from either the house of representatives or the senate shall be from the same political party. A majority of the task force shall constitute a quorum.

2. The task force shall conduct research and compile a report for delivery to the general assembly by December 31, 2018, on the following:

- (1) The efficacy of the petroleum storage tank insurance fund and program;
- (2) The sustainability of the petroleum storage tank insurance fund and program;
- (3) The administration of the petroleum storage tank insurance fund and program;
- (4) The availability of private insurance for above and below ground petroleum storage tanks, and the necessity of insurance subsidies created through the petroleum storage tank insurance program;
- (5) Compliance with federal programs, regulations, and advisory reports; and
- (6) The comparability of the petroleum storage tank insurance program to other states' programs and states without such programs.

3. The task force shall meet within thirty days after its creation and organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it.

4. The task force shall be staffed by legislative staff as necessary to assist the task force in the performance of its duties.

5. The members of the task force shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

6. This section shall expire on December 31, 2018.

**414.032. REQUIREMENTS, STANDARDS, CERTAIN FUELS — DIRECTOR MAY INSPECT FUELS, PURPOSE — WAIVER, WHEN. — 1.** All kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline, gasoline-alcohol blends and other motor fuels shall meet the requirements in the annual book of ASTM standards and supplements thereto. The director may promulgate rules and regulations on the labeling, standards for, and identity of motor fuels and heating oils.

2. The director may inspect gasoline, gasoline-alcohol blends or other motor fuels to insure that these fuels conform to advertised grade and octane. In no event shall the penalty for a first violation of this section exceed a written reprimand.

3. **The director may waive specific requirements in this section and in regulations promulgated according to this section, or may establish temporary alternative requirements for fuels as determined to be necessary in the event of an extreme and unusual fuel supply circumstance as a result of a petroleum pipeline or petroleum refinery equipment failure, emergency, or a natural disaster as determined by the director for a specified period of time. If any action is taken by the director under this section, the director shall:**

- (1) Advise the U.S. Environmental Protection Agency of such action;
- (2) Review the action after thirty days; and
- (3) Notify industry stakeholders of such action.

**4. Any waiver issued or action taken under subsection 3 of this section shall be as limited in scope and applicability as necessary, and shall apply equally and uniformly to all persons and companies in the impacted petroleum motor fuel supply and distribution system, including but not limited to petroleum producers, terminals, distributors, and retailers.**

Approved June 1, 2018

SS SCS HCS HB 1388

**Enacts provisions relating to sports contests.**

AN ACT to repeal sections 67.3000, 67.3005, 313.940, 317.006, 317.011, 317.013, 317.014, and 317.019, RSMo, and to enact in lieu thereof nine new sections relating to sports contests.

SECTION

- A. Enacting clause.
- 67.3000 Definitions — contract submitted to department for certification — tax credit eligibility, procedure, requirements — rulemaking authority.
- 67.3005 Tax credit authorized, amount — application, approval — rulemaking authority — sunset date.
- 313.940 Annual financial audit required, operator to pay cost of audit — exemption.
- 317.006 Director to supervise professional boxing, sparring, wrestling, karate, and mixed martial arts contests — powers — duties — fees, how set — athletic fund.
- 317.011 Athletic fund, source of funds — director only to license certain contests, exceptions — law not applicable to certain amateur matches.
- 317.013 Mandatory medical suspensions, determination — medically retired persons.
- 317.014 Injunction, who may apply, when — activities subject to injunction — action brought, where — action in addition to penalty.
- 317.017 Participants, required minimum age — surety bond requirements — elbow and knee strikes to head prohibited, when.
- 317.019 Bout contracts required, when — contents, changes — payment of event official's fees.

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

**SECTION A. ENACTING CLAUSE.** — Sections 67.3000, 67.3005, 313.940, 317.006, 317.011, 317.013, 317.014, and 317.019, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 67.3000, 67.3005, 313.940, 317.006, 317.011, 317.013, 317.014, 317.017, and 317.019, to read as follows:

**67.3000. DEFINITIONS — CONTRACT SUBMITTED TO DEPARTMENT FOR CERTIFICATION — TAX CREDIT ELIGIBILITY, PROCEDURE, REQUIREMENTS — RULEMAKING AUTHORITY.** —

1. As used in this section and section 67.3005, the following words shall mean:

- (1) "Active member", an organization located in the state of Missouri which solicits and services sports events, sports organizations, and other types of sports-related activities in that community;
- (2) "Applicant" or "applicants", one or more certified sponsors, endorsing counties, endorsing municipalities, or a local organizing committee, acting individually or collectively;
- (3) "Certified sponsor" or "certified sponsors", a nonprofit organization which is an active member of the National Association of Sports Commissions;
- (4) "Department", the Missouri department of economic development;

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- (5) "Director", the director of revenue;
- (6) "Eligible costs" shall include:
  - (a) Costs necessary for conducting the sporting event;
  - (b) Costs relating to the preparations necessary for the conduct of the sporting event; and
  - (c) An applicant's pledged obligations to the site selection organization as evidenced by the support contract for the sporting event **including, but not limited to, bid fees and financial guarantees.**

"Eligible costs" shall not include any cost associated with the rehabilitation or construction of any facilities used to host the sporting event or direct payments to a for-profit site selection organization, but may include costs associated with the retrofitting of a facility necessary to accommodate the sporting event;

(7) "Eligible donation", donations received, by a certified sponsor or local organizing committee, from a taxpayer that may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department. Such donations shall be used solely to provide funding to attract sporting events to this state;

(8) "Endorsing municipality" or "endorsing municipalities", any city, town, incorporated village, or county that contains a site selected by a site selection organization for one or more sporting events;

(9) "Joinder agreement", an agreement entered into by one or more applicants, acting individually or collectively, and a site selection organization setting out representations and assurances by each applicant in connection with the selection of a site in this state for the location of a sporting event;

(10) "Joinder undertaking", an agreement entered into by one or more applicants, acting individually or collectively, and a site selection organization that each applicant will execute a joinder agreement in the event that the site selection organization selects a site in this state for a sporting event;

(11) "Local organizing committee", a nonprofit corporation or its successor in interest that:

(a) Has been authorized by one or more certified sponsors, endorsing municipalities, or endorsing counties, acting individually or collectively, to pursue an application and bid on its or the applicant's behalf to a site selection organization for selection as the host of one or more sporting events; or

(b) With the authorization of one or more certified sponsors, endorsing municipalities, or endorsing counties, acting individually or collectively, executes an agreement with a site selection organization regarding a bid to host one or more sporting events;

(12) "Site selection organization", the National Collegiate Athletic Association (NCAA); an NCAA member conference, university, or institution; the National Association of Intercollegiate Athletics (NAIA); the United States Olympic Committee (USOC); a national governing body (NGB) or international federation of a sport recognized by the USOC; the United States Golf Association (USGA); the United States Tennis Association (USTA); the Amateur ~~Softball Association of America (ASA)~~ **Athletic Union (AAU); the National Christian College Athletic Association (NCCAA); the National Junior College Athletic Association (NJCAA); the United States Sports Specialty Association (USSSA); any rights holder member of the National Association of Sports Commissions (NASC);** other major regional, national, and international sports associations, and amateur organizations that promote, organize, or administer sporting games or competitions; or other major regional, national, and international organizations that promote or organize sporting events;

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Matter in bold-face type is proposed language.

(13) "Sporting event" or "sporting events", an amateur, **collegiate**, or Olympic sporting event that is competitively bid or is awarded by a site selection organization;

(14) "Support contract" or "support contracts", an event award notification, joinder undertaking, joinder agreement, or contract executed by an applicant and a site selection organization;

(15) "Tax credit" or "tax credits", a credit or credits issued by the department against the tax otherwise due under chapter 143 or 148, excluding withholding tax imposed under sections 143.191 to 143.265;

(16) "Taxpayer", any of the following individuals or entities who make an eligible donation:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed under chapter 143;

(b) A corporation subject to the annual corporation franchise tax imposed under chapter 147;

(c) An insurance company paying an annual tax on its gross premium receipts in this state;

(d) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148;

(e) An individual subject to the state income tax imposed under chapter 143;

(f) Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. An applicant may submit a copy of a support contract for a sporting event to the department. Within sixty days of receipt of the sporting event support contract, the department may review the applicant's support contract and certify such support contract if it complies with the requirements of this section. Upon certification of the support contract by the department, the applicant may be authorized to receive the tax credit under subsection 4 of this section.

3. No more than ~~thirty~~ **ninety** days following the conclusion of the sporting event, the applicant shall submit eligible costs and documentation of the costs evidenced by receipts, paid invoices, **event settlements**, or other documentation in a manner prescribed by the department. **Eligible costs may be paid by the applicant or an entity cohosting the event with the applicant.**

4. (1) No later than seven days following the conclusion of the sporting event, the department, in consultation with the director, ~~may~~ **shall** determine the total number of tickets sold at face value for such event **or, if such event was participant-based and did not sell admission tickets, the total number of paid participant registrations.**

(2) No later than sixty days following the receipt of eligible costs and documentation of such costs from the applicant as required in subsection 3 of this section, the department ~~may~~ **shall**, **except for the limitations under subsection 5 of this section**, issue a refundable tax credit to the applicant for the ~~lesser~~ **least** of:

(a) One hundred percent of eligible costs incurred by the applicant ~~or~~ ;

(b) An amount equal to five dollars for every admission ticket sold to such event; **or**

(c) **An amount equal to ten dollars for every paid participant registration if such event was participant-based and did not sell admission tickets.**

**The calculations under paragraphs (b) and (c) of this subdivision shall use the actual number of tickets sold or registrations paid, not an estimated amount.**

(3) Tax credits authorized by this section may be claimed against taxes imposed by chapters 143 and 148 and shall be claimed within one year of the close of the ~~taxable~~ tax year for which the credits were issued. Tax credits authorized by this section may be transferred, sold, or assigned

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by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department.

5. In no event shall the amount of tax credits issued by the department under subsection 4 of this section exceed three million dollars in any fiscal year. **For all events located within the following counties, the total amount of tax credits issued shall not exceed two million seven hundred thousand dollars in any fiscal year:**

**(1) A county with a charter form of government and with more than six hundred thousand inhabitants; or**

**(2) A city not within a county.**

6. An applicant shall provide any information necessary as determined by the department for the department and the director to fulfill the duties required by this section. At any time upon the request of the state of Missouri, a certified sponsor shall subject itself to an audit conducted by the state.

7. This section shall not be construed as creating or requiring a state guarantee of obligations imposed on an endorsing municipality under a support contract or any other agreement relating to hosting one or more sporting events in this state.

8. The department shall only certify an applicant's support contract for a sporting event in which the site selection organization has yet to select a location for the sporting event as of December 1, 2012. No support contract shall be certified unless the site selection organization has chosen to use a location in this state from competitive bids, at least one of which was a bid for a location outside of this state, **except that competitive bids shall not be required for any previously-awarded event whose site selection organization extends its contractual agreement with the event's certified sponsor or for any post-season collegiate football game or other neutral-site game with at least one out-of-state team.** Support contracts shall not be certified by the department after August 28, ~~[2019]~~ **2025**, provided that the support contracts may be certified on or prior to August 28, ~~[2019]~~ **2025**, for sporting events that will be held after such date.

9. The department may promulgate rules as necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

**67.3005. TAX CREDIT AUTHORIZED, AMOUNT — APPLICATION, APPROVAL — RULEMAKING AUTHORITY — SUNSET DATE. —** 1. For all ~~[taxable]~~ **tax** years beginning on or after January 1, 2013, any taxpayer shall be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the amount of an eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's two subsequent ~~[taxable]~~ **tax** years.

2. To claim the credit authorized in this section, a certified sponsor or local organizing committee shall submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the applicant has submitted the following items accurately and completely:

- (1) A valid application in the form and format required by the department;
- (2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the individual making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received; and
- (3) Payment from the certified sponsor or local organizing committee equal to the value of the tax credit for which application is made.

If the certified sponsor or local organizing committee applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

3. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit or the value of the credit. In no event shall the amount of tax credits issued by the department under this section exceed ten million dollars in any fiscal year.

4. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

5. Under section 23.253 of the Missouri sunset act:

- (1) The provisions of the new program authorized under section 67.3000 and under this section shall automatically sunset six years after August 28, ~~[2013]~~ **2019**, unless reauthorized by an act of the general assembly; and
- (2) If such program is reauthorized, the program authorized under section 67.3000 and under this section shall automatically sunset twelve years after the effective date of the reauthorization of these sections; and
- (3) Section 67.3000 and this section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under these sections is sunset.

**313.940. ANNUAL FINANCIAL AUDIT REQUIRED, OPERATOR TO PAY COST OF AUDIT — EXEMPTION. — 1. Except as provided in subsection 2 of this section, a licensed operator shall contract annually with a certified public accountant to perform a financial audit of the licensed operator ~~[and the authorized internet website]~~. Except as provided in subsection 2 of this section, a licensed operator shall also contract with a qualified third party to perform an examination to ensure compliance with sections 313.900 to 313.955 and any rule governing sections 313.900 to 313.955. The licensed operator shall ~~[pay for the audit and]~~ submit~~[-by March first]~~ **the result of each audit and examination to the commission by November first** of ~~[each]~~ **the subsequent calendar year**~~[-the results of the audit to the commission].~~**

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2. A licensed operator with net revenues of two hundred fifty thousand dollars or less in a calendar year shall not be required to comply with the provisions of subsection 1 of this section. The commission may perform an audit on such licensed operator at the commission's expense. If such audit uncovers evidence of any violation of sections 313.900 to 313.955, the licensed operator shall remit to the commission the reasonable cost of such audit.

**317.006. DIRECTOR TO SUPERVISE PROFESSIONAL BOXING, SPARRING, WRESTLING, KARATE, AND MIXED MARTIAL ARTS CONTESTS — POWERS — DUTIES — FEES, HOW SET — ATHLETIC FUND.** — 1. The division shall have general charge and supervision of all professional boxing, sparring, professional wrestling, professional kickboxing ~~[and]~~ , **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, and amateur mixed martial arts** contests held in the state of Missouri, and it shall have the power, and it shall be its duty:

(1) To make and publish rules governing in every particular professional boxing, sparring, professional wrestling, professional kickboxing ~~[and]~~ , **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, and amateur mixed martial arts** contests;

(2) To make and publish rules governing the approval of amateur sanctioning bodies;

(3) To accept applications for and issue licenses to contestants in professional boxing, sparring, professional wrestling, professional kickboxing ~~[and]~~ , **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, and amateur mixed martial arts** contests held in the state of Missouri, and referees, judges, matchmakers, ~~[managers,]~~ promoters, seconds, ~~[announcers,]~~ timekeepers, and physicians involved in professional boxing, sparring, professional wrestling, professional kickboxing ~~[and]~~ , **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, and amateur mixed martial arts** contests held in the state of Missouri, as authorized herein. Such licenses shall be issued in accordance with rules duly adopted by the division;

(4) To charge fees to be determined by the director and established by rule for every license issued and to assess a tax of five percent of the gross receipts of any person, organization, corporation, partnership, limited liability company, or association holding a promoter's license and permit under sections 317.001 to 317.021, derived from admission charges connected with or as an incident to the holding of any professional boxing, sparring, professional wrestling, professional kickboxing ~~[or]~~ , **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, or amateur mixed martial arts** contest in the state of Missouri. Such funds shall be paid to the division of professional registration which shall pay said funds into the Missouri state treasury to be set apart into a fund to be known as the "Athletic Fund" which is hereby established;

~~(5) To assess a tax of five percent of the gross receipts of any person, organization, corporation, partnership, limited liability company or association holding a promoter's license under sections 317.001 to 317.021 derived from the sale, lease or other exploitation in this state of broadcasting, television, pay per view, closed circuit telecast, and motion picture rights for any professional boxing, sparring, professional wrestling, professional kickboxing or professional full contact karate contest. Such funds shall be paid to the division which shall pay said funds into the Missouri state treasury to be set apart into a fund to be known as the "Athletic Fund";~~

~~(6) Each cable television system operator whose pay per view or closed circuit facilities are utilized to telecast a bout or contest shall, within thirty calendar days following the date of the telecast, file a report with the office stating the number of orders sold and the price per order].~~

2. All fees established pursuant to sections 317.001 to 317.021 shall be determined by the director by rule in such amount as to produce sufficient revenue to fund the necessary expenses and operating costs incurred in the administration of the provisions of sections 317.001 to 317.021. All expenses shall be paid as otherwise provided by law.

**317.011. ATHLETIC FUND, SOURCE OF FUNDS — DIRECTOR ONLY TO LICENSE CERTAIN CONTESTS, EXCEPTIONS — LAW NOT APPLICABLE TO CERTAIN AMATEUR MATCHES. — 1.** The division shall have the power, and it shall be its duty, to accept application for and issue permits to hold professional boxing, sparring, professional wrestling, professional kickboxing ~~[or]~~ , **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, or amateur mixed martial arts** contests in the state of Missouri, and to charge a fee for the issuance of same in an amount established by rule; such funds to be paid to the division which shall pay such funds into the Missouri state treasury to be set apart into the athletic fund.

2. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the fund for the preceding fiscal year or, if the division requires by rule renewal **of the permits** less frequently than yearly then three times the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the fund for the preceding fiscal year.

3. The division shall not grant any permit to hold professional boxing, sparring, professional wrestling, professional kickboxing ~~[or]~~ , **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, or amateur mixed martial arts** contests in the state of Missouri except:

(1) Where such professional boxing, sparring, professional wrestling, professional kickboxing ~~[or]~~ , **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, or amateur mixed martial arts** contest is to be held under the auspices of a promoter duly licensed by the division; and

(2) Where a fee has been paid for such permit, in an amount established by rule.

4. In such contests a decision shall be rendered by three judges licensed by the division.

5. Specifically exempted from the provisions of this chapter are contests or exhibitions for amateur boxing~~], amateur kickboxing,]~~ **and** amateur wrestling ~~[and amateur full-contact karate].~~ However, all amateur boxing ~~], amateur kickboxing,]~~ **and** amateur wrestling ~~[and amateur full-contact karate]~~ must be sanctioned by a nationally recognized amateur sanctioning body approved by the office.

**317.013. MANDATORY MEDICAL SUSPENSIONS, DETERMINATION — MEDICALLY RETIRED PERSONS. — 1.** In order to protect the health and welfare of the contestants, there shall be a mandatory medical suspension of any contestant, not to exceed one hundred eighty days, who loses consciousness or who has been injured as a result of blows received to the head or body during a professional boxing, professional wrestling, professional kickboxing, ~~[or]~~ **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, or amateur mixed martial arts** contest. The determination of consciousness is to be made only by a physician licensed by the board of healing arts and the division. Medical suspensions issued in accordance with this section shall not be reviewable by any tribunal.

2. No license shall be issued to any person who has been injured in such a manner that they may not continue to participate in boxing, wrestling, **professional kickboxing, [or] amateur**

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**kickboxing, full-contact karate, professional mixed martial arts, or amateur mixed martial arts** contests in the future. Such a person shall be deemed medically retired. No person with a status of medically retired shall compete in any events governed by this chapter. Medical retirements issued in accordance with this section shall not be reviewable by any tribunal.

**317.014. INJUNCTION, WHO MAY APPLY, WHEN — ACTIVITIES SUBJECT TO INJUNCTION — ACTION BROUGHT, WHERE — ACTION IN ADDITION TO PENALTY. — 1.** Upon proper application by the director, or the director of the office, a court of competent jurisdiction may grant an injunction, restraining order or any other order as may be appropriate to enjoin a person, partnership, organization, corporation, limited liability company or association from:

(1) Promoting or offering to promote any professional boxing, sparring, professional wrestling, professional kickboxing ~~[and]~~ , **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, or amateur mixed martial arts** contests ~~[in Missouri]~~ **that are not approved by the Missouri office of athletics;**

(2) Advertising or offering to advertise any professional boxing, sparring, professional wrestling, professional kickboxing ~~[and]~~ , **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, or amateur mixed martial arts** contests ~~[in Missouri]~~ **that are not approved by the Missouri office of athletics;**

(3) Conducting or offering to conduct any professional boxing, sparring, professional wrestling, professional kickboxing ~~[and]~~ , **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, or amateur mixed martial arts** contests ~~[in Missouri]~~ **that are not approved by the Missouri office of athletics;** or

(4) Competing or offering to compete in any professional boxing, sparring, professional wrestling, professional kickboxing ~~[and]~~ , **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, or amateur mixed martial arts** contests ~~[in Missouri]~~ **that are not approved by the Missouri office of athletics.**

2. Any such actions shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

3. Any action brought under this section shall be in addition to, and not in lieu of, any penalty provided by law and may be brought concurrently with other actions to enforce this chapter.

**317.017. PARTICIPANTS, REQUIRED MINIMUM AGE — SURETY BOND REQUIREMENTS — ELBOW AND KNEE STRIKES TO HEAD PROHIBITED, WHEN. — 1.** In any professional or amateur event the division regulates, other than amateur kickboxing, no person shall be allowed to participate if such person is not eighteen years of age or older on or before the day the individual is scheduled to participate in the event.

2. Before the office issues a promoter's license, the promoter shall provide the office a surety bond in the amount of twenty-five thousand dollars or an irrevocable letter of credit in the amount of at least twenty-five thousand dollars from a lending institution approved to do business in the United States to guarantee payment of all state athletic taxes and fees to the state. The surety bond or irrevocable letter of credit shall cover all license fees and taxes due to the office as well as all expenses of the contestants and officials in the event of default by the promoter. The irrevocable letter of credit shall be released only upon written approval by the office. An additional bond or irrevocable letter of credit may be required in the amount specified by the office if it may be reasonably expected that the twenty-five thousand dollar bond or irrevocable letter of credit will not provide sufficient protection to the state. It shall be the duty of each promoter to maintain all required bonds on a current status.

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3. There shall be a prohibition of all elbow strikes to the head of an opponent during an amateur mixed martial arts bout.

4. For the first five sanctioned amateur bouts, there shall be a prohibition of knee strikes to the head of an opponent during an amateur mixed martial arts contest. However, after the fifth sanctioned bout for both contestants, both contestants may mutually agree to allow knee strikes during a bout.

**317.019. BOUT CONTRACTS REQUIRED, WHEN — CONTENTS, CHANGES — PAYMENT OF EVENT OFFICIAL'S FEES.** — 1. The promoter of a professional boxing, professional kickboxing, ~~and~~ **amateur kickboxing**, professional full-contact karate, **professional mixed martial arts, and amateur mixed martial arts** contest shall sign written bout contracts with each professional **or amateur** contestant. Original bout contracts shall be filed with the division prior to the event as required by the rules of the office. The bout contract shall be on a form supplied by the division and contain at least the following:

- (1) The weight required of the contestant at weigh-in;
- (2) The amount of the purse to be paid for the contest, **except amateur kickboxing and amateur mixed martial arts contests;**
- (3) The date and location of the contest;
- (4) The glove size allotted for each contestant;
- (5) Any other payment or consideration provided to the contestant, **except amateur kickboxing and amateur mixed martial arts contests;**
- (6) List of all fees, charges, and expenses including training expenses that will be assessed to the contestant or deducted from the contestant's purse, **except amateur kickboxing and amateur mixed martial arts contests;**
- (7) Any advances paid to the contestant before the bout, **except amateur kickboxing and amateur mixed martial arts contests;**
- (8) The amount of any compensation or consideration that a promoter has contracted to receive in connection with the bout or contest, **except amateur kickboxing and amateur mixed martial arts contests;**
- (9) The signature of the promoter and contestant;
- (10) The date signed by both the promoter and the contestant; and
- (11) Any **additional** information required by the office.

2. If the bout contract between a contestant and promoter is changed, the promoter shall provide the division with the amended contract containing all contract changes at least two hours prior to the event's scheduled start time. The amended contract shall comply with all requirements for original bout contracts and shall contain the signature of the promoter and contestant.

3. A promoter of an event shall not be a manager for a contestant who is contracted for ten rounds or more at the event.

4. The promoter of an event shall provide payments for the event official's fees to the office prior to the start of the event. The form of payment shall be at the discretion of the office provided that payments remitted by check or money order shall be made payable directly to the applicable official.

Approved June 29, 2018

## SS#2 SCS HB 1413

**Enacts provisions relating to public labor organizations.**

AN ACT to repeal sections 105.500, 105.520, 105.525, 105.530, and 208.862, RSMo, and to enact in lieu thereof twenty-one new sections relating to public labor organizations, with penalty provisions.

## SECTION

- A. Enacting clause.
- 105.500 Definitions.
- 105.503 Applicability — exceptions — federal law supersedes, when.
- 105.505 Dues and fees — requirements for nonmembers — authorization of nonmember not a condition of employment — financial records to be maintained, requirements — agency shop defined.
- 105.525 Issues as to appropriate bargaining units and majority representative status to be decided by board — appeal to circuit court.
- 105.530 Law not to be construed as granting right to strike.
- 105.533 Constitution and bylaws, requirements — financial report, contents — definitions.
- 105.535 Officer and employee report, certain financial disclosures required.
- 105.537 Attorney-client information not to be included in reports, when.
- 105.540 Reports deemed public records — department regulations.
- 105.545 Maintenance of records, requirements.
- 105.550 Filing of reports, when.
- 105.555 Fines for false statements, misrepresentations, tampering with records, and failure to file reports.
- 105.570 Supervisory public employees, separate bargaining unit — labor organization not to represent nonsupervisory and supervisory public employees — definition.
- 105.575 Representation of bargaining unit, procedure, election — decertification, procedure — fees for election.
- 105.580 Bargaining agreement, procedure — renewal — term of agreement, limitation.
- 105.583 Tentative agreement, requirements.
- 105.585 Labor agreements, limitations on.
- 105.590 Copies of agreement provided to public employees.
- 105.595 Civil action for violations.
- 105.598 Rulemaking authority.
- 208.862 Consumer rights and employment relations.
- 105.520 Public bodies shall confer with labor organizations.

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

**SECTION A. ENACTING CLAUSE.** — Sections 105.500, 105.520, 105.525, 105.530, and 208.862, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 105.500, 105.503, 105.505, 105.525, 105.530, 105.533, 105.535, 105.537, 105.540, 105.545, 105.550, 105.555, 105.570, 105.575, 105.580, 105.583, 105.585, 105.590, 105.595, 105.598, and 208.862, to read as follows:

**105.500. DEFINITIONS.** — For purposes of sections 105.500 to 105.598, unless the context otherwise requires, the following words and phrases mean:

- (1) [~~"Appropriate unit" means~~] **"Bargaining unit"**, a unit of **public** employees at any plant or installation or in a craft or in a function of a public body ~~[which]~~ **that** establishes a clear and identifiable community of interest among the **public** employees concerned;
- (2) **"Board"**, the **state board of mediation established under section 295.030**;

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(3) "Department", the department of labor and industrial relations established under section 286.010;

(4) "Exclusive bargaining representative" ~~[means]~~, an organization ~~[which]~~ that has been designated or selected, **as provided in section 105.575**, by a majority of **the public** employees in ~~[an appropriate]~~ **a bargaining** unit as the representative of such **public** employees in such unit for purposes of collective bargaining;

(5) "Labor organization", **any organization, agency, or public employee representation committee or plan, in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public body or public bodies concerning collective bargaining, grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;**

~~[(3)]~~ (6) "Public body" ~~[means]~~, the state of Missouri, or any officer, agency, department, bureau, division, board or commission of the state, or any other political subdivision **or special district** of or within the state. **"Public body" shall not include the department of corrections;**

(7) "Public employee", any person employed by a public body;

(8) "Public safety labor organization", a labor organization wholly or primarily representing persons trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, ambulance attendants, attendant drivers, emergency medical technicians, emergency medical technician paramedics, dispatchers, registered nurses and physicians, and persons who are vested with the power of arrest for criminal code violations including, but not limited to police officers, sheriffs, and deputy sheriffs.

**105.503. APPLICABILITY — EXCEPTIONS — FEDERAL LAW SUPERSEDES, WHEN. — 1.** Except as provided in subsection 2 of this section, the provisions of sections 105.500 to 105.598 shall apply to all employees of a public body, all labor organizations, and all labor agreements between such a labor organization and a public body, whether collective bargaining rights are granted to such entities in section 105.510 or by judicial decision.

**2.** The provisions of sections 105.500 to 105.598 shall not apply to:

(1) Public safety labor organizations and all employees of a public body who are members of a public safety labor organization;

(2) The department of corrections and all employees of the department of corrections;

(3) Members of a labor organization who are not employed by a public body; and

(4) Any labor agreement between a labor organization and an employer that is not a public body.

**3.** Nothing in sections 105.500 to 105.598 shall be construed to interfere with the rights and obligations that are specified in title 29 of the United States Code, provided that in the case of a conflict with title 29 of the United States Code, the provisions of title 29 of the United States Code shall prevail.

**105.505. DUES AND FEES — REQUIREMENTS FOR NONMEMBERS — AUTHORIZATION OF NONMEMBER NOT A CONDITION OF EMPLOYMENT — FINANCIAL RECORDS TO BE MAINTAINED, REQUIREMENTS — AGENCY SHOP DEFINED. — 1.** No sum shall be withheld from the earnings of any public employee for the purpose of paying any portion of dues, agency shop fees, or any other fees paid by members of a labor organization or public employees who are nonmembers except upon the annual written or electronic authorization of the member or nonmember.

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2. No labor organization shall use or obtain any portion of dues, agency shop fees, or any other fees paid by members of the labor organization or public employees who are nonmembers to make contributions, as defined in section 130.011, or expenditures, as defined in section 130.011, except with the informed, written or electronic authorization of such member or nonmember received within the previous twelve months.

3. Public employees who do not authorize contributions or expenditures under subsection 2 of this section shall not have their dues, agency shop fees, or other fees increased in lieu of payments for contributions or expenditures.

4. The requirements of this section shall not be waived by any member or nonmember of a labor organization, and waiver of the requirements shall not be made a condition of employment or continued employment.

5. Signing or refraining from signing any authorization described under subsection 1 or 2 of this section shall not be made a condition of employment or continued employment.

6. A labor organization shall maintain financial records substantially similar to and no less comprehensive than the records that are required to be maintained in accordance with 29 U.S.C. Section 431(b), or any successor statute.

7. Every labor organization shall provide the records required under subsection 6 of this section in a searchable electronic format to every public employee it represents. If any labor organization fails to make such records available to the public employees represented by such organization, any such public employee shall have a cause of action against the labor organization for enforcement of this subsection. The court in such action may, in its discretion, in addition to any judgment awarded to the plaintiff or plaintiffs, require reasonable attorney's fees and court costs to be paid by the labor organization.

8. Every labor organization required to prepare any record under this section shall maintain such records and any additional data or summary by which the records may be verified, explained, or clarified for a period of not less than five years immediately following the preparation of such record.

9. For purposes of this section, the term "agency shop" shall mean an arrangement that requires a public employee, as a condition of employment or continued employment, either to join a recognized labor organization or to pay such organization a service fee.

**105.525. ISSUES AS TO APPROPRIATE BARGAINING UNITS AND MAJORITY REPRESENTATIVE STATUS TO BE DECIDED BY BOARD — APPEAL TO CIRCUIT COURT.** — Issues with respect to appropriateness of bargaining units and majority representative status, as **determined under section 105.575**, shall be resolved by the [state] board [of mediation]. In the event that the appropriate administrative body or any of the bargaining units shall be aggrieved by the decision of the [state] board [of mediation], an appeal may be had to the circuit court of the county where the administrative body is located or in the circuit court of Cole County. [~~The state board of mediation shall use the services of the state hearing officer in all contested cases.~~]

**105.530. LAW NOT TO BE CONSTRUED AS GRANTING RIGHT TO STRIKE.** — Nothing contained in sections 105.500 to [~~105.530~~] **105.598** shall be construed as granting a right to **public** employees covered in sections 105.500 to [~~105.530~~] **105.598** to strike.

**105.533. CONSTITUTION AND BYLAWS, REQUIREMENTS — FINANCIAL REPORT, CONTENTS — DEFINITIONS.** — **1. Every labor organization shall adopt a constitution and bylaws and shall file a copy thereof with the department, together with a report, signed by**

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its president and secretary or corresponding principal officers, containing the following information:

(1) The name of the labor organization, its mailing address, and any other address at which it maintains its principal office or at which it keeps the records referred to in sections 105.533 to 105.555;

(2) The name and title of each of its officers;

(3) The initiation fee or fees required from a new or transferred member and fees for work permits required by the reporting labor organization;

(4) The regular dues or fees or other periodic payments required to remain a member of the labor organization, as well as agency fees or any other fees required for nonmembers, if any; and

(5) Detailed statements, or references to specific provisions of documents filed under this subsection that contain such statements, showing the provisions made and procedures followed with respect to each of the following:

(a) Qualifications for or restrictions on membership;

(b) Levying of assessments;

(c) Participation in insurance or other benefit plans;

(d) Authorization for disbursement of funds of the labor organization;

(e) Audits of financial transactions of the labor organization;

(f) The calling of regular and special meetings;

(g) The selection of officers and stewards and of any representatives to other bodies composed of the labor organization's representatives, with a specific statement of the manner in which each officer was elected, appointed, or otherwise selected;

(h) Discipline or removal of officers or agents for their breaches of trust;

(i) Imposition of fines, suspensions, and expulsions of members, including the grounds for such actions and any provision made for notice, hearing, judgment on the evidence, and appeal procedures;

(j) Authorization for bargaining demands;

(k) Ratification of contract terms; and

(l) Issuance of work permits.

Any change in the information required by this subsection shall be reported to the department at the time the reporting labor organization files with the department the annual financial report required by subsection 2 of this section.

2. Every labor organization shall file annually with the department a financial report signed by its president and treasurer or corresponding principal officers containing the following information in such detail as may be necessary to accurately disclose its financial condition and operations for its preceding fiscal year:

(1) All assets and liabilities at the beginning and end of the fiscal year;

(2) Receipts of any kind and the sources thereof;

(3) Salaries, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and employee who, during such fiscal year, received more than ten thousand dollars in the aggregate from such labor organization or any affiliated labor organization;

(4) All direct and indirect loans made to any officer, employee, or member that aggregated more than two hundred fifty dollars during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment;

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(5) All direct and indirect loans made to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment;

(6) An itemization schedule that discloses the purpose, date, total amount, and type or classification of each disbursement made by the labor organization for the following services and activities, along with the name and address of the entity receiving the expenditure:

(a) Contract negotiation and administration;

(b) Organizing activities;

(c) Litigation;

(d) Public relations activities;

(e) Political activities;

(f) Activities attempting to influence the passage or defeat of federal, state, or local legislation or the content or enforcement of federal, state, or local regulations or policies;

(g) Voter education and issue advocacy activities;

(h) Training activities for each officer of the local bargaining representative or labor organization support staff;

(i) Conference, convention, and travel activities engaged in by the labor organization; and

(j) Labor organization administration;

(7) The percentage of the labor organization's total expenditures that were spent for each of the activities described in paragraphs (a) to (j) of subdivision (6) of this subsection;

(8) The names, addresses, and activities of any law firms, public relations firms, or lobbyists whose services are used by the labor organization for any activity described in paragraphs (a) to (j) of subdivision (6) of this subsection;

(9) A list of candidates, continuing committees, federal political action committees, nonprofit organizations, and community organizations to which the labor organization contributed financial or in-kind assistance and the dollar amount of such assistance;

(10) The names and addresses of any continuing committees or federal political action committees with which the labor organization is affiliated or to which it provides contributions, the total amount of contributions to such committees, the candidates or causes to which such committees provided any financial assistance, and the amount provided to each such candidate or cause; and

(11) Other disbursements made, including the purposes thereof, all in such categories as the department may prescribe.

3. Every labor organization shall submit the report required by subsection 2 of this section in an electronic format that is readily and easily accessible and shall make available the information required to be contained in such report to all of its members. Every such labor organization and its officers shall be under a duty enforceable at the suit of any member of such organization in the county where the violation occurred to permit such members for just cause to examine any books, records, and accounts necessary to verify such report. The court in such action may, in its discretion, in addition to any judgment awarded to the plaintiff or plaintiffs, allow costs of the action and a reasonable attorney's fee to be paid by the defendant.

4. The department shall make each report filed under this section publicly available, online, in an electronic format.

5. For purposes of this section, the terms "candidate", "continuing committee", and "contribution" shall have the same meanings as in section 130.011, and the term "lobbyist" shall have the same meaning as in section 105.470.

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Matter in bold-face type is proposed language.

**105.535. OFFICER AND EMPLOYEE REPORT, CERTAIN FINANCIAL DISCLOSURES REQUIRED.** — 1. Every officer of a labor organization and every employee of a labor organization, other than an employee performing exclusively clerical or custodial services, shall file with the department a signed report listing and describing for his or her preceding fiscal year:

(1) Any stock, bond, security, or other interest, legal or equitable, that such person or his or her spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value, including reimbursed expenses, that such person or his or her spouse or minor child derived directly or indirectly from, any public body whose employees such labor organization represents or is actively seeking to represent, except payments and other benefits received as a bona fide employee of such public body;

(2) Any transaction in which such person or his or her spouse or minor child engaged, directly or indirectly, involving any stock, bond, security, or loan to or from, or other legal or equitable interest in the business of a public body whose employees such labor organization represents or is actively seeking to represent;

(3) Any stock, bond, security, or other interest, legal or equitable, that such person or his or her spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value, including reimbursed expenses, that such person or his or her spouse or minor child derived directly or indirectly from, any business a substantial part of which consists of buying from, selling or leasing to, or otherwise dealing with the business of a public body whose employees such labor organization represents or is actively seeking to represent;

(4) Any stock, bond, security, or other interest, legal or equitable, that such person or his or her spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value, including reimbursed expenses, that such person or his or her spouse or minor child derived directly or indirectly from, a business any part of which consists of buying from, or selling or leasing directly or indirectly to, or otherwise dealing with such labor organization;

(5) Any direct or indirect business transaction or arrangement between such person or his or her spouse or minor child and any public body whose employees his or her labor organization represents or is actively seeking to represent, except work performed and payments and benefits received as a bona fide employee of such public body and purchases and sales of goods or services in the regular course of business at prices generally available to any employee of such public body; and

(6) Any payment of money or other thing of value, including reimbursed expenses, that such person or his or her spouse or minor child received directly or indirectly from any public body or any person who acts as a labor relations consultant to any public body.

2. The provisions of subdivisions (1) to (5) of subsection 1 of this section shall not be construed to require any such officer or employee to report his or her bona fide investments in securities traded on a securities exchange registered as a national securities exchange under the Securities Exchange Act of 1934, in shares in an investment company registered under the Investment Company Act, or in securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935, or to report any income derived therefrom.

3. Nothing contained in this section shall be construed to require any officer or employee of a labor organization to file a report under subdivision (1) of subsection 1 of this section unless such person or his or her spouse or minor child holds or has held an interest, has

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received income or any other benefit with monetary value or a loan, or has engaged in a transaction described therein.

**105.537. ATTORNEY-CLIENT INFORMATION NOT TO BE INCLUDED IN REPORTS, WHEN.** — Nothing contained in the provisions of sections 105.533 to 105.555 shall be construed to require an attorney who is a member in good standing of the bar of any state to include in any report required to be filed under the provisions of sections 105.533 to 105.555 any information that was lawfully communicated to such attorney by any of his or her clients in the course of a legitimate attorney-client relationship.

**105.540. REPORTS DEEMED PUBLIC RECORDS — DEPARTMENT REGULATIONS.** — 1. The contents of the reports and documents filed with the department under the provisions of sections 105.533 and 105.535 shall be considered a public record, as that term is defined in section 610.010, and shall not be closed under section 610.021. The department may publish any information and data obtained under sections 105.533 and 105.535. The department may use the information and data for statistical and research purposes and compile and publish such studies, analyses, reports, and surveys based thereon as it may deem appropriate.

2. The department shall, by regulation, make reasonable provision for the inspection and examination, on the request of any person, of the information and data contained in any report or other document filed under section 105.533 or 105.535.

3. (1) The department shall, by regulation, provide for the furnishing of reports or other documents filed with the department under the provisions of sections 105.533 to 105.555, upon payment of a charge based upon the cost of the service.

(2) The department shall make available without payment of a charge, or require any person to furnish, to such state agency as is designated by law or by the governor of the state in which such person has his or her principal place of business or headquarters, upon request of the governor of such state, copies of any reports and documents filed by such person with the department under the provisions of sections 105.533 or 105.535, or of information and data contained therein.

(3) All moneys received in payment of such charges fixed by the department under this subsection shall be deposited in the general revenue fund of the state.

**105.545. MAINTENANCE OF RECORDS, REQUIREMENTS.** — Every person required to file any report under the provisions of sections 105.533 to 105.555 shall maintain records on the matters required to be reported that will provide in sufficient detail the necessary basic information and data from which the documents filed with the department may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions. Such records shall be kept available for examination for a period of not less than five years after the filing of the documents based on the information that they contain.

**105.550. FILING OF REPORTS, WHEN.** — 1. Each labor organization shall file the initial report required under subsection 1 of section 105.533 within ninety days after the date on which it first becomes subject to the provisions of sections 105.533 to 105.555.

2. Each person required to file a report under the provisions of sections 105.533 to 105.555 shall file such report within ninety days after the end of each of its fiscal years, except that where such person is subject for only a portion of such a fiscal year, whether because

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the date of enactment of the provisions of sections 105.533 to 105.555 occurs during such person's fiscal year or because such person becomes subject to the provisions of sections 105.533 to 105.555 during its fiscal year, such person may consider that portion as the entire fiscal year in making such report.

**105.555. FINES FOR FALSE STATEMENTS, MISREPRESENTATIONS, TAMPERING WITH RECORDS, AND FAILURE TO FILE REPORTS. — 1.** Any person who makes a false statement or representation of a material fact, knowing it to be false, or who knowingly fails to disclose a material fact, in any document, report, or other information required under the provisions of sections 105.533 to 105.555 shall be fined not more than ten thousand dollars or imprisoned for not more than one year, or both.

**2.** Any person who knowingly makes a false entry in or knowingly conceals, withholds, or destroys any books, records, reports, or statements required to be kept by any provision of sections 105.533 to 105.555 shall be fined not more than ten thousand dollars or imprisoned for not more than one year, or both.

**3.** Each person required to sign reports under section 105.533 shall be personally responsible for the filing of such reports and for any statement contained therein that he or she knows to be false.

**4.** Any person who fails to file a report required by sections 105.533 to 105.555, or files a report late, shall be subject to a fine of one hundred dollars for every day the report is late.

**105.570. SUPERVISORY PUBLIC EMPLOYEES, SEPARATE BARGAINING UNIT — LABOR ORGANIZATION NOT TO REPRESENT NONSUPERVISORY AND SUPERVISORY PUBLIC EMPLOYEES — DEFINITION. — 1.** Supervisory public employees shall not be included within the same bargaining unit as the public employees they supervise.

**2.** The same labor organization shall not represent both non-supervisory and supervisory public employees.

**3.** For the purposes of this section, the term "supervisory public employee" means anyone with supervisory status, managerial status, confidential status, or any other status that would be a conflict of interest with the purpose of sections 105.570 to 105.595.

**105.575. REPRESENTATION OF BARGAINING UNIT, PROCEDURE, ELECTION — DECERTIFICATION, PROCEDURE — FEES FOR ELECTION. — 1.** Any labor organization wishing to represent a bargaining unit as an exclusive bargaining representative shall present to the board cards containing the signatures of at least thirty percent of the public employees in the bargaining unit indicating that they wish to select the labor organization in question as their exclusive bargaining representative for the purpose of collective bargaining. Voluntary recognition by any public body of a labor organization as an exclusive bargaining representative shall be prohibited. Recognition as an exclusive bargaining representative may only be obtained by a labor organization through an election conducted under this section.

**2.** Upon receiving such cards, the board shall request from the public body a list of all public employees within the bargaining unit and the public body shall provide to the board such list no later than ten business days following receipt of such request. The board shall validate the signatures on the cards and confirm that at least thirty percent of the public employees in the bargaining unit have signed the cards. If the board determines that at least thirty percent of the public employees in the bargaining unit have signed valid cards, the

board shall consult with the public body and the representative of the labor organization that has presented the cards, and together they shall select a mutually agreeable date for a secret ballot election to take place. The election shall be conducted at the public body's place of business or by mail-in ballot, in whole or in part, at the discretion of the chairman of the board, and shall be set for a date falling no less than four weeks, and no more than eight weeks, after the day upon which the board determines the bargaining unit for election and has resolved any other bargaining unit issues.

3. Once an election date has been set, the public body shall issue a notice informing all eligible voters of the date, time, and place of the election. Such notice shall be distributed to all public employees and shall be posted within the public body's place of business.

4. All public employees shall have the right to freely express their opinions about whether the labor organization should be selected as the exclusive bargaining representative of the public employees in the bargaining unit. However, no employee or representative of the labor organization and no public body or representative of the public body shall attempt to threaten, intimidate, coerce, or otherwise restrain any eligible voter in the free exercise of his or her individual choice to support or oppose the selection of the labor organization in question as the exclusive bargaining representative of the public employees in the bargaining unit.

5. Elections shall be conducted by secret ballot, using such procedures as the board shall determine are appropriate for ensuring the privacy and security of each public employee's vote. Once the poll is closed, the board shall oversee the counting of the ballots. One representative of the public body's management team and one representative of the labor organization shall have the right to be present during the counting of the ballots.

6. The ballots shall read: "Do you wish to select (labor organization) as the exclusive bargaining representative for (description of bargaining unit) employed within (description of public body)?" The ballot shall include check boxes for marking "yes" or "no" in response to this question.

7. If more than one labor organization seeks to represent public employees in the bargaining unit, and if both labor organizations have obtained signatures from at least thirty percent of the public employees in the unit stating that they wish to designate the labor organization as their exclusive bargaining representative, the ballot shall read: "Do you wish to select (labor organization A), (labor organization B), or no labor organization as the exclusive bargaining representative for (description of bargaining unit) employed within (description of public body)?" The ballot shall include check boxes for marking "I wish to select (labor organization A) as my exclusive bargaining representative.", "I wish to select (labor organization B) as my exclusive bargaining representative.", and "I do not wish to select any labor organization as my exclusive bargaining representative."

8. Any labor organization receiving the votes of more than fifty percent of all public employees in the bargaining unit shall be designated and recognized by the public body as the exclusive bargaining representative for all public employees in the bargaining unit.

9. Public employees within the bargaining unit shall have the right to seek to decertify the labor organization as their exclusive bargaining representative at any time. If any public employee within the bargaining unit presents to the board cards bearing the signatures of at least thirty percent of the public employees within the bargaining unit stating that those public employees no longer wish to be represented by the labor organization in question, the board shall confirm the signatures on the cards. The board shall request from the public

body a list of all public employees within the bargaining unit and the public body shall provide such list no later than ten business days following the receipt of such request.

10. If the board confirms that at least thirty percent of the public employees in the bargaining unit have signed decertification cards, the board shall consult with the public body and the designated representative of the labor organization to select a date for a decertification election. Such election shall take place at least four weeks, but no later than six weeks, after the board receives the decertification cards. Notice of such election shall be distributed to all public employees within the bargaining unit and posted within the public body's place of business. The election shall be conducted at the public body's place of business or by mail-in ballot, in whole or in part, at the discretion of the chairman of the board.

11. If more than fifty percent of the public employees in the bargaining unit cast votes to terminate the labor organization's representation of the public employees in the bargaining unit, the labor organization shall immediately cease to represent the public employees in the bargaining unit.

12. All labor organizations that have previously been certified shall be recertified during the twelve-month period beginning on August 28, 2018, provided that any labor organization that has a labor agreement that expires after August 28, 2020, may be recertified at any time prior to, but in no event later than, August 28, 2020. All subsequent recertification elections shall be held every three years. To meet the recertification requirement, continuation of the labor organization's status as the exclusive bargaining representative shall be favored in a secret ballot election conducted by the board by more than fifty percent of the public employees in the bargaining unit. Public employees shall vote by telephone or online during a two-week period beginning on the anniversary of initial certification, whether such certification occurred prior to, on, or after August 28, 2018. Failure to schedule an election within the prescribed time period on the part of the labor organization shall result in immediate decertification as the exclusive bargaining representative.

13. In the event of the decertification of a labor organization as the exclusive bargaining representative of the public employees in any bargaining unit or failure to recertify a labor organization, all terms and conditions of employment existing at the time of decertification or failure to recertify shall remain in place until such time as those terms or conditions of employment are altered by the public body.

14. No more than one election shall take place in any bargaining unit within the same twelve-month period. Once an election takes place, the board shall not accept cards from labor organizations or public employees within the bargaining unit seeking another election for one full calendar year after the date of the election.

15. The board shall assess and collect a fee from each labor organization participating in an election conducted under this section for the purpose of paying for such election as follows:

- (1) For a bargaining unit of one to one hundred members, a fee of two hundred dollars;
- (2) For a bargaining unit of one hundred one to two hundred fifty members, a fee of three hundred fifty dollars;
- (3) For a bargaining unit of two hundred fifty-one to five hundred members, a fee of five hundred dollars;
- (4) For a bargaining unit of five hundred one to one thousand members, a fee of seven hundred fifty dollars;

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(5) For a bargaining unit of one thousand one to three thousand members, a fee of one thousand five hundred dollars;

(6) For a bargaining unit of more than three thousand members, a fee of two thousand dollars.

**105.580. BARGAINING AGREEMENT, PROCEDURE — RENEWAL — TERM OF AGREEMENT, LIMITATION. — 1.** Within eight weeks after a labor organization is certified as the exclusive bargaining representative for the public employees in a bargaining unit as described in section 105.575, representatives of the public body, designated by the public body, and representatives of the labor organization, selected by the labor organization, shall meet and begin bargaining for an agreement covering the wages, benefits, and other terms and conditions of employment for the public employees within the bargaining unit.

2. No labor organization may refuse to meet with designated representatives of any public body or engage in conduct intended to cause the removal or replacement of any designated representative by the public body.

3. The labor organization and the public body shall engage in bargaining with each other's designated representatives, but neither side shall be required to offer any particular concession or withdraw any particular proposal.

4. The public body shall not pay any labor organization representative or employee for time spent participating in collective bargaining or preparing for collective bargaining on behalf of a labor organization, except to the extent the person in question is an employee of the public body and elects to use accrued paid time off that was personally accrued by such person to cover the time so spent.

5. Before any proposed agreement or memorandum of understanding is presented to a public body, the labor organization, as a condition of its presentation, shall establish that it has been ratified by a majority of its members. The public body may approve the entire agreement or any part thereof. If the public body rejects any portion of the agreement, the public body may return any rejected portion of the agreement to the parties for further bargaining, adopt a replacement provision of its own design, or state that no provision covering the topic in question shall be adopted. Any tentative agreement reached between the parties' representatives shall not be binding on the public body or labor organization.

6. A public body and a labor organization shall not be subject to binding mediation, binding interest arbitration, or interest arbitration in the event the parties are unable to reach an agreement.

7. After the first agreement between the public body and the labor organization is adopted, bargaining for renewal agreements shall take place triennially. Such bargaining shall be completed within thirty days of the end of the public body's fiscal year. The parties may elect to bargain non-economic terms for longer periods, but all economic provisions of the agreement shall be adopted on a triennial basis only.

8. The term of any labor agreement, provision of a labor agreement, or extension of a labor agreement entered into after the effective date of sections 105.500 to 105.598 shall not exceed a period of three years. Any modification, extension, renewal, or any change whatsoever to a labor agreement in effect as of the effective date of sections 105.500 to 105.598 shall be considered a new labor agreement for purposes of this section.

**105.583. TENTATIVE AGREEMENT, REQUIREMENTS. — 1.** Prior to any tentative agreement being presented to an exclusive bargaining representative or a public body for

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ratification, such tentative agreement shall be discussed in detail in a public meeting. Any such tentative agreement shall be published on the public body's website at least five business days prior to the public meeting. During such public meeting, the public shall be permitted to provide comment on the tentative agreement.

2. Nothing contained in sections 105.500 to 105.598 shall obligate a public body to enter into a collective bargaining agreement.

3. For purposes of this section, the term "public meeting" shall have the same meaning as in section 610.010.

**105.585. LABOR AGREEMENTS, LIMITATIONS ON.** — Labor agreements negotiated between a public body and a labor organization may cover wages, benefits, and all other terms and conditions of employment for public employees within the bargaining unit and shall be subject to the following limitations:

(1) Every labor agreement shall include a provision reserving to the public body the right to hire, promote, assign, direct, transfer, schedule, discipline, and discharge public employees. Every labor agreement shall also include a provision reserving to management the right to make, amend, and rescind reasonable work rules and standard operating procedures;

(2) Every labor agreement shall expressly prohibit all strikes and picketing of any kind. A strike shall include any refusal to perform services, walkout, sick-out, sit-in, or any other form of interference with the operations of any public body. Every labor agreement shall include a provision acknowledging that any public employee who engages in any strike or concerted refusal to work, or who pickets over any personnel matter, shall be subject to immediate termination of employment;

(3) Every labor agreement shall include a provision extending the duty of fair representation by the labor organization to public employees in a bargaining unit;

(4) Every labor agreement shall expressly prohibit labor organization representatives and public employees from accepting paid time, other than unused paid time off that was accrued by such public employees, by a public body for the purposes of conducting labor organization-related activities concerning collective bargaining, including, but not limited to, negotiations, bargaining meetings, meet and confer sessions, and any other collective bargaining-related activity, provided that every labor agreement may allow for paid time off for the purposes of grievance-handling, advisory committees, establishing a work calendar, and internal and external communication;

(5) Every labor agreement shall inform public employees of their right to refrain from engaging in and supporting labor organization activity as well as their right to oppose labor organization activity; and

(6) Every labor agreement shall include a provision stating that in the event of a budget shortfall, the public body shall have the right to require the modification of the economic terms of any labor agreement. Every labor agreement shall also state that if the public body deems it necessary to modify, upon good cause, the economic terms of any labor agreement, the public body shall so notify the labor organization and shall provide a period of thirty days during which the public body and the labor organization shall bargain over any necessary adjustments to the economic terms of the agreement. The labor agreement shall state that if, at the end of the thirty-day period, the parties have been unable to agree upon modifications that meet the public body's requirements, the public body shall have the right, upon good cause, to make necessary adjustments on its own authority.

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**105.590. COPIES OF AGREEMENT PROVIDED TO PUBLIC EMPLOYEES.** — The secretary or corresponding principal officer of each labor organization shall forward a complete copy of each agreement made by such labor organization with any public body to any public employee who requests such a copy and whose rights as such public employee are directly affected by such agreement.

**105.595. CIVIL ACTION FOR VIOLATIONS.** — Whenever it shall appear that any labor organization or representative of any labor organization or any public body or representative of a public body has violated or is about to violate any of the provisions of sections 105.570 to 105.590, the department, a public body, or any citizen of the state of Missouri may bring a civil action for such relief, including injunctive relief, as may be appropriate. Any such action may be brought in the county where the violation occurred, or is about to occur, and damages and attorney's fees shall be awarded for the enforcement of the provisions of sections 105.570 to 105.590.

**105.598. RULEMAKING AUTHORITY.** — The board may promulgate rules necessary to implement the provisions of sections 105.500 to 105.595. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**208.862. CONSUMER RIGHTS AND EMPLOYMENT RELATIONS.** — ~~[Consumer rights and employment relations.]~~

1. Consumers shall retain the right to hire, fire, supervise, and train personal care attendants.  
 2. Vendors shall continue to perform the functions provided in sections 208.900 to 208.930. In addition to having a philosophy that promotes the consumer's ability to live independently in the most integrated setting or the maximum community inclusion of persons with physical disabilities, as required by subsection 1 of section 208.918, vendors shall provide to consumers advocacy, independent living skills training, peer counseling, and information and referral services, as those terms are used in subsection 3 of section 178.656.

3. The council shall be a public body as that term is ~~used~~ **defined** in section 105.500, and personal care attendants shall be employees of the council solely for purposes of ~~section~~ **sections 105.500**~~, et seq~~ **to 105.598**.

4. The sole ~~appropriate~~ **bargaining** unit of personal care attendants, as that term is ~~used in subdivision (1) of~~ **defined in** section 105.500, shall be a statewide unit. Personal care attendants who are related to or members of the family of the consumer to whom they provide services shall not for that reason be excluded from the unit. The state board of mediation shall conduct an election, by mail ballot, to determine whether an organization shall be designated the exclusive bargaining representative as defined in ~~subdivision (2) of~~ section 105.500 for the statewide unit of personal care attendants under section 105.525 upon a showing that ten percent of the personal care attendants in said unit want to be represented by a representative. The Missouri office of administration shall represent the council in any collective bargaining with a representative of personal care attendants. Upon completion of bargaining, any agreements shall be reduced to

writing and presented to the council for adoption, modification or rejection [~~in accordance with section 105.520~~].

5. The state of Missouri and all vendors shall cooperate in the implementation of any agreements reached by the council and any representative of personal care attendants, including making any payroll deductions authorized by the agreements which can lawfully be made pursuant to agreements entered into under sections 105.500 to ~~[105.530]~~ **105.598** as currently construed by the Missouri appellate courts.

6. Personal care attendants shall not have the right to strike and breach of this prohibition will result in disqualification from participation in the consumer directed services program.

7. Personal care attendants shall not be considered employees of the state of Missouri or any vendor for any purpose.

**8. (1) The provisions of sections 105.500 to 105.598 shall apply to all personal care attendants, organizations elected as the exclusive bargaining representative of the bargaining unit of personal care attendants under this section, and all officers and employees of such organizations. For purposes of this subsection, organizations elected as the exclusive bargaining representative of a bargaining unit under this section shall be considered a labor organization, as that term is defined in section 105.500.**

**(2) If an organization is not recertified or is decertified as the exclusive bargaining representative of a bargaining unit of personal care attendants under section 105.575, any subsequent certification of an organization as exclusive bargaining representative of a bargaining unit of personal care attendants shall be conducted according to the provisions of section 105.575, notwithstanding subsection 4 of this section to the contrary.**

~~**105.520. PUBLIC BODIES SHALL CONFER WITH LABOR ORGANIZATIONS.** — Whenever such proposals are presented by the exclusive bargaining representative to a public body, the public body or its designated representative or representatives shall meet, confer and discuss such proposals relative to salaries and other conditions of employment of the employees of the public body with the labor organization which is the exclusive bargaining representative of its employees in a unit appropriate. Upon the completion of discussions, the results shall be reduced to writing and be presented to the appropriate administrative, legislative or other governing body in the form of an ordinance, resolution, bill or other form required for adoption, modification or rejection.~~

Approved June 1, 2018

SS HB 1415

**Enacts provisions relating to workforce development.**

AN ACT to repeal sections 162.1115, 178.550, 178.930, 620.809, and 620.2020, RSMo, and to enact in lieu thereof nine new sections relating to workforce development, with an emergency clause for certain sections.

SECTION

A. Enacting clause.

160.572 Participation in ACT WorkKeys assessment in lieu of ACT assessment or ACT plus writing assessment, when.

162.1115 Career and technical education programs, districts not penalized under school improvement program, when — revision of scoring.

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

- 167.910 Career readiness course task force established, purpose, members, meetings, duties — findings and recommendations.
- 168.024 Local business externship, count as contact hours of professional development.
- 170.028 Industry certifications, professional licenses, and occupational competency assessments — council to have list, use of — department duties.
- 178.550 Career and technical education student protection act — council established, members, terms, meetings, duties.
- 178.931 Payments for hours worked by disabled employees, how calculated.
- 620.809 Community college funds created, use of moneys — forms — establishment of projects, procedure, requirements — funding options — issuance of certificates — sunset provision.
- 620.2020 Participation procedures, department duties, qualified company duties — maximum tax credits allowed, allocation — prohibited acts — report, contents — rulemaking authority — sunset date.
- 178.930 State aid, computation of — records, kept on premises — sheltered workshop per diem revolving fund created.

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

**SECTION A. ENACTING CLAUSE.** — Sections 162.1115, 178.550, 178.930, 620.809, and 620.2020, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 160.572, 162.1115, 167.910, 168.024, 170.028, 178.550, 178.931, 620.809, and 620.2020, to read as follows:

**160.572. PARTICIPATION IN ACT WORKKEYS ASSESSMENT IN LIEU OF ACT ASSESSMENT OR ACT PLUS WRITING ASSESSMENT, WHEN. — 1. For purposes of this section, the following terms mean:**

(1) "ACT assessment", the ACT assessment or the ACT Plus Writing assessment;

(2) "WorkKeys", the ACT WorkKeys assessments required for the National Career Readiness Certificate.

2. (1) In any school year in which the department of elementary and secondary education directs a state-funded census administration of the ACT assessment to any group of students, any student who would be allowed or required to participate in the census administration shall receive the opportunity, on any date within three months before the census administration, to participate in a state-funded administration of WorkKeys.

(2) Any student who participated in a state-funded administration of WorkKeys as described under subdivision (1) of this subsection shall not participate in any state-funded census administration of the ACT assessment.

(3) The department of elementary and secondary education shall not require school districts or charter schools to administer the ACT assessment to any student who participated in a state-funded administration of WorkKeys as described under subdivision (1) of this subsection.

3. (1) In any school year in which a school district directs the administration of the ACT assessment to any group of its students to be funded by the district, any student who would be allowed or required to participate in the district-funded administration shall receive the opportunity, on any date within three months before the administration, to participate in an administration of WorkKeys funded by the school district.

(2) Nothing in this section shall require a school district to fund the administration of the ACT assessment to any student who participated in a district-funded administration of WorkKeys as described under subdivision (1) of this subsection.

**162.1115. CAREER AND TECHNICAL EDUCATION PROGRAMS, DISTRICTS NOT PENALIZED UNDER SCHOOL IMPROVEMENT PROGRAM, WHEN — REVISION OF SCORING. — 1.** Notwithstanding any provision of law to the contrary, no district shall be penalized for any reason under the Missouri school improvement program if students who graduate from the district complete career and technical education programs approved by the department of elementary and secondary education but are not placed in occupations directly related to their training within six months of graduating.

2. The department of elementary and secondary education shall revise its scoring guide under the Missouri school improvement program to provide additional points to districts that create and enter into a partnership with area career centers, comprehensive high schools, industry, and business to develop and implement a pathway for students to:

- (1) Enroll in a program of career and technical education while in high school;
- (2) Participate and complete an internship or apprenticeship during their final year of high school; and
- (3) Obtain the industry certification or credentials applicable to their program or career and technical education and internship or apprenticeship.

3. Each school district shall be authorized to create and enter into a partnership with area career centers, comprehensive high schools, industry, and business to develop and implement a pathway for students to:

- (1) Enroll in a program of career and technical education while in high school;
- (2) Participate and complete an internship or apprenticeship during their final year of high school; and
- (3) Obtain the industry certification or credentials applicable to their program or career and technical education and internship or apprenticeship.

**4. In complying with the provisions of subsection 3 of this section, each school district may rely on technical coursework and skills assessments developed for industry-recognized certificates and credentials.**

5. The department of elementary and secondary education shall permit student scores, that are from a nationally recognized examination that demonstrates achievement of workplace employability skills, to count towards credit for college and career readiness standards on the Missouri school improvement program or any subsequent school accreditation or improvement program.

**167.910. CAREER READINESS COURSE TASK FORCE ESTABLISHED, PURPOSE, MEMBERS, MEETINGS, DUTIES — FINDINGS AND RECOMMENDATIONS. — 1. There is hereby established the "Career Readiness Course Task Force" to explore the possibility of a course covering the topics described in this section being offered in the public schools to students in eighth grade or ninth grade. Task force members shall be chosen to represent the geographic diversity of the state. All task force members shall be appointed before October 31, 2018. The task force members shall be appointed as follows:**

- (1) A parent of a student attending elementary school, appointed by a statewide association of parents and teachers;
- (2) A parent of a student attending a grade not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of parents and teachers;
- (3) A parent of a student attending high school, appointed by a statewide association of parents and teachers;

(4) An elementary education professional from an accredited school district, appointed by agreement among the Missouri State Teachers Association, the Missouri National Education Association, and the American Federation of Teachers of Missouri;

(5) An education professional giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade in an accredited school district, appointed by agreement among the Missouri State Teachers Association, the Missouri National Education Association, and the American Federation of Teachers of Missouri;

(6) A secondary education professional from an accredited school district, appointed by agreement among the Missouri State Teachers Association, the Missouri National Education Association, and the American Federation of Teachers of Missouri;

(7) A career and technical education professional who has experience serving as an advisor to a statewide career and technical education organization, appointed by a statewide career and technical education organization;

(8) An education professional from an accredited technical high school, appointed by a statewide career and technical education organization;

(9) A public school board member, appointed by a statewide association of school boards;

(10) A secondary school principal, appointed by a statewide association of secondary school principals;

(11) A principal of a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of secondary school principals;

(12) An elementary school counselor, appointed by a statewide association of school counselors;

(13) A school counselor from a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of school counselors;

(14) A secondary school counselor, appointed by a statewide association of school counselors;

(15) A secondary school career and college counselor, appointed by a statewide association of school counselors;

(16) An apprenticeship professional, appointed by the division of workforce development of the department of economic development;

(17) A representative of Missouri Project Lead the Way, appointed by the statewide Project Lead the Way organization;

(18) A representative of the State Technical College of Missouri, appointed by the State Technical College of Missouri;

(19) A representative of a public community college, appointed by a statewide organization of community colleges; and

(20) A representative of a public four-year institution of higher education, appointed by the commissioner of higher education.

2. The members of the task force established under subsection 1 of this section shall elect a chair from among the membership of the task force. The task force shall meet as needed to complete its consideration of the course described in subsection 5 of this section and provide its findings and recommendations as described in subsection 6 of this section. Members of the task force shall serve without compensation. No school district policy or

administrative action shall require any education employee member to use personal leave or incur a reduction in pay for participating on the task force.

3. The task force shall hold at least three public hearings to provide an opportunity to receive public testimony including, but not limited to, testimony from educators, local school boards, parents, representatives from business and industry, labor and community leaders, members of the general assembly, and the general public.

4. The department of elementary and secondary education shall provide such legal, research, clerical, and technical services as the task force may require in the performance of its duties.

5. The task force established under subsection 1 of this section shall consider a course that:

(1) Gives students an opportunity to explore various career and educational opportunities by:

(a) Administering career surveys to students and helping students use Missouri Connections to determine their career interests and develop plans to meet their career goals;

(b) Explaining the differences between types of colleges, including two-year and four-year colleges, and noting the availability of registered apprenticeship programs as alternatives to college for students;

(c) Describing technical degrees offered by colleges;

(d) Explaining the courses and educational experiences offered at community colleges;

(e) Describing the various certificates and credentials available to earn at the school or other schools including, but not limited to, career and technical education certificates described under section 170.029 and industry-recognized certificates and credentials;

(f) Advising students of any advanced placement courses that they may take at the school;

(g) Describing any opportunities at the school for dual enrollment;

(h) Advising students of any Project Lead the Way courses offered at the school and explaining how Project Lead the Way courses help students learn valuable skills;

(i) Informing students of the availability of funding for postsecondary education through the A+ schools program described under section 160.545;

(j) Describing the availability of virtual courses;

(k) Describing the types of skills and occupations most in demand in the current job market and those skills and occupations likely to be in high demand in future years;

(l) Describing the typical salaries for occupations, salary trends, and opportunities for advancement in various occupations;

(m) Emphasizing the opportunities available in careers involving science, technology, engineering, and math;

(n) Advising students of the resources offered by workforce or job centers;

(o) Preparing students for the ACT assessment or the ACT WorkKeys assessments required for the National Career Readiness Certificate;

(p) Administering a practice ACT assessment or practice ACT WorkKeys assessments required for the National Career Readiness Certificate to students;

(q) Advising students of opportunities to take the SAT and the Armed Services Vocational Aptitude Battery;

(r) Administering a basic math test to students so that they can assess their math skills;

(s) Administering a basic writing test to students so that they can assess their writing skills;

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(t) Helping each student prepare a personal plan of study that outlines a sequence of courses and experiences that concludes with the student reaching his or her postsecondary goals; and

(u) Explaining how to complete college applications and the Free Application for Federal Student Aid;

(2) Focuses on career readiness and emphasizes the importance of work ethic, communication, collaboration, critical thinking, and creativity;

(3) Demonstrates that graduation from a four-year college is not the only pathway to success by describing to students at least sixteen pathways to success in detail and including guest visitors who represent each pathway described. In exploring how these pathways could be covered in the course, the task force shall consider how instructors for the course may be able to rely on assistance from Missouri Career Pathways within the department of elementary and secondary education;

(4) Provides student loan counseling; and

(5) May include parent-student meetings.

6. Before December 1, 2019, the task force established under subsection 1 of this section shall present its findings and recommendations to the speaker of the house of representatives, the president pro tempore of the senate, the joint committee on education, and the state board of education. Upon presenting the findings and recommendations as described in this subsection, the task force shall dissolve.

**168.024. LOCAL BUSINESS EXTERNSHIP, COUNT AS CONTACT HOURS OF PROFESSIONAL DEVELOPMENT. — 1. For purposes of this section, "local business externship" means an experience in which a teacher, supervised by his or her school or school district, gains practical experience at a business in the local community in which the teacher is employed through observation and interaction with employers and employees who are working on issues related to subjects taught by the teacher.**

**2. Any hours spent in a local business externship shall count as contact hours of professional development under section 168.021.**

**170.028. INDUSTRY CERTIFICATIONS, PROFESSIONAL LICENSES, AND OCCUPATIONAL COMPETENCY ASSESSMENTS — COUNCIL TO HAVE LIST, USE OF — DEPARTMENT DUTIES. —**

**1. For purposes of this section, the following terms mean:**

(1) "Council", the career and technical education advisory council established under section 178.550;

(2) "Industry certification", a full certification from a recognized industry, trade, or professional association validating essential skills of a particular occupation, which may include, but shall not be limited to:

(a) Any certification related to a high-demand occupation as described by the Missouri economic research and information center (MERIC); and

(b) Perkins Technical Skills Assessment;

(3) "Occupational competency assessment", a national standardized assessment of skills and knowledge in a specific career or technical area, which may include, but shall not be limited to, assessments offered by the National Occupational Competency Testing Institute (NOCTI).

**2. The council shall annually review, update, approve, and recommend a list of industry certifications, state-issued professional licenses, and occupational competency assessments.**

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3. A school district may use the list described under subsection 2 of this section as a resource in establishing programs of study that meet the district's regional workforce needs under section 170.029.

4. The department of elementary and secondary education shall identify any provider of a course that:

(1) Includes a Perkins Technical Skills Assessment that leads to an industry-recognized credential that meets requirements related to college and career readiness under the Missouri school improvement program; and

(2) Is recommended for college credit by a nationally recognized body that provides course equivalency information to facilitate decisions on the awarding of course credit.

5. (1) At least annually, the department of elementary and secondary education shall provide the council with a list of all course providers identified under subsection 4 of this section. The council may recommend to the department of elementary and secondary education that agreements described under subdivision (2) of this subsection be entered into with one or more course providers identified in the list.

(2) The department of elementary and secondary education may enter into an agreement with a course provider recommended by the council that governs the conditions under which school districts and local educational agencies contract with the course provider.

(3) Any school district or local educational agency may contract with a course provider recommended by the council to design or deliver career and technical education programs described under section 170.029.

**178.550. CAREER AND TECHNICAL EDUCATION STUDENT PROTECTION ACT — COUNCIL ESTABLISHED, MEMBERS, TERMS, MEETINGS, DUTIES.** — 1. This section shall be known and may be cited as the "Career and Technical Education Student Protection Act". There is hereby established the "Career and Technical Education Advisory Council" within the department of elementary and secondary education.

2. The advisory council shall be composed of ~~fifteen~~ **sixteen** members who shall be Missouri residents. **The director of the department of economic development, or his or her designee, shall be a member.** The commissioner of education shall appoint the following members:

- (1) A director or administrator of a career and technical education center;
- (2) An individual from the business community with a background in commerce;
- (3) A representative from State Technical College of Missouri;
- (4) Three current or retired career and technical education teachers who also serve or served as an advisor to any of the nationally recognized career and technical education student organizations of:
  - (a) DECA;
  - (b) Future Business Leaders of America (FBLA);
  - (c) FFA;
  - (d) Family, Career and Community Leaders of America (FCCLA);
  - (e) Health Occupations Students of America (HOSA);
  - (f) SkillsUSA; or
  - (g) Technology Student Association (TSA);
- (5) A representative from a business organization, association of businesses, or a business coalition;
- (6) A representative from a Missouri community college;

(7) A representative from Southeast Missouri State University or the University of Central Missouri;

(8) An individual participating in an apprenticeship recognized by the department of labor and industrial relations or approved by the United States Department of Labor's Office of Apprenticeship;

(9) A school administrator or school superintendent of a school that offers career and technical education.

3. Members **appointed by the commissioner of education** shall serve a term of five years except for the initial appointments, which shall be for the following lengths:

- (1) One member shall be appointed for a term of one year;
- (2) Two members shall be appointed for a term of two years;
- (3) Two members shall be appointed for a term of three years;
- (4) Three members shall be appointed for a term of four years;
- (5) Three members shall be appointed for a term of five years.

4. Four members shall be from the general assembly. The president pro tempore of the senate shall appoint two members of the senate of whom not more than one shall be of the same party. The speaker of the house of representatives shall appoint two members of the house of representatives of whom not more than one shall be of the same party. The legislative members shall serve on the advisory council until such time as they resign, are no longer members of the general assembly, or are replaced by new appointments.

5. The advisory council shall have three nonvoting ex officio members:

- (1) A director of guidance and counseling services at the department of elementary and secondary education, or a similar position if such position ceases to exist;
- (2) The director of the division of workforce development; and
- (3) A member of the coordinating board for higher education, as selected by the coordinating board.

6. The assistant commissioner for the office of college and career readiness of the department of elementary and secondary education shall provide staff assistance to the advisory council.

7. The advisory council shall meet at least four times annually. The advisory council may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The advisory council shall elect from among its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the advisory council shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the advisory council.

8. Any business to come before the advisory council shall be available on the advisory council's internet website at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available on the advisory council's internet website within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010 and are not permitted to be closed under section 610.021, shall be made available on the advisory council's internet website at least five business days in advance of the meeting.

9. The advisory council shall make an annual written report to the state board of education and the commissioner of education regarding the development, implementation, and administration of the state budget for career and technical education.

10. The advisory council shall annually submit written recommendations to the state board of education and the commissioner of education regarding the oversight and procedures for the handling of funds for student career and technical education organizations.

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

Matter in bold-face type is proposed language.

11. The advisory council shall:
  - (1) Develop a comprehensive statewide short- and long-range strategic plan for career and technical education;
  - (2) Identify service gaps and provide advice on methods to close such gaps as they relate to youth and adult employees, workforce development, and employers on training needs;
  - (3) Confer with public and private entities for the purpose of promoting and improving career and technical education;
  - (4) Identify legislative recommendations to improve career and technical education;
  - (5) Promote coordination of existing career and technical education programs;
  - (6) Adopt, alter, or repeal by its own bylaws, rules and regulations governing the manner in which its business may be transacted.
12. For purposes of this section, the department of elementary and secondary education shall provide such documentation and information as to allow the advisory council to be effective.
13. For purposes of this section, "advisory council" shall mean the career and technical education advisory council.

**178.931. PAYMENTS FOR HOURS WORKED BY DISABLED EMPLOYEES, HOW CALCULATED.**  
— 1. **Beginning July 1, 2018, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to the amount calculated under subsection 2 of this section but at least the amount necessary to ensure that at least twenty-one dollars is paid for each six hour or longer day worked by a handicapped employee.**

2. **In order to calculate the monthly amount due to each sheltered workshop, the department shall:**

(1) **Determine the quotient obtained by dividing the appropriation for the fiscal year by twelve; and**

(2) **Divide the amount calculated under subdivision (1) of this subsection among the sheltered workshops in proportion to each sheltered workshop's number of hours submitted to the department for the preceding calendar month.**

3. **The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.**

**620.809. COMMUNITY COLLEGE FUNDS CREATED, USE OF MONEYS — FORMS — ESTABLISHMENT OF PROJECTS, PROCEDURE, REQUIREMENTS — FUNDING OPTIONS — ISSUANCE OF CERTIFICATES — SUNSET PROVISION.** — 1. The Missouri community college job training program fund, formerly established in the state treasury by section 178.896, shall now be known as the "Missouri Works Community College New Jobs Training Fund" and shall be administered by the department for the training program. The department of revenue shall credit to the fund, as received, all new jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly.

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The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for training projects, which funds shall be used to pay training project costs. Such disbursements shall be made to the special fund for each training project as provided under subsection 5 of this section. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.

2. The Missouri community college job retention training program fund, formerly established in the state treasury by section 178.764, shall now be known as the "Missouri Works Community College Job Retention Training Fund" and shall be administered by the department for the Missouri works training program. The department of revenue shall credit to the fund, as received, all retained jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for projects, which funds shall be used to pay training program costs, including the principal, premium, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project. Such disbursements by the department shall be made to the special fund for each project as provided under subsection 5 of this section. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.

3. The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company's new jobs credit paid into the Missouri works community college new jobs training fund or retained jobs credit paid into the Missouri works community college job retention training fund. The new or retained jobs credits shall be accounted as separate from the normal withholding tax paid to the department of revenue by the qualified company. Reimbursements made by all qualified companies to the Missouri works community college new jobs training fund and the Missouri works community college job retention training fund shall be no less than all allocations made by the department to all community college districts for all projects. The qualified company shall remit the amount of the new or retained jobs credit, as applicable, to the department of revenue in the same manner as provided in sections 143.191 to 143.265.

4. A community college district, with the approval of the department in consultation with the office of administration, may enter into an agreement to establish a training project and provide training project services to a qualified company. As soon as possible after initial contact between a community college district and a potential qualified company regarding the possibility of entering into an agreement, the district shall inform the department of the potential training project. The department shall evaluate the proposed training project within the overall job training efforts of the state to ensure that the training project will not duplicate other job training programs. The department shall have fourteen days from receipt of a notice of intent to approve or disapprove a training project. If no response is received by the qualified company within fourteen days, the training project shall be deemed approved. Disapproval of any training project shall be made in writing and state the reasons for such disapproval. If an agreement is entered into, the district and the qualified company shall notify the department of revenue within fifteen calendar days. In addition to any provisions required under subsection 6 of this section for a qualified company applying to receive a retained job credit, an agreement may provide, but shall not be limited to:

(1) Payment of training project costs, which may be paid from one or a combination of the following sources:

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(a) Funds appropriated by the general assembly to the Missouri works community college new jobs training program fund or Missouri works community college job retention training program fund, as applicable, and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

(b) Funds appropriated by the general assembly from the general revenue fund and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

(c) Tuition, student fees, or special charges fixed by the board of trustees to defray training project costs in whole or in part;

(2) Payment of training project costs which shall not be deferred for a period longer than eight years;

(3) Costs of on-the-job training for employees which shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total wages paid by the qualified company to each participant during the period of training. Payment for on-the-job training may continue for up to six months from the date the training begins;

(4) A provision which fixes the minimum amount of new or retained jobs credits, general revenue fund appropriations, or tuition and fee payments which shall be paid for training project costs; and

(5) Any payment required to be made by a qualified company. This payment shall constitute a lien upon the qualified company's business property until paid, shall have equal priority with ordinary taxes and shall not be divested by a judicial sale. Property subject to such lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at tax sale shall obtain the property subject to the remaining payments.

5. (1) For projects that are funded exclusively under paragraph (a) of subdivision (1) of subsection 4 of this section, the department shall disburse such funds to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made.

(2) Subject to appropriation, for projects that are funded through a combination of funds under paragraphs (a) and (b) of subdivision (1) of subsection 4 of this section, the department shall disburse funds appropriated under paragraph (b) of subdivision (1) of subsection 4 of this section to the special fund for each training project upon commencement of the project. The department shall disburse funds appropriated under paragraph (a) of subdivision (1) of subsection 4 of this section to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made, reduced by the amount of funds appropriated under paragraph (b) of subdivision (1) of subsection 4 of this section.

6. Any qualified company that submits a notice of intent for retained job credits shall enter into an agreement, providing that the qualified company has:

(1) Maintained at least one hundred full-time employees per year at the project facility for the calendar year preceding the year in which the application is made;

(2) Retained, at the project facility, the same number of employees that existed in the taxable year immediately preceding the year in which application is made; and

(3) Made or agrees to make a new capital investment of greater than five times the amount of any award under this training program at the project facility over a period of two consecutive calendar years, as certified by the qualified company and:

(a) Has made substantial investment in new technology requiring the upgrading of employee skills; or

(b) Is located in a border county of the state and represents a potential risk of relocation from the state; or

(c) Has been determined to represent a substantial risk of relocation from the state by the director of the department of economic development.

7. If an agreement provides that all or part of the training program costs are to be met by receipt of new or retained jobs credit, such new or retained jobs credit from withholding shall be determined and paid as follows:

(1) New or retained jobs credit shall be based upon the wages paid to the employees in the new or retained jobs;

(2) A portion of the total payments made by the qualified companies under sections 143.191 to 143.265 shall be designated as the new or retained jobs credit from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the qualified company for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the qualified company for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new or retained jobs credit from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the qualified company under sections 143.191 to 143.265 shall be credited to the applicable fund by the amount of such difference. The qualified company shall remit the amount of the new or retained jobs credit to the department of revenue in the manner prescribed in sections 143.191 to 143.265. When all training program costs have been paid, the new or retained jobs credits shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the training project. All funds appropriated by the general assembly from the funds established under subsections 1 and 2 of this section and disbursed by the department for the training project and other amounts received by the district for training project costs as required by the agreement shall be deposited in the special fund. Amounts held in the special fund shall be used and disbursed by the district only to pay training project costs for such training project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in the same manner as the district's other funds;

(4) Any disbursement for training project costs received from the department under sections 620.800 to 620.809 and deposited into the training project's special fund may be irrevocably pledged by a community college district for the payment of the principal, premium, and interest on the certificate issued by a community college district to finance or refinance, in whole or in part, such training project;

(5) The qualified company shall certify to the department of revenue that the new or retained jobs credit is in accordance with an agreement and shall provide other information the department of revenue may require;

(6) An employee participating in a training project shall receive full credit under section 143.211 for the amount designated as a new or retained jobs credit;

(7) If an agreement provides that all or part of training program costs are to be met by receipt of new or retained jobs credit, the provisions of this subsection shall also apply to any successor to the original qualified company until the principal and interest on the certificates have been paid.

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Matter in bold-face type is proposed language.

8. To provide funds for the present payment of the training project costs of new or retained jobs training project through the training program, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri works community college new jobs training fund or the Missouri works community college job retention training fund, to the special fund established by the district for each project. The total amount of outstanding certificates sold by all community college districts shall not exceed the total amount authorized under law as of January 1, 2013, unless an increased amount is authorized in writing by a majority of members of the committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, the provisions of chapter 176 shall not apply to the issuance of such certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

9. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section, with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a rate of interest that is higher, lower, or equivalent to that of the certificates being renewed or refunded.

10. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person with standing may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates shall be final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

11. The board of trustees shall make a finding based on information supplied by the qualified company that revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

12. Certificates issued under this section shall not be deemed to be an indebtedness of the state, the community college district, or any other political subdivision of the state, and the principal and interest on any certificates shall be payable only from the sources provided in subdivision (1) of subsection 4 of this section which are pledged in the agreement.

13. Pursuant to section 23.253 of the Missouri sunset act:

(1) The ~~[new]~~ program authorized under sections 620.800 to 620.809 shall ~~[automatically sunset July 1, 2019, unless reauthorized by an act of the general assembly]~~ **be reauthorized as of the effective date of this act and shall expire on August 28, 2030; and**

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(2) If such program is reauthorized, the program authorized under sections 620.800 to 620.809 shall automatically sunset twelve years after the effective date of the reauthorization of sections 620.800 to 620.809; and

(3) Sections 620.800 to 620.809 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under sections 620.800 to 620.809 is sunset.

**620.2020. PARTICIPATION PROCEDURES, DEPARTMENT DUTIES, QUALIFIED COMPANY DUTIES — MAXIMUM TAX CREDITS ALLOWED, ALLOCATION — PROHIBITED ACTS — REPORT, CONTENTS — RULEMAKING AUTHORITY — SUNSET DATE.** — 1. The department shall respond to a written request, by or on behalf of a qualified company, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (18) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue.

If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

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3. A qualified company receiving benefits under this program shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for program benefits available no later than ninety days prior to the end of the qualified company's tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, if the average wage is below the applicable percentage of the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of jobs is below the number required, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company during such year.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs.

5. Any qualified company approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of subsection 2 of section 135.800, and any qualified company approved for benefits under this program shall be subject to the provisions of sections 135.800 to 135.830.

6. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

7. The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection 13 of this section:

(1) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred six million dollars in tax credits may be authorized;

(2) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred eleven million dollars in tax credits may be authorized; and

(3) For any fiscal year beginning on or after July 1, 2015, no more than one hundred sixteen million dollars in tax credits may be authorized for each fiscal year.

8. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company under this program. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall

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be provided under this program until the qualified company meets the applicable minimum new job requirements. In the event the qualified company does not meet the applicable minimum new job requirements, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

9. Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

10. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

12. An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

13. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain

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any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs.

14. If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

15. By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

(1) A list of all approved and disapproved applicants for each tax credit;

(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;

(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;

(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and

(5) The department's response time for each request for a proposed benefit award under this program.

16. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

17. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the **[new]** program authorized under sections 620.2000 to 620.2020 shall ~~automatically sunset six years after August 28, 2013, unless reauthorized by an act of the general assembly~~ **be reauthorized as of the effective date of this act and shall expire on August 28, 2030;** and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of this reauthorization of sections 620.2000 to 620.2020; and

(3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset.

~~[178.930. STATE AID, COMPUTATION OF — RECORDS, KEPT ON PREMISES — SHELTERED WORKSHOP PER DIEM REVOLVING FUND CREATED. — 1. (1) Beginning July 1, 2009, and until June 30, 2010, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to ninety dollars for each standard workweek (Monday through Friday) of up to and including thirty hours worked during the preceding calendar month. Eighteen dollars shall be paid for each six-hour or longer day worked by a handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.~~

~~(2) Beginning July 1, 2010, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to ninety-five dollars for each standard workweek (Monday through Friday) of up to and including thirty hours worked during the preceding calendar month. Nineteen dollars shall be paid for each six-hour or longer day worked by a handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.~~

~~2. The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.~~

~~3. There is hereby created in the state treasury the "Sheltered Workshop Per Diem Revolving Fund" which shall be administered by the commissioner of the department of elementary and secondary education. All moneys appropriated pursuant to subsection 1 of this section shall be deposited in the fund and expended as described in subsection 1 of this section.~~

~~4. The balance of the sheltered workshop per diem revolving fund shall not exceed five hundred thousand dollars at the end of each fiscal year and shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund. Any unexpended balance in the sheltered workshop per diem revolving fund at the end of each fiscal year exceeding five hundred thousand dollars shall be deposited in the general revenue fund.]~~

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to ensure that as many people can be employed in sheltered workshops as possible, and that the employment of people can occur as soon as possible, the repeal of section 178.930 and the enactment of section 178.931 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal of section 178.930 and the enactment of section 178.931 of this act shall be in full force and effect on July 1, 2018, or upon its passage and approval, whichever occurs later.

Approved July 10, 2018

HB 1428

**Enacts provisions relating to vacancies in county elected offices.**

AN ACT to repeal sections 49.060 and 105.030, RSMo, and to enact in lieu thereof two new sections relating to vacancies in county elected offices.

## SECTION

A. Enacting clause.

49.060 Vacancy, how certified or filled — inapplicability to constitutional charter counties.

105.030 Vacancies, how filled.

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

**SECTION A. ENACTING CLAUSE.** — Sections 49.060 and 105.030, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 49.060 and 105.030, to read as follows:

**49.060. VACANCY, HOW CERTIFIED OR FILLED — INAPPLICABILITY TO CONSTITUTIONAL CHARTER COUNTIES.** — **1.** When a vacancy shall occur in the office of a county commissioner, the vacancy shall at once be certified by the clerk of the commission to the governor~~], who shall fill such vacancy with a person who resides in the district at the time the vacancy occurs, as provided by law].~~

**2.** **If at the time the vacancy occurs there is less than one year remaining in the unexpired term, the vacancy shall be filled as provided in section 105.030, except that the vacancy shall be filled within sixty days.**

**3.** **If at the time the vacancy occurs there is one year or more remaining in the unexpired term, it shall be the duty of the governor to fill such vacancy within sixty days by appointing, by and with the advice and consent of the senate subject to the provisions of article IV, section 51 of the Missouri constitution, some eligible person to said office who shall discharge the duties thereof until the next general election, at which time a commissioner shall be chosen for the remainder of the term, who shall hold such office until a successor is duly elected and qualified, unless sooner removed.**

**4.** **This section shall not apply to any county which has adopted a charter for its own government under article VI, section 18 of the Missouri constitution.**

**105.030. VACANCIES, HOW FILLED.** — **1.** Whenever any vacancy, caused in any manner or by any means whatsoever, occurs or exists in any state or county office originally filled by election of the people, other than in the offices of lieutenant governor, state senator or representative, sheriff, or recorder of deeds in the city of St. Louis, the vacancy shall be filled by appointment by the governor except that when a vacancy occurs in the office of county assessor after a general election at which a person other than the incumbent has been elected, the person so elected shall be appointed to fill the remainder of the unexpired term; and the person appointed after duly qualifying and entering upon the discharge of his duties under the appointment shall continue in office until the first Monday in January next following the first ensuing general election, at which general election a person shall be elected to fill the unexpired portion of the term, or for the ensuing regular term, as the case may be, and the person so elected shall enter upon the discharge of the duties of the office the first Monday in January next following his election, except that when the

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term to be filled begins on any day other than the first Monday in January, the appointee of the governor shall be entitled to hold the office until such other date.

**2. (1) Notwithstanding subsection 1 of this section or any other provision of law to the contrary, when any vacancy, caused in any manner or by any means whatsoever, occurs or exists in any county office, the county commission of all noncharter counties shall, no later than fourteen days after the occurrence of the vacancy, fill the vacancy by appointment, and the person so appointed by the county commission, after duly qualifying and entering upon the discharge of his or her duties under the appointment, shall continue in office until the governor fills the vacancy by appointment under subsection 1 of this section or until the vacancy is filled by operation of another provision of law.**

**(2) In any county with only two county commissioners, if the commissioners cannot agree upon an appointee, the two remaining county commissioners and the presiding judge of the circuit court shall vote to make the appointment required under subdivision (1) of this subsection.**

**3. The provisions of this section shall not apply to:**

**(1) Vacancies in county offices in any county which has adopted a charter for its own government under Section 18, Article VI of the Constitution; or**

**(2) Vacancies in the office of any associate circuit judge , circuit judge, circuit clerk, prosecuting attorney, or circuit attorney.**

**4. Any vacancy in the office of recorder of deeds in the city of St. Louis shall be filled by appointment by the mayor of that city.**

Approved June 1, 2018

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SS SCS HB 1446

**Enacts provisions relating to elections.**

AN ACT to repeal sections 115.124, 115.157, and 321.320, RSMo, and to enact in lieu thereof four new sections relating to elections, with an emergency clause for a certain section.

SECTION

- A. Enacting clause.
- 32.315 Sales and use tax levies, department to issue annual report — contents.
- 115.124 Nonpartisan election in political subdivision or special district, no election required if number of candidates filing is same as number of positions to be filled — exceptions — random drawing filing procedure followed when election is required — municipal elections, certain municipalities may submit requirements of subsection 1 to voters.
- 115.157 Registration information may be computerized, information required — voter lists may be sold — candidates may receive list for reasonable fee — computerized registration system, requirements — voter history and information, how entered, when released — records closed, when.
- 321.320 Property in city of 40,000 inhabitants not wholly within district, to be excluded — requirements for certain annexed areas (Boone, Jackson, Jefferson, St. Charles, St. Louis counties) — exceptions (Crystal City, Festus, Herculaneum).

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

**SECTION A. ENACTING CLAUSE.** — Sections 115.124, 115.157, and 321.320, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 32.315, 115.124, 115.157, and 321.320, to read as follows:

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**32.315. SALES AND USE TAX LEVIES, DEPARTMENT TO ISSUE ANNUAL REPORT — CONTENTS. — 1. The department of revenue shall issue an annual report on or before January 1, 2019, and every January first thereafter, listing all sales and use tax levies that are:**

- (1) Authorized pursuant to state law;**
- (2) Collected by the department of revenue; and**
- (3) Approved by voters at an election.**

**2. The report required under subsection 1 of this section shall indicate the provision of law authorizing such tax levy.**

**115.124. NONPARTISAN ELECTION IN POLITICAL SUBDIVISION OR SPECIAL DISTRICT, NO ELECTION REQUIRED IF NUMBER OF CANDIDATES FILING IS SAME AS NUMBER OF POSITIONS TO BE FILLED — EXCEPTIONS — RANDOM DRAWING FILING PROCEDURE FOLLOWED WHEN ELECTION IS REQUIRED — MUNICIPAL ELECTIONS, CERTAIN MUNICIPALITIES MAY SUBMIT REQUIREMENTS OF SUBSECTION 1 TO VOTERS. — 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district including municipal elections in any city, town, or village with ~~one~~ **two** thousand or fewer inhabitants that have adopted a proposal pursuant to subsection 3 of this section but excluding municipal elections in any city, town, or village with more than ~~one~~ **two** thousand inhabitants, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation as defined in section 493.050 in the district, and ~~if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office~~ **if the number of candidates for each office in a particular political subdivision, special district, or municipality is equal to the number of positions for each office within the political subdivision, special district, or municipality to be filled by the election and no ballot measure is placed on the ballot such that a particular political subdivision will owe no proportional elections costs if an election is not held, no election shall be held**, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. If no election is held for ~~such office~~ **a particular political subdivision, special district, or municipality** as provided in this section, the election authority shall publish a notice containing the names of the candidates that shall assume the responsibilities of office under this section. Such notice shall be published in at least one newspaper of general circulation as defined in section 493.050 in such political subdivision or district by the first of the month in which the election would have occurred, had it been contested. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.**

**2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate, or candidate's representative if the candidate filed**

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under subsection 2 of section 115.355, may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.

3. The governing body of any city, town, or village with ~~one~~ **two** thousand or fewer inhabitants may submit to the voters at any available election, a question to adopt the provisions of subsection 1 of this section for municipal elections. If a majority of the votes cast by the qualified voters voting thereon are in favor of the question, then the city, town, or village shall conduct nonpartisan municipal elections as provided in subsection 1 of this section for all nonpartisan elections remaining in the year in which the proposal was adopted and for the six calendar years immediately following such approval. At the end of such six-year period, each such city, town, or village shall be prohibited from conducting such elections in such a manner unless such a question is again adopted by the majority of qualified voters as provided in this subsection.

**115.157. REGISTRATION INFORMATION MAY BE COMPUTERIZED, INFORMATION REQUIRED — VOTER LISTS MAY BE SOLD — CANDIDATES MAY RECEIVE LIST FOR REASONABLE FEE — COMPUTERIZED REGISTRATION SYSTEM, REQUIREMENTS — VOTER HISTORY AND INFORMATION, HOW ENTERED, WHEN RELEASED — RECORDS CLOSED, WHEN.**

— 1. The election authority may place all information on any registration cards in computerized form in accordance with section 115.158. No election authority or secretary of state shall furnish to any member of the public electronic media or printout showing any registration information, except as provided in this section. Except as provided in subsection 2 of this section, the election authority or secretary of state shall make available electronic media or printouts showing unique voter identification numbers, voters' names, dates of birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the following separate fields:

- (1) Voter identification number;
- (2) First name;
- (3) Middle initial;
- (4) Last name;
- (5) Suffix;
- (6) Street number;
- (7) Street direction;
- (8) Street name;
- (9) Street suffix;
- (10) Apartment number;
- (11) City;
- (12) State;
- (13) Zip code;
- (14) Township;
- (15) Ward;
- (16) Precinct;
- (17) Senatorial district;
- (18) Representative district;
- (19) Congressional district.

2. All election authorities shall enter voter history in their computerized registration systems and shall, not more than six months after the election, forward such data to the Missouri voter

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registration system established in section 115.158. In addition, election authorities shall forward registration and other data in a manner prescribed by the secretary of state to comply with the Help America Vote Act of 2002.

3. Except as provided in subsection ~~[2]~~ 6 of this section, the election authority shall ~~[also]~~ furnish, for a fee, electronic media or a printout showing the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that nothing in this chapter shall require such voter information to be released to the public over the internet.

4. **Except as provided in subsection 6 of this section, upon a request by a candidate, a duly authorized representative of a campaign committee, or political party committee, the secretary of state shall furnish, for a fee determined by the secretary of state and in compliance with section 610.026, media in an electronic format or, if so requested, in a printed format, showing the names, addresses, and voter identification numbers of voters within the jurisdiction of a specific election authority who applied for an absentee ballot under section 115.279 for any specific election involving a ballot measure or an office for which the declaration of candidacy is required to be filed with the secretary of state pursuant to section 115.353, including primary elections, by township, ward, or precinct. Nothing in this section shall require such voter information to be released to the public over the internet. For purposes of this section, the terms "candidate", "campaign committee", and "political party committee" shall have the same meaning given to such terms in section 130.011.**

5. The amount of fees charged for information provided in this section shall be established pursuant to chapter 610. All revenues collected by the secretary of state pursuant to this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account established pursuant to section 28.160. In even-numbered years, each election authority shall, upon request, supply the voter registration list for its jurisdiction to all candidates and party committees for a charge established pursuant to chapter 610. Except as provided in subsection ~~[2]~~ 6 of this section, all election authorities shall make the information described in this section available pursuant to chapter 610. Any election authority who fails to comply with the requirements of this section shall be subject to the provisions of chapter 610.

~~[2-]~~ 6. Any person working as an undercover officer of a local, state or federal law enforcement agency, persons in witness protection programs, and victims of domestic violence and abuse who have received orders of protection pursuant to chapter 455 shall be entitled to apply to the circuit court having jurisdiction in his or her county of residence to have the residential address on his or her voter registration records closed to the public if the release of such information could endanger the safety of the person. Any person working as an undercover agent or in a witness protection program shall also submit a statement from the chief executive officer of the agency under whose direction he or she is serving. The petition to close the residential address shall be incorporated into any petition for protective order provided by circuit clerks pursuant to chapter 455. If satisfied that the person filing the petition meets the qualifications of this subsection, the circuit court shall issue an order to the election authority to keep the residential address of the voter a closed record and the address may be used only for the purposes of administering elections pursuant to this chapter. The election authority may require the voter who has a closed residential address record to verify that his or her residential address has not changed or to file a change of address and to affirm that the reasons contained in the original petition are still accurate prior to receiving a ballot. A change of address within an election authority's jurisdiction shall not require that the voter file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his or her

residential address as a closed record shall notify the circuit court. Upon such notification, the circuit court shall void the order closing the residential address and so notify the election authority.

**321.320. PROPERTY IN CITY OF 40,000 INHABITANTS NOT WHOLLY WITHIN DISTRICT, TO BE EXCLUDED — REQUIREMENTS FOR CERTAIN ANNEXED AREAS (BOONE, JACKSON, JEFFERSON, ST. CHARLES, ST. LOUIS COUNTIES) — EXCEPTIONS (CRYSTAL CITY, FESTUS, HERCULANEUM). — 1. Except as otherwise provided in this section, if any property, located within the boundaries of a fire protection district, is included within a city having a population of forty thousand inhabitants or more, which city is not wholly within the fire protection district, and which city maintains a city fire department, the property is excluded from the fire protection district.**

**2. Notwithstanding any provision of law to the contrary, unless otherwise approved by a majority vote of the governing body of the municipality and a majority vote of the governing body of the fire protection district, or otherwise approved by a majority vote of the qualified voters in the municipality and a majority vote of the qualified voters in the fire protection district, a fire protection district serving an area included within any annexation by a municipality located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, or an area included within any annexation by a municipality in a county having a charter form of government, approved by a vote after January 1, 2008, including simplified boundary changes, shall, following the annexation:**

**(1) Continue to provide fire protection services, including emergency medical services to such area;**

**(2) Levy and collect any tax upon all taxable property included within the annexed area authorized under chapter 321;**

**(3) Enforce any fire protection and fire prevention ordinances adopted and amended by the fire protection district in such area.**

**3. All costs associated with placing an annexation on the ballot within a municipality that involves an area that is served by a fire protection district shall be borne by the municipality.**

**4. The provisions of subsections 2 and 3 of this section shall not apply to:**

**(1) Any city of the third classification with more than four thousand five hundred but fewer than five thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants;**

**(2) Any city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants; and**

**(3) Any city of the third classification with more than eleven thousand five hundred but fewer than thirteen thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.**

**5. Notwithstanding any other provision of law to the contrary, the residents of an area included within any annexation by a municipality located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, or an area included within any annexation by a municipality in a county having a charter form of government, approved by a vote after January 1, 2008, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.**

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

**SECTION B. EMERGENCY CLAUSE.** — Because of the need to ensure the equal voting rights of persons residing in fire protection districts, the repeal and reenactment of section 321.320 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 321.320 of this act shall be in full force and effect upon its passage and approval.

Approved June 1, 2018

SS SCS HCS HB 1456

**Enacts provisions relating to communication services.**

AN ACT to repeal sections 43.401, 70.210, 190.300, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.330, and 650.340, RSMo, and to enact in lieu thereof twenty nine new sections relating to communication services, with penalty provisions.

SECTION

- A. Enacting clause.
- 43.401 Reports, information to be included, entry of data into computer systems — report to be maintained as record during investigation — removal of record, when.
- 70.210 Definitions.
- 190.300 Definitions.
- 190.308 Misuse of emergency telephone service unlawful, definitions, penalty — no local fine or penalty for pay telephones for calls to emergency telephone service.
- 190.325 Central dispatching service for emergency services (Clay, Jackson and Jefferson counties) — use of emergency telephone moneys — tax rate — contracts for service for other political subdivisions — tax collection.
- 190.327 Board appointed, when — board elected, when — duties — commission to relinquish duties to board — qualifications — board, powers and duties — board appointed for other political subdivisions contracting for service.
- 190.328 Election of board, Christian and Scott counties, when — terms.
- 190.329 Election of board, exceptions, when — terms.
- 190.334 Performance and fiscal audits authorized.
- 190.335 Central dispatch for emergency services, alternative funding by county sales tax, procedure, ballot form, rate of tax — collection, limitations — adoption of alternate tax, telephone tax to expire, when — board appointment and election, qualification, terms — continuation of board in Greene, Lawrence and Stoddard counties — board appointment in Christian, Taney, and St. Francois counties.
- 190.400 Definitions — interoperability service agreements, what agencies.
- 190.420 Fund established.
- 190.455 Subscriber fees — election, ballot — deposit of moneys — confidentiality of proprietary information — immunity from liability, when — limitations on fees.
- 190.460 Prepaid wireless emergency telephone service charge — definitions — amount, how collected — deposit and use of moneys — rates, how set — effective and expiration dates.
- 190.465 Consolidation of emergency communications operations — joint entity established, when.
- 190.470 Alternate consolidation — petition, election — board appointed, requirements.
- 190.475 Centralized database to be maintained, updates.
- 620.2450 Program established, expanded access to broadband internet service — definitions.
- 620.2451 Grants, use of moneys.
- 620.2452 Eligible applicants.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.  
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- 620.2453 Application, contents.
- 620.2454 Criteria, scoring system, and list of underserved areas, department to publish on website — challenges, evaluation of.
- 620.2455 Prioritization of applications — ranking of applicants, system used.
- 620.2456 Connect America Fund, no grants awarded — limitations on grant amount — limitations on grant requirements.
- 620.2457 Grant application and award information to be posted on website.
- 620.2458 Rulemaking authority.
  - 650.330 Board members, duties — department of public safety to provide staff — rulemaking authority.
  - 650.335 Loans and financial assistance from prepaid wireless emergency telephone charges — application, procedure, requirements.
  - 650.340 911 training and standards act.
  - 190.410 Board created, members, terms, duties, staff.
  - 190.430 Fee for wireless service — rules — office of administration, powers.
  - 190.440 Ballot measure for fee.
    - B. Sunset provision.

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

**SECTION A. ENACTING CLAUSE.** — Sections 43.401, 70.210, 190.300, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.330, and 650.340, RSMo, are repealed and twenty nine new sections enacted in lieu thereof, to be known as sections 43.401, 70.210, 190.300, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.420, 190.455, 190.460, 190.465, 190.470, 190.475, 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, 620.2458, 650.330, 650.335, and 650.340, to read as follows:

**43.401. REPORTS, INFORMATION TO BE INCLUDED, ENTRY OF DATA INTO COMPUTER SYSTEMS — REPORT TO BE MAINTAINED AS RECORD DURING INVESTIGATION — REMOVAL OF RECORD, WHEN.** — 1. The reporting of missing persons by law enforcement agencies, private citizens, and the responsibilities of the patrol in maintaining accurate records of missing persons are as follows:

(1) A person may file a complaint of a missing person with a law enforcement agency having jurisdiction. The complaint shall include, but need not be limited to, the following information:

- (a) The name of the complainant;
- (b) **The name, address, and phone number of the guardian, if any, of the missing person;**
- (c) The relationship of the complainant to the missing person;
- ~~[(d)]~~ (d) The name, age, address, and all identifying characteristics of the missing person;
- ~~[(e)]~~ (e) The length of time the person has been missing; **and**
- ~~[(f)]~~ (f) All other information deemed relevant by either the complainant or the law enforcement agency;

(2) A report of the complaint of a missing person shall be immediately entered into the Missouri uniform law enforcement system (MULES) and the National Crime Information Center (NCIC) system by the law enforcement agency receiving the complaint, and disseminated to other law enforcement agencies who may come in contact with or be involved in the investigation or location of a missing person;

(3) A law enforcement agency with which a complaint of a missing child has been filed shall prepare, as soon as practicable, a standard missing child report. The missing child report shall be maintained as a record by the reporting law enforcement agency during the course of an active investigation;

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(4) Upon the location of a missing person, or the determination by the law enforcement agency of jurisdiction that the person is no longer missing, the law enforcement agency which reported the missing person shall immediately remove the record of the missing person from the MULES and NCIC files.

2. No law enforcement agency shall prevent an immediate active investigation on the basis of an agency rule which specifies an automatic time limitation for a missing person investigation.

**70.210. DEFINITIONS.** — As used in sections 70.210 to 70.320, the following terms mean:

(1) "Governing body", the board, body or persons in which the powers of a municipality or political subdivision are vested;

(2) "Municipality", municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;

(3) "Political subdivision", counties, townships, cities, towns, villages, school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, any board of control of an art museum, **any 911 or emergency services board authorized in chapter 190 or section 321.243**, the board created under sections 205.968 to 205.973, and any other public subdivision or public corporation having the power to tax.

**190.300. DEFINITIONS.** — As used in sections 190.300 to ~~[190.320]~~ **190.340**, the following terms and phrases mean:

(1) "Emergency telephone service", a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations;

(2) "Emergency telephone tax", a tax to finance the operation of emergency telephone service;

(3) "Exchange access facilities", all facilities provided by the service supplier for local telephone exchange access to a service user;

(4) "Governing body", the legislative body for a city, county or city not within a county;

(5) "Person", any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;

(6) "Public agency", any city, county, city not within a county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;

(7) "Service supplier", any person providing exchange telephone services to any service user in this state;

(8) "Service user", any person, other than a person providing pay telephone service pursuant to the provisions of section 392.520 not otherwise exempt from taxation, who is provided exchange telephone service in this state;

(9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated in the service supplier's tariffs, ~~[approved by the Missouri public service commission]~~ **contracts, service agreements, or similar documents governing the provision of the service**, which represent the service supplier's recurring charges for exchange access facilities or their equivalent, **or equivalent rates contained in contracts, service agreements, or similar documents**, exclusive of all taxes, fees, licenses, or similar charges whatsoever.

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**190.308. MISUSE OF EMERGENCY TELEPHONE SERVICE UNLAWFUL, DEFINITIONS, PENALTY — NO LOCAL FINE OR PENALTY FOR PAY TELEPHONES FOR CALLS TO EMERGENCY TELEPHONE SERVICE.** — 1. In any county that has established an emergency telephone service pursuant to sections 190.300 to ~~[190.320]~~ **190.340**, it shall be unlawful for any person to misuse the emergency telephone service. For the purposes of this section, "emergency" means any incident involving danger to life or property that calls for an emergency response dispatch of police, fire, EMS or other public safety organization, "misuse the emergency telephone service" includes, but is not limited to, repeatedly calling the "911" for nonemergency situations causing operators or equipment to be in use when emergency situations may need such operators or equipment and "repeatedly" means three or more times within a one-month period.

2. Any violation of this section is a class B misdemeanor.

3. No political subdivision shall impose any fine or penalty on the owner of a pay telephone or on the owner of any property upon which a pay telephone is located for calls to the emergency telephone service made from the pay telephone. Any such fine or penalty is hereby void.

**190.325. CENTRAL DISPATCHING SERVICE FOR EMERGENCY SERVICES (CLAY, JACKSON AND JEFFERSON COUNTIES) — USE OF EMERGENCY TELEPHONE MONEYS — TAX RATE — CONTRACTS FOR SERVICE FOR OTHER POLITICAL SUBDIVISIONS — TAX COLLECTION.** — 1. In any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants but less than two hundred **fifty** thousand inhabitants, **and any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants**, the county commission may use all or a part of the moneys derived from the emergency telephone tax authorized pursuant to section 190.305 for central dispatching of fire protection, emergency ambulance service or any other emergency services, which may include the purchase and maintenance of communications and emergency equipment. In the event such commission chooses to use the tax provided in that section for such services, the provisions of sections 190.300 to 190.320 shall apply except as provided in this section. **In any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the county commission may use all or a part of the moneys derived from the charge authorized under section 190.460 for public safety capital improvements.**

2. The tax shall not exceed a percentage of the base tariff rate and such percentage shall not exceed an amount equal to a maximum rate of one dollar thirty cents per line per month, the provisions of section 190.305 to the contrary notwithstanding. The tax imposed by this section and the amounts required to be collected are due monthly. The amount of tax collected in one calendar month by the service supplier shall be remitted to the governing body no later than one month after the close of a calendar month. On or before the last day of each calendar month, a return for the preceding month shall be filed with the governing body in such form as the governing body and service supplier shall agree. The service supplier shall include the list of any service user refusing to pay the tax imposed by this section with each return filing. The service supplier required to file the return shall deliver the return, together with a remittance of the amount of the tax collected. The records shall be maintained for a period of one year from the time the tax is collected. From every remittance to the governing body made on or before the date when the same becomes due, the service supplier required to remit the same shall be entitled to deduct and retain, as a collection fee, an amount equal to two percent thereof.

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3. Nothing in this section shall be construed to require any municipality or other political subdivision to join the central dispatching system established pursuant to this section. The governing body of any municipality or other political subdivision may contract with the board established pursuant to section 190.327 for such services or portion of such services, or for the purchase and maintenance of communication and emergency equipment.

**190.327. BOARD APPOINTED, WHEN — BOARD ELECTED, WHEN — DUTIES — COMMISSION TO RELINQUISH DUTIES TO BOARD — QUALIFICATIONS — BOARD, POWERS AND DUTIES — BOARD APPOINTED FOR OTHER POLITICAL SUBDIVISIONS CONTRACTING FOR SERVICE.** — 1. Immediately upon the decision by the commission to utilize a portion of the emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the commission shall appoint the initial members of a board which shall administer the funds and oversee the provision of central dispatching for emergency services in the county and in municipalities and other political subdivisions which have contracted for such service. Beginning with the general election in 1992, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency telephone service and in chapter 321, with regard to the provision of central dispatching service, and such duties shall be exercised by the board.

2. Elections for board members may be held on general municipal election day, as defined in subsection 3 of section 115.121, after approval by a simple majority of the county commission.

3. For the purpose of providing the services described in this section, the board shall have the following powers, authority and privileges:

- (1) To have and use a corporate seal;
- (2) To sue and be sued, and be a party to suits, actions and proceedings;
- (3) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the board;
- (4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, including leases and easements;
- (5) To have the management, control and supervision of all the business affairs of the board and the construction, installation, operation and maintenance of any improvements;
- (6) To hire and retain agents and employees and to provide for their compensation including health and pension benefits;
- (7) To adopt and amend bylaws and any other rules and regulations;
- (8) To fix, charge and collect the taxes and fees authorized by law for the purpose of implementing and operating the services described in this section;
- (9) To pay all expenses connected with the first election and all subsequent elections; and
- (10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this subsection. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 190.300 to 190.329.

**4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, the county commission may elect to appoint the members of the board to administer the funds and oversee the provision of central dispatching for emergency services in the counties, municipalities, and other political subdivisions which have contracted for such service upon the request of the municipalities and other political subdivisions. Upon**

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appointment of the initial members of the board, the commission shall relinquish all powers and duties to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of central dispatching service and such duties shall be exercised by the board.

(2) The board shall consist of seven members appointed without regard to political affiliation. The members shall include:

(a) Five members who shall serve for so long as they remain in their respective county or municipal positions as follows:

a. The county sheriff, or his or her designee;

b. The heads of the municipal police department who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees; or

c. The heads of the municipal fire departments or fire divisions who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees;

(b) Two members who shall serve two year terms appointed from among the following:

a. The head of any of the county's fire protection districts who have contracted for central dispatching service, or his or her designee;

b. The head of any of the county's ambulance districts who have contracted for central dispatching service, or his or her designee;

c. The head of any of the municipal police departments located in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph b of paragraph (a) of this subdivision; and

d. The head of any of the municipal fire departments in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph c of paragraph (a) of this subdivision.

(3) Upon the appointment of the board under this subsection, the board shall have the powers provided in subsection 3 of this section and the commission shall relinquish all powers and duties relating to the provision of central dispatching service under this chapter to the board.

**190.328. ELECTION OF BOARD, CHRISTIAN AND SCOTT COUNTIES, WHEN — TERMS. — 1.** Beginning in 1997, within the area from which voters and the commission have approved the provision of central dispatching for emergency services by a public agency for an area containing third or fourth class cities in counties of the third classification with a population of at least thirty-two thousand but no greater than forty thousand that border a county of the first classification but do not border the Mississippi River, the initial board shall consist of two members from each township within such area and one at-large member who shall serve as the initial chairperson of such board.

2. Within the area from which voters and the commission have approved the provision of central dispatching for emergency services by a public agency for an area containing third or fourth class cities in counties of the third classification with a population of at least thirty-two thousand but no greater than forty thousand that border a county of the first classification, voters shall elect a board to administer funds and oversee the provision of central dispatching for emergency services. Such board shall consist of two members elected from each of the townships within such area and one member elected at large who shall serve as the chairperson of the board.

3. Of those initially elected to the board as provided in this section, four from the townships shall be elected to a term of two years, and four from the townships and the at-large member shall be elected to a term of four years. Upon the expiration of these initial terms, all members shall thereafter be elected to terms of four years; **provided that, if a board established in this section consolidates with a board established under section 190.327 or 190.335, under the provisions of section 190.470, the term of office for the existing board members shall end on the thirtieth day following the appointment of the initial board of directors for the consolidated district.**

**190.329. ELECTION OF BOARD, EXCEPTIONS, WHEN — TERMS.** — 1. Except in areas from which voters and the commission have approved the provision of central dispatching for emergency services by a public agency for an area containing third or fourth class cities located in counties of the third classification with a population of at least thirty-two thousand but no greater than forty thousand that border a county of the first classification but do not border the Mississippi River, the initial board shall consist of seven members appointed without regard for political party who shall be selected from and shall represent the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from any one commission district of the county.

2. Beginning in 1992, three members shall be elected from each commission district and one member shall be elected at large, with such at-large member to be a voting member and chairman of the board. Of those first elected, four members from commission districts shall be elected for terms of two years and two members from commission districts and the member at large shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be for four years, except as **otherwise provided in this subsection or as provided in subsection 3 of this section.** Any vacancy on the board shall be filled in the same manner as the initial appointment was made. Four members shall constitute a quorum. **If a board established in section 190.327 consolidates with a board established under section 190.327, 190.328, or 190.335, under the provisions of section 190.470, the term of office for the existing board members shall end on the thirtieth day following the appointment of the initial board of directors for the consolidated district.**

3. Upon approval by the county commission for the election of board members to be held on general municipal election day, pursuant to subsection 2 of section 190.327, the terms of those board members then holding office shall be reduced by seven months. After a board member's term has been reduced, all following terms for that position shall be for four years, **except as otherwise provided under subsection 2 of this section.**

**190.334. PERFORMANCE AND FISCAL AUDITS AUTHORIZED.** — The state auditor shall have the authority to conduct performance and fiscal audits of any board, dispatch center, joint emergency communications entity, or trust fund established under section 190.327, 190.328, 190.329, 190.335, 190.420, 190.455, 190.460, **190.465, 190.470,** or 650.325.

**190.335. CENTRAL DISPATCH FOR EMERGENCY SERVICES, ALTERNATIVE FUNDING BY COUNTY SALES TAX, PROCEDURE, BALLOT FORM, RATE OF TAX — COLLECTION, LIMITATIONS — ADOPTION OF ALTERNATE TAX, TELEPHONE TAX TO EXPIRE, WHEN — BOARD APPOINTMENT AND ELECTION, QUALIFICATION, TERMS — CONTINUATION OF BOARD IN GREENE, LAWRENCE AND STODDARD COUNTIES — BOARD APPOINTMENT IN CHRISTIAN, TANEY, AND ST. FRANCOIS COUNTIES.** — 1. In lieu of the tax levy authorized under section

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190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of \_\_\_\_\_ (insert name of county) impose a county sales tax of \_\_\_\_\_ (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

YES

NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

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Matter in bold-face type is proposed language.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years; **provided that, if a board established under this section consolidates with a board established under this section, section 190.327, or section 190.328, under the provisions of section 190.470, the term of office for the existing board members shall end on the thirtieth day following the appointment of the initial board of directors for the consolidated district.** Notwithstanding any other provision of law, if there is no candidate for an open position on the board, then no election shall be held for that position and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for each open position, no election shall be held and the candidate or candidates shall assume office at the same time and in the same manner as if elected.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants or in any county of the third classification with a township form of government and with more than twenty-eight thousand but fewer than thirty-one thousand inhabitants **or in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat**, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339. Such boards which existed prior to August 25, 2010, shall not be considered a body corporate and a political subdivision of the state for any purpose, unless and until an order is entered upon an unanimous vote of the commissioners of the county in which such board is established reclassifying such board as a corporate body and political subdivision of the state. The order shall approve the transfer of the assets and liabilities related to the operation of the emergency **telephone** service 911 system to the new entity created by the reclassification of the board.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but

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fewer than fifty-four thousand three hundred inhabitants or any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member.

**(5) In any county with more than fifty thousand but fewer than seventy thousand inhabitants and with a county seat with more than two thousand one hundred but fewer than two thousand four hundred inhabitants, the entities listed in subdivision (2) of this subsection shall be represented by one member, and two members shall be residents of the county not affiliated with any of the entities listed in subdivision (2) of this subsection and shall be known as public members.**

**13. Any county that has authorized a tax levy under this section, and such levy is reduced automatically in future years, shall not submit to the voters of the county for approval any proposal authorized under this section that is greater than the amount at the time of reduction.**

**190.400. DEFINITIONS — INTEROPERABILITY SERVICE AGREEMENTS, WHAT AGENCIES.**

— **1.** As used in sections 190.400 to ~~[190.440]~~ **190.460**, the following words and terms shall mean:

- (1) ~~["911", the primary emergency telephone number within the wireless system;~~
- (2) ~~"Board", the wireless service provider enhanced 911 advisory board;~~
- (3) "Active telephone number", a ten-digit North American Numbering Plan number that has been assigned to a subscriber and is provisioned to generally reach, by dialing, the public switched telephone network and not only 911 or the 911 system;**
- (2) "Communications service":**
  - (a) Any service that:**
    - a. Uses telephone numbers or their functional equivalents or successors;**
    - b. Provides access to, and a connection or interface with, a 911 system through the activation or enabling of a device, transmission medium, or technology that is used by a customer to dial, initialize, or otherwise activate the 911 system, regardless of the particular device, transmission medium, or technology employed;**
    - c. Provides and enables real-time or interactive communications other than machine-to-machine communications; and**

d. Is available to a prepaid user or a standard user; (b) The term includes, but is not limited to, the following:

a. Internet protocol-enabled services and applications that are provided through wireline, cable, wireless, or satellite facilities, or any other facility or platform that is capable of connecting and enabling a 911 communication to a public safety answering point;

b. Commercial mobile radio service; and

c. Interconnected voice over internet protocol service and voice over power lines;

(c) The term does not include broadband internet access service; and

(d) For purposes of this section, if a device that is capable of contacting 911 is permanently installed in a vehicle, it shall not be subject to this section unless the owner of such vehicle purchases or otherwise subscribes to a commercial mobile service as defined under 47 U.S.C. Section 332(d) of the Telecommunications Act of 1996;

(3) "Provider" or "communications service provider", a person who provides retail communications services to the public that include 911 communications service including, but not limited to, a local exchange carrier, a wireless provider, and a voice over internet protocol provider, but only if such entity provides access to, and connection and interface with, a 911 communications service or its successor service;

(4) "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;

~~[(4)]~~ (5) "Public safety answering point", the location at which 911 calls are ~~[initially]~~ answered;

~~[(5)]~~ (6) "Subscriber", a person who contracts with and is billed by a provider for a retail communications service. In the case of wireless service and for purposes of section 190.455, the term "subscriber" means a person who contracts with a provider if the person's primary place of use is within the county or city imposing a monthly fee under section 190.455, and does not include subscribers to prepaid wireless service;

(7) "Wireless service provider", a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).

2. Upon the request of local emergency service agencies or local jurisdictions, the following agencies and entities are authorized to enter into interoperability service agreements for shared frequencies or shared talk groups for the purpose of enhancing interoperability of radio systems or talk groups:

(1) Missouri department of public safety;

(2) Missouri state highway patrol;

(3) Missouri department of natural resources;

(4) State emergency management agency;

(5) Missouri department of conservation; and

(6) State owned and operated radio and emergency communications systems.

**190.420. FUND ESTABLISHED.** — 1. There is hereby established a **special trust** fund to be known as the "~~[Wireless Service Provider Enhanced]~~ **Missouri** 911 Service **Trust** Fund". All fees collected pursuant to sections 190.400 to ~~[190.440 by wireless service providers]~~ **190.460** shall be remitted to the director of the department of revenue.

2. The director of the department of revenue shall deposit such payments into the ~~[wireless service provider enhanced]~~ **Missouri** 911 service **trust** fund. Moneys in the fund shall be used for

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the purpose of reimbursing expenditures actually incurred in the implementation and operation of the ~~[wireless service provider enhanced]~~ Missouri 911 ~~[system]~~ systems and for the answering and dispatching of emergency calls as determined to be appropriate by the governing body of the county or city imposing the fee.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.

4. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which were collected in each county, city not within a county, or home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants under sections 190.400 to 190.460, and the records shall be open to the inspection of officers of a participating county or city and the public.

**190.455. SUBSCRIBER FEES — ELECTION, BALLOT — DEPOSIT OF MONEYS — CONFIDENTIALITY OF PROPRIETARY INFORMATION — IMMUNITY FROM LIABILITY, WHEN — LIMITATIONS ON FEES. — 1.** Except as provided under subsection 9 of this section, in lieu of the tax levy authorized under section 190.305 or 190.325, or the sales tax imposed under section 190.292 or 190.335, the governing body of any county, city not within a county, or home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants may impose, by order or ordinance, a monthly fee on subscribers of any communications service that has been enabled to contact 911. The monthly fee authorized in this section shall not exceed one dollar and shall be assessed to the subscriber of the communications service, regardless of technology, based upon the number of active telephone numbers, or their functional equivalents or successors, assigned by the provider and capable of simultaneously contacting the public safety answering point; provided that, for multiline telephone systems and for facilities provisioned with capacity greater than a voice-capable grade channel or its equivalent, regardless of technology, the charge shall be assessed on the number of voice-capable grade channels as provisioned by the provider that allow simultaneous contact with the public safety answering point. Only one fee may be assessed per active telephone number, or its functional equivalent or successor, used to provide a communications service. No fee imposed under this section shall be imposed on more than one hundred voice-grade channels or their equivalent per person per location. Notwithstanding any provision of this section to the contrary, the monthly fee shall not be assessed on the provision of broadband internet access service. The fee shall be imposed solely for the purpose of funding 911 service in such county or city. The monthly fee authorized in this section shall be limited to one fee per device. The fee authorized in this section shall be in addition to all other taxes and fees imposed by law and may be stated separately from all other charges and taxes. The fee shall be the liability of the subscriber, not the provider, except that the provider shall be liable to remit all fees that the provider collects under this section.

2. No such order or ordinance adopted under this section shall become effective unless the governing body of the county or city submits to the voters residing within the county or

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city at a state general, primary, or special election a proposal to authorize the governing body to impose a fee under this section. The question submitted shall be in substantially the following form:

"Shall \_\_\_\_\_ (insert name of county or city) impose a monthly fee of \_\_\_\_\_ (insert amount) on a subscriber of any communications service that has been enabled to contact 911 for the purpose of funding 911 service in the \_\_\_\_\_ (county or city)?"

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, the fee shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the fee. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, the fee shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. Except as modified in this section, all provisions of sections 32.085 and 32.087 and subsection 7 of section 144.190 shall apply to the fee imposed under this section.

4. All revenue collected under this section by the director of the department of revenue on behalf of the county or city, except for two percent to be withheld by the provider for the cost of administering the collection and remittance of the fee, and one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in the Missouri 911 service trust fund created under section 190.420. The director of the department of revenue shall remit such funds to the county or city on a monthly basis. The governing body of any such county or city shall control such funds remitted to the county or city unless the county or city has established an elected board for the purpose of administering such funds. In the event that any county or city has established a board under any other provision of state law for the purpose of administering funds for 911 service, such existing board may continue to perform such functions after the county or city has adopted the monthly fee under this section.

5. Nothing in this section imposes any obligation upon a provider of a communications service to take any legal action to enforce the collection of the tax imposed in this section. The tax shall be collected in compliance, as applicable, with the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

6. Notwithstanding any other provision of law to the contrary, proprietary information submitted under this section shall only be subject to subpoena or lawful court order. Information collected under this section shall only be released or published in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual communications service provider.

7. Notwithstanding any other provision of law to the contrary, in no event shall any communications service provider, its officers, employees, assigns, agents, vendors, or anyone acting on behalf of such persons, be liable for any form of civil damages or criminal liability that directly or indirectly results from, or is caused by:

(1) An act or omission in the development, design, installation, operation, maintenance, performance, or provision of service to a public safety answering point or to subscribers that use such service, whether providing such service is required by law or is voluntary; or

(2) The release of subscriber information to any governmental entity under this section unless such act, release of subscriber information, or omission constitutes gross negligence, recklessness, or intentional misconduct.

Nothing in this section is intended to void or otherwise override any contractual obligation pertaining to equipment or services sold to a public safety answering point by a communications service provider. No cause of action shall lie in any court of law against any provider of communications service, commercial mobile service, or other communications-related service, or its officers, employees, assignees, agents, vendors, or anyone acting on behalf of such persons, for providing call location information concerning the user of any such service in an emergency situation to a law enforcement official or agency in order to respond to a call for emergency service by a subscriber, customer, or user of such service or for providing caller location information or doing a ping locate in an emergency situation that involves danger of death or serious physical injury to any person where disclosure of communications relating to the emergency is required without delay, whether such provision of information is required by law or voluntary.

8. The fee imposed under this section shall not be imposed on customers who pay for service prospectively, including customers of prepaid wireless telecommunications service.

9. The fee imposed under this section shall not be imposed in conjunction with any tax imposed under section 190.292, 190.305, 190.325, or 190.335. No county or city shall simultaneously impose more than one tax authorized in this section or section 190.292, 190.305, 190.325, or 190.335. No fee imposed under this section shall be imposed on more than one hundred exchange access facilities or their equivalent per person per location. The fee imposed under this section shall not be imposed in conjunction with any tax imposed for central dispatching of emergency services in any home rule city with more than four hundred thousand inhabitants and located in more than one county or any county containing a portion of such city, and such city or counties shall not simultaneously impose more than one tax or fee for central dispatching of emergency services; provided however, if any such county approves the fee authorized under this section, collection of such fee shall be in lieu of any tax authorized for central dispatching of emergency services in the county and any portion of the city within the county.

10. No county or legally authorized entity shall submit a proposal to the voters of the county under this section or section 190.335 until either:

(1) All providers of emergency telephone service as defined in section 190.300 and public safety answering point operations within the county are consolidated into one public agency as defined in section 190.300 that provides emergency telephone service for the county, or such providers and the public safety answering point have entered into a shared services agreement for such services;

(2) The county develops a plan for consolidation of emergency telephone service, as defined in section 190.300, and public safety answering point operations within the county are consolidated into one public agency, as defined in section 190.300, that provides emergency telephone service for the county; or

(3) The county emergency services board, as defined in section 190.290, develops a plan for consolidation of emergency telephone service, as defined in section 190.300, and public safety answering point operations within the county that includes either consolidation or entering into a shared services agreement for such services, which shall be implemented on approval of the fee by the voters.

11. Any plan developed under subdivision (2) or (3) of subsection 10 of this section shall be filed with the Missouri 911 service board under subsection 4 of section 650.330. Any plan that is filed under this subsection shall provide for the establishment of a joint emergency communications board as described in section 70.260 unless a joint emergency communication board or emergency services board for the area in question has been previously established. The director of the department of revenue shall not remit any funds as provided under this section until the department receives notification from the Missouri 911 service board that the county has filed a plan that is ready for implementation. If, after one year following the enactment of the fee described in subsection 1 of this section, the county has not complied with the plan that the county submitted under subdivision (2) or (3) of subsection 10 of this section, but the county has substantially complied with the plan, the Missouri 911 service board may grant the county an extension of up to six months to comply with its plan. Not more than one extension may be granted to a county. The authority to impose the fee granted to the county in subsection 1 of this section shall be null and void if after one year following the enactment of the fee described in subsection 1 of this section the county has not complied with the plan and has not been granted an extension by the Missouri 911 service board, or if the six-month extension expires and the county has not complied with the plan.

12. Each county that does not have a public agency, as defined in section 190.300, that provides emergency telephone service as defined in section 190.300 for the county shall either:

(1) Enter into a shared services agreement for providing emergency telephone services with a public agency that provides emergency telephone service, if such an agreement is feasible; or

(2) Form with one or more counties an emergency telephone services district in conjunction with any county with a public agency that provides emergency telephone service within the county. If such a district is formed under this subdivision, the governing body of such district shall be the county commissioners of each county within the district, and each county within such district shall submit to the voters of the county a proposal to impose the fee under this section.

13. A county operating joint or shared emergency telephone service, as defined in section 190.300, may submit to the voters of the county a proposal to impose the fee to support joint operations and further consolidation under this section.

14. All 911 fees shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

15. Nothing in subsections 10, 11, 12, and 13 of this section shall apply to a county with a charter form of government where all public safety answering points within the county utilize a common 911 communication service as implemented by the appropriate local and county agencies prior to August 28, 2018.

16. Any home rule city with more than four hundred thousand inhabitants and located in more than one county and any county in which it is located shall establish an agreement regarding the allocation of anticipated revenue created upon passage of a ballot proposition submitted to the voters as provided for in sections 190.292, 190.305, 190.325, 190.335, and 190.455, as well as revenue provided based upon section 190.460 and the divided costs related to regional 911 services. The allocation and actual expenses of the regional 911 service shall be determined based upon the percentage of residents of each county who also reside in the home rule city. The agreement between the counties and the home rule city may either be

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between the individual counties and the home rule city or jointly between all entities. The agreement to divide costs and revenue as required in this section shall not take effect until the passage of a ballot proposition as provided for in sections 190.292, 190.305, 190.325, 190.335, or 190.455. The population shall be determined based upon the most recent decennial census. This subsection shall not apply to a county of the first classification without a charter form of government and with less than five percent of its population living in any home rule city with more than four hundred thousand inhabitants and located in more than one county.

**190.460. PREPAID WIRELESS EMERGENCY TELEPHONE SERVICE CHARGE — DEFINITIONS — AMOUNT, HOW COLLECTED — DEPOSIT AND USE OF MONEYS — RATES, HOW SET — EFFECTIVE AND EXPIRATION DATES. — 1. As used in this section, the following terms mean:**

- (1) "Board", the Missouri 911 service board established under section 650.325;
- (2) "Consumer", a person who purchases prepaid wireless telecommunications service in a retail transaction;
- (3) "Department", the department of revenue;
- (4) "Prepaid wireless service provider", a provider that provides prepaid wireless service to an end user;
- (5) "Prepaid wireless telecommunications service", a wireless telecommunications service that allows a caller to dial 911 to access the 911 system and which service shall be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount;
- (6) "Retail transaction", the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale. The purchase of more than one item that provides prepaid wireless telecommunication service, when such items are sold separately, constitutes more than one retail transaction;
- (7) "Seller", a person who sells prepaid wireless telecommunications service to another person;
- (8) "Wireless telecommunications service", commercial mobile radio service as defined by 47 CFR 20.3, as amended.

2. (1) Beginning January 1, 2019, there is hereby imposed a prepaid wireless emergency telephone service charge on each retail transaction. The amount of such charge shall be equal to three percent of the amount of each retail transaction over the minimal amount. However, if a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single nonitemized price, the seller may elect not to apply such service charge to such transaction. For purposes of this subdivision, an amount of service denominated as less than fifteen dollars is minimal.

(2) The prepaid wireless emergency telephone service charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless emergency telephone service charge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller or otherwise disclosed to the consumer.

(3) For purposes of this subsection, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state under state law.

(4) The prepaid wireless emergency telephone service charge is the liability of the consumer and not of the seller or of any provider; except that, the seller shall be liable to remit all charges that the seller is deemed to collect if the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(5) The amount of the prepaid wireless emergency telephone service charge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall be remitted to the department at the times and in the manner provided by state law with respect to sales and use taxes. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply under state law.

(2) Beginning on January 1, 2019, and ending on January 31, 2019, when a consumer purchases prepaid wireless telecommunications service in a retail transaction from a seller under this section, the seller shall be allowed to retain one hundred percent of the prepaid wireless emergency telephone service charges that are collected by the seller from the consumer. Beginning on February 1, 2019, a seller shall be permitted to deduct and retain three percent of prepaid wireless emergency telephone service charges that are collected by the seller from consumers.

(3) The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales and use purposes under state law.

(4) The department shall deposit all remitted prepaid wireless emergency telephone service charges into the general revenue fund for the department's use until eight hundred thousand one hundred fifty dollars is collected to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges. From then onward, the department shall deposit all remitted prepaid wireless emergency telephone service charges into the Missouri 911 service trust fund created under section 190.420 within thirty days of receipt for use by the board. After the initial eight hundred thousand one hundred fifty dollars is collected, the department may deduct an amount not to exceed one percent of collected charges to be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges.

(5) The board shall set a rate between twenty-five and one hundred percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund collected in counties without a charter form of government, less the deductions authorized in subdivision (4) of this subsection, that shall be remitted to such counties in direct proportion to the amount of charges collected in each county. The board shall set a rate between sixty-five and one hundred percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund collected in counties with a charter form of government and any city not within a county, less the deductions authorized in subdivision (4) of this subsection, that shall be remitted to each such county or city not within a county in direct proportion to the amount of charges

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collected in each such county or city not within a county. The initial percentage rate set by the board for counties with and without a charter form of government and any city not within a county may be adjusted after three years, and thereafter the rate may be adjusted every two years; however, at no point shall the board set rates that fall below twenty-five percent for counties without a charter form of government and sixty-five percent for counties with a charter form of government and any city not within a county.

(6) Any amounts received by a county or city under subdivision (5) of this subsection shall be used only for purposes authorized in sections 190.305, 190.325, and 190.335. Any amounts received by any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants under this section may be used for emergency service notification systems.

4. (1) A seller that is not a provider shall be entitled to the immunity and liability protections under section 190.455, notwithstanding any requirement in state law regarding compliance with Federal Communications Commission Order 05-116.

(2) A provider shall be entitled to the immunity and liability protections under section 190.455.

(3) In addition to the protection from liability provided in subdivisions (1) and (2) of this subsection, each provider and seller and its officers, employees, assigns, agents, vendors, or anyone acting on behalf of such persons shall be entitled to the further protection from liability, if any, that is provided to providers and sellers of wireless telecommunications service that is not prepaid wireless telecommunications service under section 190.455.

5. The prepaid wireless emergency telephone service charge imposed by this section shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state, any political subdivision of this state, or any intergovernmental agency for 911 funding purposes, except that such prepaid wireless emergency telephone service charge shall be charged in lieu of, and not imposed in addition to, any tax imposed under section 190.292 or 190.335.

6. The provisions of this section shall become effective unless the governing body of a county or city adopts an ordinance, order, rule, resolution, or regulation by at least a two-thirds vote prohibiting the charge established under this section from becoming effective in the county or city at least forty-five days prior to the effective date of this section. If the governing body does adopt such ordinance, order, rule, resolution, or regulation by at least a two-thirds vote, the charge shall not be collected and the county or city shall not be allowed to obtain funds from the Missouri 911 service trust fund that are remitted to the fund under the charge established under this section. The Missouri 911 service board shall, by September 1, 2018, notify all counties and cities of the implementation of the charge established under this section, and the procedures set forth under this subsection for prohibiting the charge from becoming effective.

7. This section shall expire on January 1, 2023.

**190.465. CONSOLIDATION OF EMERGENCY COMMUNICATIONS OPERATIONS — JOINT ENTITY ESTABLISHED, WHEN. — 1. In order to provide the best possible 911 technology and service to all areas of the state in the most efficient and economical manner possible, it is the public policy of this state to encourage the consolidation of emergency communications operations.**

**2. Any county, city, or 911 or emergency services board established under chapter 190 or section 321.243 may contract and cooperate with any other county, city, or 911 or emergency services board established under chapter 190 or section 321.243 as provided in sections 70.210 to 70.320. Any contracting counties or boards may seek assistance and advice from the Missouri 911 service board established in section 650.325 regarding the terms of**

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the joint contract and the administration and operation of the contracting counties, cities, and boards.

3. If two or more counties, cities, 911 districts, or existing emergency communications entities desire to consolidate their emergency communications operations, a joint emergency communications entity may be established by the parties through an agreement identifying the conditions and provisions of the consolidation and the operation of the joint entity. This agreement may include the establishment of a joint governing body that may be comprised of the boards of the entities forming the agreement currently authorized by statute or an elected or appointed joint board authorized under section 70.260; provided that, the representation on the joint board of each of the entities forming the agreement shall be equal. If the entities entering into an agreement under this subsection decide that any 911 service center responsible for the answering of 911 calls and the dispatch of assistance shall be physically located in a county other than a county with the lowest average county wage from the set of counties where the entities entering into an agreement under this subsection are located in whole or part, such entities shall provide a written reason for this decision to the Missouri 911 service board and such document shall be considered a public record under chapter 610. The county average wage comparison shall be conducted using the information from the Missouri department of economic development, which calculates such county average wages under section 135.950.

4. After August 28, 2018, no public safety answering point operation may be established as a result of its separation from an existing public safety answering point operation without a study by, and the approval of, the Missouri 911 service board.

5. No provision of this section shall be construed to prohibit or discourage in any manner the formation of multiagency or multijurisdictional public safety answering point operations.

**190.470. ALTERNATE CONSOLIDATION — PETITION, ELECTION — BOARD APPOINTED, REQUIREMENTS. — 1.** As an alternative to the procedure provided in section 190.465, two or more 911 central dispatch centers that are organized under sections 190.327 to 190.329 or section 190.335 and funded by public taxes may consolidate into one 911 central dispatch center by following the procedures set forth in this section.

2. If the consolidation of existing 911 central dispatch centers is desired, a number of voters residing in the existing 911 central dispatch centers' service areas equal to ten percent of the votes cast for governor in those service areas in the preceding gubernatorial election may file with the county clerk in which the territory or greater part of the proposed consolidated 911 central dispatch center service area will be situated a petition requesting consolidation of two or more 911 central dispatch centers.

3. The petition shall be in the following form:

"We, the undersigned voters residing in the service areas for the following 911 central dispatch centers, do hereby petition that the following existing 911 central dispatch centers be consolidated into one 911 central dispatch center."

4. An alternative procedure of consolidation may be followed if each of the boards of directors of the existing 911 central dispatch centers passes a resolution in the following form:

"The board of directors of the \_\_\_\_\_ 911 central dispatch center resolves that the \_\_\_\_\_ and \_\_\_\_\_ 911 central dispatch centers be consolidated into one 911 central dispatch center."

5. Upon the filing of a petition or resolution with the county clerk from each of the service areas of the 911 central dispatch centers to be consolidated, the clerk shall present the petition or resolution to the commissioners of the county commission having jurisdiction, who shall order the submission of the question to voters within the affected 911 central dispatch center service areas. The filing of a petition shall be no later than twelve months after any original voter's signature contained therein.

6. The notice of election shall contain the names of the existing 911 central dispatch centers to be included in the consolidated 911 central dispatch center.

7. The question shall be submitted in substantially the following form:

"Shall the existing \_\_\_\_\_ 911 central dispatch centers be consolidated into one 911 central dispatch center?"

8. If the question of consolidation of the 911 central dispatch centers receives a majority of the votes cast in each service area, the county commissions having joint jurisdiction shall each enter an order declaring the proposition passed.

9. Within thirty days after the 911 central dispatch center has been declared consolidated, the respective county commissions having jurisdiction shall jointly meet to appoint a new seven-person board consisting of the agencies and professions listed in subsection 9 of section 190.335, and shall ensure geographic representation by appointing no more than four members from any one county having jurisdiction within the consolidated area for the newly consolidated 911 central dispatch center.

10. Within thirty days after the appointment of the initial board of directors of the newly consolidated 911 central dispatch center, the board of directors shall meet at a time and place designated by the county commissions. At the first meeting, the newly appointed board of directors shall choose a name for the consolidated 911 central dispatch center and shall notify the clerks of the county commission of each county within which the newly consolidated 911 central dispatch center's service area now subsumes.

11. Starting with the April election in the year after the appointment of the initial board of directors, one member shall be subject to running at large as chair for a four-year term. Four members shall be selected by lot to run for two-year terms, and two members shall be selected by lot to run for four-year terms. Thereafter, all terms shall be four-year terms.

12. On the thirtieth day following the appointment of the initial board of directors, the existing 911 central dispatch centers shall cease to exist and the consolidated 911 central dispatch center shall assume all of the powers and duties exercised by the 911 central dispatch centers. All assets and obligations of the existing 911 central dispatch centers shall become the assets and obligations of the newly consolidated 911 central dispatch center.

13. In any county that has a single board established under chapter 190 or under section 321.243, if a consolidation under this section only affects existing 911 central dispatch centers located wholly within such county, the existing board shall vote as to whether the existing board shall continue to exist. Upon a majority vote for approval of the existing board continuing to exist, subsections 9 to 12 of this section shall not apply, and the existing board shall continue to exist and have the powers set forth under the applicable section or sections within chapter 190 or under section 321.243. Upon a majority vote in disapproval of the existing board continuing to exist, all applicable subsections of this section shall apply to the consolidation. A tied vote shall be considered a disapproval of the existing board continuing to exist.

**190.475. CENTRALIZED DATABASE TO BE MAINTAINED, UPDATES.** — The director of the department of revenue shall maintain a centralized database, which shall be made available to the Missouri 911 service board established under section 650.325, specifying the current monthly fee or tax imposed by each county or city under section 190.292, 190.305, 190.325, 190.335, or 190.455. The database shall be updated no less than sixty days prior to the effective date of the establishment or modification of any monthly fee or tax listed in the database.

**620.2450. PROGRAM ESTABLISHED, EXPANDED ACCESS TO BROADBAND INTERNET SERVICE — DEFINITIONS.** — 1. A grant program is hereby established under sections 620.2450 to 620.2458 to award grants to applicants who seek to expand access to broadband internet service in unserved and underserved areas of the state. The department of economic development shall administer and act as the fiscal agent for the grant program and shall be responsible for receiving and reviewing grant applications and awarding grants under sections 620.2450 to 620.2458. Funding for the grant program established under this section shall be subject to appropriation by the general assembly.

2. As used in sections 620.2450 to 620.2458, the following terms shall mean:

- (1) "Underserved area", a project area without access to wireline or fixed wireless broadband internet service of speeds of at least twenty-five megabits per second download and three megabits per second upload;
- (2) "Unserved area", a project area without access to wireline or fixed wireless broadband internet service of speeds of at least ten megabits per second download and one megabit per second upload.

**620.2451. GRANTS, USE OF MONEYS.** — Grants awarded under sections 620.2450 to 620.2458 shall fund the acquisition and installation of retail broadband internet service at speeds of at least twenty-five megabits per second download and three megabits per second upload, but that is scalable to higher speeds.

**620.2452. ELIGIBLE APPLICANTS.** — Applicants eligible for grants awarded shall include:

- (1) Corporations, or their affiliates, registered in this state;
- (2) Incorporated businesses or partnerships;
- (3) Limited liability companies registered in this state;
- (4) Nonprofit organizations registered in this state;
- (5) Political subdivisions; and
- (6) Rural electric cooperatives organized under chapter 394 and their broadband affiliates.

**620.2453. APPLICATION, CONTENTS.** — An eligible applicant shall submit an application to the department of economic development on a form prescribed by the department. An application for a grant under sections 620.2450 to 620.2458 shall include the following information:

- (1) A description of the project area;
- (2) A description of the kind and amount of broadband internet infrastructure that is proposed to be deployed;
- (3) Evidence demonstrating the unserved or underserved nature of the project area;
- (4) The number of households that would have new access to broadband internet service, or whose broadband internet service would be upgraded, as a result of the grant;
- (5) A list of significant community institutions that would benefit from the proposed grant;
- (6) The total cost of the proposal and the timeframe in which it will be completed;

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- (7) A list identifying sources of funding or in-kind contributions, including government funding, that would supplement any awarded grant; and
- (8) Any other information required by the department of economic development.

**620.2454. CRITERIA, SCORING SYSTEM, AND LIST OF UNDERSERVED AREAS, DEPARTMENT TO PUBLISH ON WEBSITE — CHALLENGES, EVALUATION OF. — 1.** At least thirty days prior to the first day applications may be submitted each fiscal year, the department of economic development shall publish on its website the specific criteria and any quantitative weighting scheme or scoring system the department will use to evaluate or rank applications and award grants under section 620.2455. Such criteria and quantitative scoring system shall include the criteria set forth in section 620.2455.

2. Within three business days of the close of the grant application process, the department of economic development shall publish on its website the proposed unserved and underserved areas, and the proposed broadband internet speeds for each application submitted. Upon request, the department shall provide a copy of any application to an interested party.

3. A broadband internet service provider that provides existing service in or adjacent to the proposed project area may submit to the department of economic development, within forty-five days of publication of the information under subsection 2 of this section, a written challenge to an application. Such challenge shall contain information demonstrating that:

- (1) The provider currently provides broadband internet service to retail customers within the proposed unserved or underserved area;
- (2) The provider has begun construction to provide broadband internet service to retail customers within the proposed unserved or underserved area; or
- (3) The provider commits to providing broadband internet service to retail customers within the proposed unserved or underserved areas within the timeframe proposed by the applicant.

4. Within three business days of the submission of a written challenge, the department of economic development shall notify the applicant of such challenge.

5. The department of economic development shall evaluate each challenge submitted under this section. If the department determines that the provider currently provides, has begun construction to provide, or commits to provide broadband internet service at speeds of at least twenty-five megabits per second download and three megabits per second upload, but scalable to higher speeds, in the proposed project area, the department shall not fund the challenged project.

6. If the department of economic development denies funding to an applicant as a result of a broadband internet service provider challenge under this section and such broadband internet service provider does not fulfill its commitment to provide broadband internet service in the unserved or underserved area, the department of economic development shall not consider another challenge from such broadband internet service provider for the next two grant cycles, unless the department determines the failure to fulfill the commitment was due to circumstances beyond the broadband internet service provider's control.

**620.2455. PRIORITIZATION OF APPLICATIONS — RANKING OF APPLICANTS, SYSTEM USED. — 1.** The department of economic development shall give first priority to grant applications that serve unserved areas.

2. The department of economic development shall give secondary priority to grant applications that demonstrate the ability to receive matching funds that serve unserved areas, whether such matching funds are government funds or other funds.

3. The department shall give third priority to grant applications that serve underserved areas.
4. The department of economic development shall use a quantitative weighing scheme or scoring system including, at a minimum, the following elements to rank the applications:
  - (1) Financial, technical, and legal capability of the applicant to deploy and operate broadband internet service;
  - (2) The number of locations served in the most cost-efficient manner possible considering the project area density;
  - (3) Available minimum broadband speeds;
  - (4) Ability of the infrastructure to be scalable to higher broadband internet speeds;
  - (5) Commitment of the applicant to fund at least fifty percent of the project from private sources;
  - (6) Length of time the provider has been operating broadband internet services in the state;
  - (7) The offering of new or substantially upgraded broadband internet service to important community institutions including, but not limited to, libraries, educational institutions, public safety facilities, and health care facilities;
  - (8) The offering of service to economically distressed areas of the state, as measured by indices of unemployment, poverty, or population loss that are significantly greater than the statewide average;
  - (9) The ability to provide technical support and training to residents, businesses, and institutions in the community of the proposed project to utilize broadband internet service;
  - (10) Plans to actively promote the adoption of the newly available broadband internet service in the community; and
  - (11) Strong support for the proposed project from citizens, businesses, and institutions in the community.

**620.2456. CONNECT AMERICA FUND, NO GRANTS AWARDED — LIMITATIONS ON GRANT AMOUNT — LIMITATIONS ON GRANT REQUIREMENTS. — 1.** The department of economic development shall not award any grant to an otherwise eligible grant applicant where funding from the Connect America Fund has been awarded, where high cost support from the federal Universal Service Fund has been received by rate of return carriers, or where any other federal funding has been awarded which did not require any matching fund component, for any portion of the proposed project area, nor shall any grant money be used to serve any retail end user that already has access to wireline or fixed wireless broadband internet service of speeds of at least twenty-five megabits per second download and three megabits per second upload.

2. No grant awarded under sections 620.2450 to 620.2458, when combined with any federal, state, or local funds, shall fund more than fifty percent of the total cost of a project.

3. No single project shall be awarded grants under sections 620.2450 to 620.2458 whose cumulative total exceeds five million dollars.

4. The department of economic development shall endeavor to award grants under sections 620.2450 to 620.2458 to qualified applicants in all regions of the state.

5. An award granted under sections 620.2450 to 620.2458 shall not:

- (1) Require an open access network;
- (2) Impose rates, terms, and conditions that differ from what a provider offers in other areas of its service area;
- (3) Impose any rate, service, or any other type of regulation beyond speed requirements set forth in section 620.2451; or
- (4) Impose an unreasonable time constraint on the time to build the service.

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**620.2457. GRANT APPLICATION AND AWARD INFORMATION TO BE POSTED ON WEBSITE.** — **By June thirtieth of each year, the department of economic development shall publish on its website and provide to the general assembly:**

**(1) A list of all applications for grants under sections 620.2450 to 620.2458 received during the previous year and, for each application:**

**(a) The results of any quantitative weighting scheme or scoring system the department of economic development used to award grants or rank the applications;**

**(b) The grant amount requested;**

**(c) The grant amount awarded, if any;**

**(2) All written challenges.**

**620.2458. RULEMAKING AUTHORITY.** — **The department of economic development shall develop administrative rules governing the eligibility, application and grant award process, and to implement the provisions of sections 620.2450 to 620.2458. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**650.330. BOARD MEMBERS, DUTIES — DEPARTMENT OF PUBLIC SAFETY TO PROVIDE STAFF — RULEMAKING AUTHORITY.** — **1. The board shall consist of fifteen members, one of which shall be chosen from the department of public safety, and the other members shall be selected as follows:**

**(1) One member chosen to represent an association domiciled in this state whose primary interest relates to municipalities;**

**(2) One member chosen to represent the Missouri 911 Directors Association;**

**(3) One member chosen to represent emergency medical services and physicians;**

**(4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;**

**(5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;**

**(6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;**

**(7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;**

**(8) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;**

**(9) One member chosen to represent counties of the second, third, and fourth classification;**

**(10) One member chosen to represent counties of the first classification, counties with a charter form of government, and cities not within a county;**

**(11) One member chosen to represent telecommunications service providers;**

**(12) One member chosen to represent wireless telecommunications service providers;**

**(13) One member chosen to represent voice over internet protocol service providers; and**

(14) One member chosen to represent the governor's council on disability established under section 37.735.

2. Each of the members of the board shall be appointed by the governor with the advice and consent of the senate for a term of four years. Members of the committee may serve multiple terms. No corporation or its affiliate shall have more than one officer, employee, assign, agent, or other representative serving as a member of the board. Notwithstanding subsection 1 of this section to the contrary, all members appointed as of August 28, 2017, shall continue to serve the remainder of their terms.

3. The board shall meet at least quarterly at a place and time specified by the chairperson of the board and it shall keep and maintain records of such meetings, as well as the other activities of the board. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the board.

4. The board shall:

- (1) Organize and adopt standards governing the board's formal and informal procedures;
- (2) Provide recommendations for primary answering points and secondary answering points on technical and operational standards for 911 services;
- (3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;
- (4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that the board shall not supersede decision-making authority of local political subdivisions in regard to 911 services;
- (5) Provide assistance to the governor and the general assembly regarding 911 services;
- (6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;
- (7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;
- (8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state, including monitoring federal and industry standards being developed for next-generation 911 systems;
- (9) Designate a state 911 coordinator who shall be responsible for overseeing statewide 911 operations and ensuring compliance with federal grants for 911 funding;
- (10) Elect the chair from its membership;
- (11) Apply for and receive grants from federal, private, and other sources;
- (12) Report to the governor and the general assembly at least every three years on the status of 911 services statewide, as well as specific efforts to improve efficiency, cost-effectiveness, and levels of service;
- (13) Conduct and review an annual survey of public safety answering points in Missouri to evaluate potential for improved services, coordination, and feasibility of consolidation;
- (14) Make and execute contracts or any other instruments and agreements necessary or convenient for the exercise of its powers and functions, **including for the development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;** ~~and~~
- (15) Develop a plan and timeline of target dates for the testing, implementation, and operation of a next-generation 911 system throughout Missouri. The next-generation 911 system shall allow for the processing of electronic messages including, but not limited to, electronic messages containing text, images, video, or data;

(16) Administer and authorize grants and loans under section 650.335 to those counties and any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants that can demonstrate a financial commitment to improving 911 services by providing at least a fifty percent match and demonstrate the ability to operate and maintain ongoing 911 services. The purpose of grants and loans from the 911 service trust fund shall include:

(a) Implementation of 911 services in counties of the state where services do not exist or to improve existing 911 systems;

(b) Promotion of consolidation where appropriate;

(c) Mapping and addressing all county locations;

(d) Ensuring primary access and texting abilities to 911 services for disabled residents;

(e) Implementation of initial emergency medical dispatch services, including prearrival medical instructions in counties where those services are not offered as of July 1, 2019; and

(f) Development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;

(17) Develop an application process including reporting and accountability requirements, withholding a portion of the grant until completion of a project, and other measures to ensure funds are used in accordance with the law and purpose of the grant, and conduct audits as deemed necessary;

(18) Set the percentage rate of the prepaid wireless emergency telephone service charges to be remitted to a county or city as provided under subdivision (5) of subsection 3 of section 190.460;

(19) Retain in its records proposed county plans developed under subsection 10 of section 190.455 and notify the department of revenue that the county has filed a plan that is ready for implementation;

(20) Notify any communications service provider, as defined in section 190.400, that has voluntarily submitted its contact information when any update is made to the centralized database established under section 190.475 as a result of a county or city establishing or modifying a tax or monthly fee no less than ninety days prior to the effective date of the establishment or modification of the tax or monthly fee;

(21) Establish criteria for consolidation prioritization of public safety answering points; and

(22) In coordination with existing public safety answering points, by December 31, 2018, designate no more than eleven regional 911 coordination centers which shall coordinate statewide interoperability among public safety answering points within their region through the use of a statewide 911 emergency services network.

5. The department of public safety shall provide staff assistance to the board as necessary in order for the board to perform its duties pursuant to sections 650.320 to 650.340. The board shall have the authority to hire consultants to administer the provisions of sections 650.320 to 650.340.

6. The board shall promulgate rules and regulations that are reasonable and necessary to implement and administer the provisions of sections 650.320 to 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held

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unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

**650.335. LOANS AND FINANCIAL ASSISTANCE FROM PREPAID WIRELESS EMERGENCY TELEPHONE CHARGES — APPLICATION, PROCEDURE, REQUIREMENTS. — 1.** Any county or any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants, when the prepaid wireless emergency telephone service charge is collected in the county or city, may submit an application for loan funds or other financial assistance to the board for the purpose of financing all or a portion of the costs incurred in implementing a 911 communications service project. The application shall be accompanied by a technical assistance report. The application and the technical assistance report shall be in such form and contain such information, financial or otherwise, as prescribed by the board. This section shall not preclude any applicant or borrower from joining in a cooperative project with any other political subdivision or with any state or federal agency or entity in a 911 communications service project, provided that all other requirements of this section have been met.

2. Applications may be approved for loans only in those instances where the applicant has furnished the board information satisfactory to assure that the project cost will be recovered during the repayment period of the loan. In no case shall a loan be made to an applicant unless the approval of the governing body of the applicant to the loan agreement is obtained and a written certification of such approval is provided, where applicable. Repayment periods are to be determined by the board.

3. The board shall approve or disapprove all applications for loans which are sent by certified or registered mail or hand delivered and received by the board upon a schedule as determined by the board.

4. Each applicant to whom a loan has been made under this section shall repay such loan, with interest. The rate of interest shall be the rate required by the board. The number, amounts, and timing of the payments shall be as determined by the board.

5. Any applicant who receives a loan under this section shall annually budget an amount which is at least sufficient to make the payments required under this section.

6. Repayment of principal and interest on loans shall be credited to the Missouri 911 service trust fund established under section 190.420.

7. If a loan recipient fails to remit a payment to the board in accordance with this section within sixty days of the due date of such payment, the board shall notify the director of the department of revenue to deduct such payment amount from first, the prepaid wireless emergency telephone service charge remitted to the county or city under section 190.460; and if insufficient to affect repayment of the loan, next, the regular apportionment of local sales tax distributions to that county or city. Such amount shall then immediately be deposited in the Missouri 911 service trust fund and credited to the loan recipient.

8. All applicants having received loans under this section shall remit the payments required by subsection 4 of this section to the board or such other entity as may be directed by the board. The board or such other entity shall immediately deposit such payments in the Missouri 911 service trust fund.

9. Loans made under this section shall be used only for the purposes specified in an approved application or loan agreement. In the event the board determines that loan funds

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have been expended for purposes other than those specified in an approved application or loan agreement or any event of default of the loan agreement occurs without resolution, the board shall take appropriate actions to obtain the return of the full amount of the loan and all moneys duly owed or other available remedies.

10. Upon failure of a borrower to remit repayment to the board within sixty days of the date a payment is due, the board may initiate collection or other appropriate action through the provisions outlined in subsection 7 of this section, if applicable.

11. If the borrower is an entity not covered under the collection procedures established in this section, the board, with the advice and consent of the attorney general, may initiate collection procedures or other appropriate action pursuant to applicable law.

12. The board may, at its discretion, audit the expenditure of any loan, grant, or expenditure made or the computation of any payments made.

13. The board shall not approve any application made under this section if the applicant has failed to return the board's annual survey of public safety answering points as required by the board under section 650.330.

**650.340. 911 TRAINING AND STANDARDS ACT.** — 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for telecommunicators who answer 911 calls that come to public safety answering points shall be as follows:

- (1) Police telecommunicator, 16 hours;
- (2) Fire telecommunicator, 16 hours;
- (3) Emergency medical services telecommunicator, 16 hours;
- (4) Joint communication center telecommunicator, 40 hours.

3. All persons employed as a telecommunicator in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator. Such persons shall complete at least twenty-four hours of ongoing training every three years by such persons or organizations as provided in subsection 6 of this section. ~~[The reporting period for the ongoing training under this subsection shall run concurrent with the existing continuing education reporting periods for Missouri peace officers pursuant to chapter 590.]~~

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which is at least as stringent as the training requirements of subsection 2 of this section.

6. The board shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. This section shall not apply to an emergency medical dispatcher or agency as defined in section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134.

~~**190.410. BOARD CREATED, MEMBERS, TERMS, DUTIES, STAFF.** — 1. There is hereby created in the department of public safety the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:~~

~~(1) The director of the department of public safety or the director's designee who shall hold a position of authority in such department of at least a division director;~~

~~(2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;~~

~~(3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and~~

~~(4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.~~

~~2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.~~

~~3. The board shall do the following:~~

~~(1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;~~

~~(2) Meet at least one time per year for the purpose of discussing the implementation of Federal Communications Commission order 94-102;~~

~~(3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and~~

~~(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.~~

~~4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.]~~

~~**190.430. FEE FOR WIRELESS SERVICE — RULES — OFFICE OF ADMINISTRATION, POWERS.** — 1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.~~

~~2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536.~~

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This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.

3. ~~The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:~~

~~(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and~~

~~(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:~~

~~(a) The volume of wireless 911 calls received by each public safety answering point;~~

~~(b) The population of the public safety answering point jurisdiction;~~

~~(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and~~

~~(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;~~

~~(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;~~

~~(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.~~

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8. ~~Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two and three digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or~~

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

Matter in bold-face type is proposed language.

~~criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct.]~~

~~**[190.440. BALLOT MEASURE FOR FEE.** — 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.~~

~~2. The ballot of the submission shall contain, but is not limited to, the following language:~~

~~Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?~~

~~YES \_\_\_\_\_  NO~~

~~If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".~~

~~3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.]~~

**SECTION B. SUNSET PROVISION.** — Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset automatically three years after the effective date of sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset automatically six years after the effective date of the reauthorization of sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458; and

(3) Sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 is sunset.

Approved July 6, 2018

SS#2 HB 1460

**Modifies provisions relating to state revenue.**

AN ACT to repeal sections 142.803 and 143.121, RSMo, and to enact in lieu thereof three new sections relating to state revenues, with a referendum clause.

SECTION

- A. Enacting clause.
- 142.803 Imposition of tax on fuel, amount — collection and precollection of tax.
- 143.121 Missouri adjusted gross income.
- 226.145 Emergency State Freight Bottleneck Fund.
- B. Referendum clause.
- C. Official summary statement.
- D. Official fiscal note summary.

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

**SECTION A. ENACTING CLAUSE.** — Sections 142.803 and 143.121, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 142.803, 143.121, and 226.145, to read as follows:

**142.803. IMPOSITION OF TAX ON FUEL — COLLECTION — AUDIT OF FUNDS.** — 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) Motor fuel, seventeen cents per gallon **until June 30, 2019. For the fiscal year beginning on or after July 1, 2019, and ending on or before June 30, 2020, such tax shall be nineteen and one-half cents per gallon. For the fiscal year beginning on or after July 1, 2020, and ending on or before June 30, 2021, such tax shall be twenty-two cents per gallon. For the fiscal year beginning on or after July 1, 2021, and ending on or before June 30, 2022, such tax shall be twenty-four and one-half cents per gallon. For all fiscal years beginning on or after July 1, 2022, such tax shall be twenty-seven cents per gallon. Subject to appropriation, the state portion of the revenue generated by the increases in the rate of tax beginning July 1, 2019, shall be used for the actual cost of the state highway patrol in administering and enforcing any state motor vehicle laws and traffic regulations;**

(2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

(3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080 to be collected as required under this chapter;

(4) Compressed natural gas fuel, five cents per gasoline gallon equivalent until December 31, 2019, eleven cents per gasoline gallon equivalent from January 1, 2020, until December 31, 2024, ~~and then~~ **seventeen cents per gasoline gallon equivalent from January 1, 2025, until December 31, 2025, and then twenty-seven cents per gasoline gallon equivalent** thereafter. The gasoline gallon equivalent and method of sale for compressed natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof. In the absence of such standard or agreement, the gasoline gallon equivalent and method of sale for

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compressed natural gas shall be equal to five and sixty-six-hundredths pounds of compressed natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on compressed natural gas, including but not limited to licensing, reporting, penalties, and interest;

(5) Liquefied natural gas fuel, five cents per diesel gallon equivalent until December 31, 2019, eleven cents per diesel gallon equivalent from January 1, 2020, until December 31, 2024, ~~and then~~ **seventeen cents per diesel gallon equivalent from January 1, 2025, until December 31, 2025, and then twenty-seven cents per diesel gallon equivalent** thereafter. The diesel gallon equivalent and method of sale for liquefied natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof. In the absence of such standard or agreement, the diesel gallon equivalent and method of sale for liquefied natural gas shall be equal to six and six-hundredths pounds of liquefied natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on liquefied natural gas, including but not limited to licensing, reporting, penalties, and interest;

(6) Propane gas fuel, five cents per gallon until December 31, 2019, eleven cents per gallon from January 1, 2020, until December 31, 2024, ~~and then~~ **seventeen cents per gallon from January 1, 2025, until December 31, 2025, and then twenty-seven cents per gallon** thereafter. All applicable provisions contained in this chapter governing administration, collection, and enforcement of the state motor fuel tax shall apply to the tax imposed on propane gas including, but not limited to, licensing, reporting, penalties, and interest;

(7) If a natural gas, compressed natural gas, liquefied natural gas, electric, or propane connection is used for fueling motor vehicles and for another use, such as heating, the tax imposed by this section shall apply to the entire amount of natural gas, compressed natural gas, liquefied natural gas, electricity, or propane used unless an approved separate metering and accounting system is in place.

**2. Notwithstanding any provision of law to the contrary, beginning on January 1, 2026, all motor fuels and alternative fuels, including, but not limited to, gasoline, diesel fuel, electricity, hydrogen, propane, compressed natural gas, and liquified natural gas, shall be taxed at substantially the equivalent rate. The department of agriculture, in cooperation with the department of revenue, shall where necessary promulgate a rule on or before December 31, 2023, to implement the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**3.** All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax.

**4. In order to ensure that the revenues generated by this section are used for their designated purposes, the state auditor shall biennially audit such funds and provide a report to the general assembly. Such report may be included as part of an audit of a department or agency receiving such funds.**

**143.121. MISSOURI ADJUSTED GROSS INCOME — OLYMPIC DREAM FREEDOM ACT. — 1.**

The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(2) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code (**26 U.S.C. Section 103, as amended**). The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code (**26 U.S.C. Section 265, as amended**). The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code (**26 U.S.C. Section 168**) as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 (**26 U.S.C. Section 168**) as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986 (**26 U.S.C. Section 172**), as amended, other than the deduction allowed by Section [~~172(b)(1)(G)] **172(b)(1)(F)** and Section [~~172(i)] **172(h)** of the Internal Revenue Code of 1986 (**26 U.S.C. Section 172**), as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and~~~~

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

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(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code (**26 U.S.C. Section 168**) as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code (**26 U.S.C. Section 168**) as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection; and

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan; and
- (i) Livestock Gross Margin insurance plan.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986 (**26 U.S.C. Section 1033**), as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

**10. Gross income shall not include the value of any prize or award won by a taxpayer in athletic competition in the Olympic, Paralympic, or Special Olympic Games. This subsection shall be known and may be cited as the "Olympic Dream Freedom Act".**

**226.145. EMERGENCY STATE FREIGHT BOTTLENECK FUND. — 1. (1) There is hereby created in the state treasury the "Emergency State Freight Bottleneck Fund", which shall consist of moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**

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Matter in bold-face type is proposed language.

may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely to finance eligible projects under this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. Projects eligible for financing under this section shall:

(1) Be a major road improvement with an estimated construction cost of fifty million dollars or more;

(2) Be an improvement needed to eliminate a bottleneck, a twenty minute delay or more during peak hours, that impacts the distribution of goods and on-time delivery of freight;

(3) Be an improvement needed to reduce fatal and disabling motor vehicle crashes within an area designated as a safe travel zone by the department of transportation;

(4) Be an improvement listed on the 2014 state freight plan; and

(5) Be slated to receive not less than thirty-five percent of the funds required for project completion from sources other than the state road fund or general revenue.

3. If in any given fiscal year there are insufficient funds in the emergency state freight bottleneck fund to finance all eligible projects under this section, such eligible projects shall be rank ordered and given priority based on the Missouri state infra-grant application criteria published by the department of transportation.

**SECTION B. REFERENDUM CLAUSE.** — This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2018, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.

**SECTION C. OFFICIAL SUMMARY STATEMENT.** — Pursuant to chapter 116, and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of referendum measures to the voters of this state, the official summary statement of the act proposed in section A of this act shall be as follows:

"Shall Missouri law be amended to fund Missouri state law enforcement by increasing the motor fuel tax by two and one half cents per gallon annually for four years beginning July 1, 2019, exempt Special Olympic, Paralympic, and Olympic prizes from state taxes, and to establish the Emergency State Freight Bottleneck Fund?"

**SECTION D. OFFICIAL FISCAL NOTE SUMMARY.** — Pursuant to chapter 116, and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of referendum measures to the voters of this state, the official fiscal note summary of the act proposed in section A of this act shall be as follows:

"If passed, this measure will generate at least \$288 million annually to the State Road Fund to provide for the funding of Missouri state law enforcement and \$123 million annually to local governments for road construction and maintenance."

Approved May 30, 2018

## HCS HB 1461

**Enacts provisions relating to the address confidentiality program.**

AN ACT to repeal sections 452.375, 452.377, 589.660, 589.663, 589.664, 589.666, 589.669, 589.672, and 589.678, RSMo, and to enact in lieu thereof nine new sections relating to the address confidentiality program.

## SECTION

- A. Enacting clause.
- 452.375 Custody — definitions — factors determining custody — prohibited, when — public policy of state — custody options — findings required, when — parent plan required — access to records — joint custody not to preclude child support — support, how determined — domestic violence or abuse, specific findings.
- 452.377 Relocation of child by parent for more than ninety days, required procedure — violation, effect — notice of relocation of parent, required procedure.
- 589.660 Definitions.
- 589.663 Program created, purpose, procedures.
- 589.664 Disclosure of address, when — notice — limitation on dissemination.
- 589.666 Cancellation of certification, when.
- 589.669 Address accepted as participant's address, when.
- 589.672 Availability of participant addresses.
- 589.678 Application, supporting materials, and communications not public records.

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

**SECTION A. ENACTING CLAUSE.** — Sections 452.375, 452.377, 589.660, 589.663, 589.664, 589.666, 589.669, 589.672, and 589.678, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 452.375, 452.377, 589.660, 589.663, 589.664, 589.666, 589.669, 589.672, and 589.678, to read as follows:

**452.375. CUSTODY — DEFINITIONS — FACTORS DETERMINING CUSTODY — PROHIBITED, WHEN — PUBLIC POLICY OF STATE — CUSTODY OPTIONS — FINDINGS REQUIRED, WHEN — PARENT PLAN REQUIRED — ACCESS TO RECORDS — JOINT CUSTODY NOT TO PRECLUDE CHILD SUPPORT — SUPPORT, HOW DETERMINED — DOMESTIC VIOLENCE OR ABUSE, SPECIFIC FINDINGS.** — 1. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Custody" means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;

(2) "Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

(3) "Joint physical custody" means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

(4) "Third-party custody" means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. When the parties have not reached an agreement on all issues related to custody, the court shall consider

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Matter in bold-face type is proposed language.

all relevant factors and enter written findings of fact and conclusions of law, including, but not limited to, the following:

- (1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties;
- (2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;
- (3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;
- (4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;
- (5) The child's adjustment to the child's home, school, and community;
- (6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;
- (7) The intention of either parent to relocate the principal residence of the child; and
- (8) The wishes of a child as to the child's custodian. The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

- (a) A felony violation of section 566.030, 566.032, 566.031, 566.060, 566.062, 566.064, 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.211, or 566.215;
- (b) A violation of section 568.020;
- (c) A violation of subdivision (2) of subsection 1 of section 568.060;
- (d) A violation of section 568.065;
- (e) A violation of section 573.200;
- (f) A violation of section 573.205; or
- (g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state

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to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child. The court shall not presume that a parent, solely because of his or her sex, is more qualified than the other parent to act as a joint or sole legal or physical custodian for the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection 8 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. After August 28, 2016, every court order establishing or modifying custody or visitation shall include the following language: "In the event of noncompliance with this order, the aggrieved

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party may file a verified motion for contempt. If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts that constitute a violation of the custody provisions of the judgment of dissolution, legal separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with an explanation of the procedures for filing a family access motion and a simple form for use in filing the family access motion. A family access motion does not require the assistance of legal counsel to prepare and file."

11. No court shall adopt any local rule, form, or practice requiring a standardized or default parenting plan for interim, temporary, or permanent orders or judgments. Notwithstanding any other provision to the contrary, a court may enter an interim order in a proceeding under this chapter, provided that the interim order shall not contain any provisions about child custody or a parenting schedule or plan without first providing the parties with notice and a hearing, unless the parties otherwise agree.

12. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child.

**A court shall order that the reports and records made available under this subsection not include the address of the parent with custody if the parent with custody is a participant in the address confidentiality program under section 589.663.** Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

13. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

14. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

15. If the court finds that domestic violence or abuse as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.

**452.377. RELOCATION OF CHILD BY PARENT FOR MORE THAN NINETY DAYS, REQUIRED PROCEDURE — VIOLATION, EFFECT — NOTICE OF RELOCATION OF PARENT, REQUIRED PROCEDURE.** — 1. For purposes of this section and section 452.375, "relocate" or "relocation"

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means a change in the principal residence of a child for a period of ninety days or more, but does not include a temporary absence from the principal residence.

2. Notice of a proposed relocation of the residence of the child, or any party entitled to custody or visitation of the child, shall be given in writing by certified mail, return receipt requested, to any party with custody or visitation rights. Absent exigent circumstances as determined by a court with jurisdiction, written notice shall be provided at least sixty days in advance of the proposed relocation. The notice of the proposed relocation shall include the following information:

(1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;

(2) The home telephone number of the new residence, if known;

(3) The date of the intended move or proposed relocation;

(4) A brief statement of the specific reasons for the proposed relocation of a child, if applicable; and

(5) A proposal for a revised schedule of custody or visitation with the child, if applicable.

**3. If a party seeking to relocate a child is a participant in the address confidentiality program under section 589.663, such party shall not be required to provide the information in subdivision (1) of subsection 2 of this section, but may be required to submit such information under seal to the court for in camera review. Prior to disclosure of this information, a court shall comply with the provisions of section 589.664.**

4. A party required to give notice of a proposed relocation pursuant to subsection 2 of this section has a continuing duty to provide a change in or addition to the information required by this section as soon as such information becomes known.

~~[4-]~~ 5. In exceptional circumstances where the court makes a finding that the health or safety of any adult or child would be unreasonably placed at risk by the disclosure of the required identifying information concerning a proposed relocation of the child, the court may order that:

(1) The specific residence address and telephone number of the child, parent or person, and other identifying information shall not be disclosed in the pleadings, notice, other documents filed in the proceeding or the final order except for an in camera disclosure;

(2) The notice requirements provided by this section shall be waived to the extent necessary to protect the health or safety of a child or any adult; or

(3) Any other remedial action the court considers necessary to facilitate the legitimate needs of the parties and the best interest of the child.

~~[5-]~~ 6. The court shall consider a failure to provide notice of a proposed relocation of a child as:

(1) A factor in determining whether custody and visitation should be modified;

(2) A basis for ordering the return of the child if the relocation occurs without notice; and

(3) Sufficient cause to order the party seeking to relocate the child to pay reasonable expenses and attorneys fees incurred by the party objecting to the relocation.

~~[6-]~~ 7. If the parties agree to a revised schedule of custody and visitation for the child, which includes a parenting plan, they may submit the terms of such agreement to the court with a written affidavit signed by all parties with custody or visitation assenting to the terms of the agreement, and the court may order the revised parenting plan and applicable visitation schedule without a hearing.

~~[7-]~~ 8. The residence of the child may be relocated sixty days after providing notice, as required by this section, unless a parent files a motion seeking an order to prevent the relocation within thirty days after receipt of such notice. Such motion shall be accompanied by an affidavit setting forth the specific factual basis supporting a prohibition of the relocation. The person seeking relocation shall file a response to the motion within fourteen days, unless extended by the court for good cause, and include a counter-affidavit setting forth the facts in support of the relocation as well as a proposed revised parenting plan for the child.

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~~[8-]~~ **9.** If relocation of the child is proposed, a third party entitled by court order to legal custody of or visitation with a child and who is not a parent may file a cause of action to obtain a revised schedule of legal custody or visitation, but shall not prevent a relocation.

~~[9-]~~ **10.** The party seeking to relocate shall have the burden of proving that the proposed relocation is made in good faith and is in the best interest of the child.

~~[10-]~~ **11.** If relocation is permitted:

(1) The court shall order contact with the nonrelocating party including custody or visitation and telephone access sufficient to assure that the child has frequent, continuing and meaningful contact with the nonrelocating party unless the child's best interest warrants otherwise; and

(2) The court shall specify how the transportation costs will be allocated between the parties and adjust the child support, as appropriate, considering the costs of transportation.

~~[11-]~~ **12.** After August 28, 1998, every court order establishing or modifying custody or visitation shall include the following language:

"Absent exigent circumstances as determined by a court with jurisdiction, you, as a party to this action, are ordered to notify, in writing by certified mail, return receipt requested, and at least sixty days prior to the proposed relocation, each party to this action of any proposed relocation of the principal residence of the child, including the following information:

(1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;

(2) The home telephone number of the new residence, if known;

(3) The date of the intended move or proposed relocation;

(4) A brief statement of the specific reasons for the proposed relocation of the child; and

(5) A proposal for a revised schedule of custody or visitation with the child.

Your obligation to provide this information to each party continues as long as you or any other party by virtue of this order is entitled to custody of a child covered by this order. Your failure to obey the order of this court regarding the proposed relocation may result in further litigation to enforce such order, including contempt of court. In addition, your failure to notify a party of a relocation of the child may be considered in a proceeding to modify custody or visitation with the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the required notice."

~~[12-]~~ **13.** **A participant in the address confidentiality program under section 589.663 shall not be required to provide a requesting party with the specific physical or mailing address of the child's proposed relocation destination, but in the event of an objection by a requesting party, a participant may be required to submit such information under seal to the court for in camera review. Prior to disclosure of this information, a court shall comply with the provisions of section 589.664.**

**14.** Violation of the provisions of this section or a court order under this section may be deemed a change of circumstance under section 452.410, allowing the court to modify the prior custody decree. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

~~[13-]~~ **15.** Any party who objects in good faith to the relocation of a child's principal residence shall not be ordered to pay the costs and attorney's fees of the party seeking to relocate.

**589.660. DEFINITIONS.** — As used in sections 589.660 to 589.681, the following terms mean:

(1) "Address", a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant;

(2) "Application assistant", an employee **or volunteer** of a ~~[state or local]~~ **government** agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, human trafficking, ~~[or]~~ **stalking, or other crimes** who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of program participation applications;

(3) "Designated address", the address assigned to a program participant by the secretary;

(4) "Mailing address", an address that is recognized for delivery by the United States Postal Service;

(5) "Program", the address confidentiality program established in section 589.663;

(6) "Program participant", a person certified by the secretary of state as eligible to participate in the address confidentiality program;

(7) "Secretary", the secretary of state.

**589.663. PROGRAM CREATED, PURPOSE, PROCEDURES.** — There is created in the office of the secretary of state a program to be known as the "Address Confidentiality Program" to protect victims of domestic violence, rape, sexual assault, human trafficking, ~~[or]~~ **stalking, or other crimes who fear for their safety, as well as the safety of individuals residing in the same household as the victim**, by authorizing the use of designated addresses for such victims ~~[and]~~ , their minor children, **and individuals residing with them**. The program shall be administered by the secretary under the following application and certification procedures:

(1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person~~;~~ .

(2) The secretary may approve an application ~~[only]~~ if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application shall contain:

(a) The ~~[application preparation date]~~ **date the application was prepared**, the applicant's signature, and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;

(b) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail, legal documents, and certified mail;

(c) A ~~[sworn]~~ statement ~~[by]~~ **that** the applicant ~~[that the applicant]~~ has good reason to believe that he or she:

a. Is a victim ~~[of domestic violence, rape, sexual assault, human trafficking, or stalking]~~ **or resides in the same household as a victim**; and

b. Fears ~~[further violent acts from his or her assailant]~~ **future harm**;

(d) ~~[The]~~ **A** mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and

(e) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household~~;~~ .

(3) Upon receipt of a ~~[properly]~~ completed application, the secretary may certify the applicant as a program participant. A program participant is certified for four years following the date of initial certification unless the certification is withdrawn **by the applicant** or cancelled **by the secretary** before that date. The secretary shall send notification of ~~[lapses]~~ **an expiring**

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certification and a ~~[reapplication]~~ **renewal** form to a program participant at least four weeks prior to the expiration of the program participant's certification~~].~~ **The renewal need only be signed by the applicant and need not be made before an application assistant.**

(4) The secretary shall forward first class mail, legal documents, and certified mail to the appropriate program participants.

**(5) This section shall be liberally construed as to not hold omissions by the secretary against participants or applicants.**

**589.664. DISCLOSURE OF ADDRESS, WHEN — NOTICE — LIMITATION ON DISSEMINATION.**

— 1. If an individual is **deemed** a participant in the address confidentiality program ~~[under section 589.663]~~ **by the secretary of state**, no person or entity shall be compelled to disclose the participant's actual address during the discovery phase of or during a proceeding before a court or other tribunal unless the court or tribunal first finds, on the record, that:

(1) There is a reasonable belief that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed; and

(2) There is no other practicable way of obtaining the information or evidence.

2. The court shall first provide the program participant and the secretary ~~[of state]~~ notice that address disclosure is sought.

3. The program participant shall have an opportunity to present evidence regarding the potential harm to the safety of the program participant if the address is disclosed. In determining whether to compel disclosure, the court shall consider whether the potential harm to the safety of the participant is outweighed by the interest in disclosure.

4. Notwithstanding any other provision of law to the contrary, no court shall order an individual who has had his or her application to the program accepted by the secretary to disclose his or her actual address or the location of his or her residence without giving the secretary proper notice. The secretary shall have the right to intervene in any civil proceeding in which a court is considering ordering a participant to disclose his or her actual address.

5. Disclosure of a participant's actual address under this section shall be limited under the terms of the order to ensure that the disclosure and dissemination of the actual address will be no greater than necessary for the purposes of the investigation, prosecution, or litigation.

6. Nothing in this section shall be construed to prevent the court or any other tribunal from issuing a protective order to prevent the disclosure of information other than the participant's actual address that could reasonably lead to the discovery of the program participant's location.

**589.666. CANCELLATION OF CERTIFICATION, WHEN. —** Certification of a program participant may be cancelled by the secretary if one or more of the following conditions apply:

(1) If the program participant obtains a name change, unless the program participant provides the secretary with documentation of a legal name change within ten business days of the name change;

(2) If there is a change in the mailing address ~~[from]~~ **for** the person listed on the application, unless the program participant provides the secretary with notice of the change in such manner as the secretary provides by rule; ~~[or]~~

(3) **The participant relocates outside of the state of Missouri; or**

(4) The applicant or program participant violates subdivision (2) of section 589.663.

**589.669. ADDRESS ACCEPTED AS PARTICIPANT'S ADDRESS, WHEN. —** Upon demonstration ~~[of a program participant's certification in the program, state and local]~~ **that an applicant has been accepted into the program by the secretary, government agencies and the courts shall accept**

the designated address as a program participant's address when creating a new public record unless the secretary has determined that:

(1) ~~[The]~~ **An** agency has a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address ~~[-, such that it is]~~ **and is** unable to fulfill its statutory duties and obligations without the address; and

(2) The program participant's address or mailing address shall be used only for those statutory and administrative purposes **and shall not be made publicly available.**

**589.672. AVAILABILITY OF PARTICIPANT ADDRESSES.** — If the secretary deems it appropriate, the secretary may make a program participant's address or mailing address available for inspection or copying, under the following circumstances:

(1) ~~If [requested of the secretary by]~~ a law enforcement agency **requests it** in the manner provided for by rule; or

(2) ~~[Upon request to the secretary by]~~ **If** a director of a ~~[state]~~ **government** agency or the director's designee **requests it** in the manner provided for by rule and upon a showing of a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that the director or the director's designee is unable to fulfill statutory duties and obligations without the address or mailing address.

**589.678. APPLICATION, SUPPORTING MATERIALS, AND COMMUNICATIONS NOT PUBLIC RECORDS.** — A program participant's application ~~[and]~~ , **all** supporting materials, **and all communications with the secretary of state's address confidentiality program** are not ~~[a]~~ public ~~[record and shall be kept confidential by the secretary]~~ **records and are exempt from chapter 610.**

Approved June 1, 2018

SS SCS HB 1465

**Enacts provisions relating to higher education.**

AN ACT to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof nine new sections relating to higher education, with an existing penalty provision.

SECTION

- A. Enacting clause.
- 163.191 State aid to community colleges — definitions — distribution to be based on resource allocation model, adjustment annually, factors involved — report on effectiveness of model, due when.
- 172.280 Authority to confer degrees — only public research university and exclusive grantor of certain degrees.
- 173.005 Department of higher education created — agencies, divisions, transferred to department — coordinating board, appointment qualifications, terms, compensation, duties, advisory committee, members.
- 174.160 Authority to confer degrees.
- 174.225 No state college or university to seek land grant designation or research designation held by other institutions.
- 174.231 Missouri Southern State University, mission statement — discontinuance of associate degree program.
- 174.251 Missouri Western State University, mission statement.

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- 174.500 West Plains campus of Missouri State University established — mission implementation plan — limitation on offers for baccalaureate degrees.
- 178.636 State Technical College of Missouri, purpose and mission — certificates, diplomas and applied science associate degrees, limitations — baccalaureate degrees, limitations.
- 174.324 Master's degrees in accounting authorized for Missouri Western University and Missouri Southern State University, requirements — limitations on new master's degree programs.

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

**SECTION A. ENACTING CLAUSE.** — Sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.500, and 178.636, to read as follows:

**163.191. STATE AID TO COMMUNITY COLLEGES — DEFINITIONS — DISTRIBUTION TO BE BASED ON RESOURCE ALLOCATION MODEL, ADJUSTMENT ANNUALLY, FACTORS INVOLVED — REPORT ON EFFECTIVENESS OF MODEL, DUE WHEN.** — 1. As used in this section, the following terms shall mean:

(1) "Community college", an institution of higher education deriving financial resources from local, state, and federal sources, and providing postsecondary education primarily for persons above the twelfth grade age level, including courses in:

- (a) Liberal arts and sciences, including general education;
- (b) Occupational, vocational-technical; and
- (c) A variety of educational community services.

Community college course offerings **shall generally** lead to the granting of certificates, diplomas, or associate degrees, ~~but do not~~ **and may** include baccalaureate ~~or higher~~ degrees **only when authorized by the coordinating board for higher education in circumstances where the level of education required in a field for accreditation or licensure increases to the baccalaureate degree level or, in the case of applied bachelor's degrees, the level of education required for employment in a field increases to that level, and when doing so would not unnecessarily duplicate an existing program, collaboration with a university is not feasible or the approach is not a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high-quality manner. Quality for such baccalaureate degree programs shall be evaluated at least in part by the delivery of upper-level coursework or competencies, and defined by accreditation or compliance with the Higher Learning Commission standards for bachelor's degrees;**

(2) "Operating costs", all costs attributable to current operations, including all direct costs of instruction, instructors' and counselors' compensation, administrative costs, all normal operating costs and all similar noncapital expenditures during any year, excluding costs of construction of facilities and the purchase of equipment, furniture, and other capital items authorized and funded in accordance with subsection 6 of this section. Operating costs shall be computed in accordance with accounting methods and procedures to be specified by the department of higher education;

(3) "Year", from July first to June thirtieth of the following year.

2. Each year public community colleges in the aggregate shall be eligible to receive from state funds, if state funds are available and appropriated, an amount up to but not more than fifty percent of the state community colleges' planned operating costs as determined by the department of higher education. The department of higher education shall review all institutional budget requests and prepare appropriation recommendations annually for the community colleges under the

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supervision of the department. The department's budget request shall include a recommended level of funding.

3. (1) Except as provided in subdivision (2) of this subsection, distribution of appropriated funds to community college districts shall be in accordance with the community college resource allocation model. This model shall be developed and revised as appropriate cooperatively by the community colleges and the department of higher education. The department of higher education shall recommend the model to the coordinating board for higher education for their approval. The core funding level for each community college shall initially be established at an amount agreed upon by the community colleges and the department of higher education. This amount will be adjusted annually for inflation, limited growth, and program improvements in accordance with the resource allocation model starting with fiscal year 1993.

(2) Unless the general assembly chooses to otherwise appropriate state funding, beginning in fiscal year 2016, at least ninety percent of any increase in core funding over the appropriated amount for the previous fiscal year shall be distributed in accordance with the achievement of performance-funding measures under section 173.1006.

4. The department of higher education shall be responsible for evaluating the effectiveness of the resource allocation model and shall submit a report to the governor, the joint committee on education, the speaker of the house of representatives and president pro tempore of the senate by October 31, 2019, and every four years thereafter.

5. The department of higher education shall request new and separate state aid funds for any new community college district for its first six years of operation. The request for the new district shall be based upon the same level of funding being provided to the existing districts, and should be sufficient to provide for the growth required to reach a mature enrollment level.

6. In addition to state funds received for operating purposes, each community college district shall be eligible to receive an annual appropriation, exclusive of any capital appropriations, for the cost of maintenance and repair of facilities and grounds, including surface parking areas, and purchases of equipment and furniture. Such funds shall not exceed in any year an amount equal to ten percent of the state appropriations, exclusive of any capital appropriations, to community college districts for operating purposes during the most recently completed fiscal year. The department of higher education may include in its annual appropriations request the necessary funds to implement the provisions of this subsection and when appropriated shall distribute the funds to each community college district as appropriated. The department of higher education appropriations request shall be for specific maintenance, repair, and equipment projects at specific community college districts, shall be in an amount of fifty percent of the cost of a given project as determined by the coordinating board and shall be only for projects which have been approved by the coordinating board through a process of application, evaluation, and approval as established by the coordinating board. The coordinating board, as part of its process of application, evaluation, and approval, shall require the community college district to provide proof that the fifty-percent share of funding to be defrayed by the district is either on hand or committed for maintenance, repair, and equipment projects. Only salaries or portions of salaries paid which are directly related to approved projects may be used as a part of the fifty-percent share of funding.

7. School districts offering two-year college courses pursuant to section 178.370 on October 31, 1961, shall receive state aid pursuant to subsection 2, subdivision (1) of subsection 3, and subsection 6 of this section if all scholastic standards established pursuant to sections 178.770 to 178.890 are met.

8. In order to make postsecondary educational opportunities available to Missouri residents who do not reside in an existing community college district, community colleges organized

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pursuant to section 178.370 or sections 178.770 to 178.890 shall be authorized pursuant to the funding provisions of this section to offer courses and programs outside the community college district with prior approval by the coordinating board for higher education. The classes conducted outside the district shall be self-sustaining except that the coordinating board shall promulgate rules to reimburse selected out-of-district instruction only where prior need has been established in geographical areas designated by the coordinating board for higher education. Funding for such off-campus instruction shall be included in the appropriation recommendations, shall be determined by the general assembly and shall continue, within the amounts appropriated therefor, unless the general assembly disapproves the action by concurrent resolution.

9. When distributing state aid authorized for community colleges, the state treasurer may, in any year if requested by a community college, disregard the provision in section 30.180 requiring the state treasurer to convert the warrant requesting payment into a check or draft and wire transfer the amount to be distributed to the community college directly to the community college's designated deposit for credit to the community college's account.

**172.280. AUTHORITY TO CONFER DEGREES — ONLY PUBLIC RESEARCH UNIVERSITY AND EXCLUSIVE GRANTOR OF CERTAIN DEGREES.** — The curators shall have the authority to confer, by diploma, under their common seal, on any person whom they may judge worthy thereof, such degrees as are known to and usually granted by any college or university. **The University of Missouri is the state's only public research university and the exclusive grantor of research doctorates. As such, except as provided in section 175.040, the University of Missouri shall be the only state college or university that may offer doctor of philosophy degrees or first-professional degrees, including dentistry, law, medicine, optometry, pharmacy, and veterinary medicine.**

**173.005. DEPARTMENT OF HIGHER EDUCATION CREATED — AGENCIES, DIVISIONS, TRANSFERRED TO DEPARTMENT — COORDINATING BOARD, APPOINTMENT QUALIFICATIONS, TERMS, COMPENSATION, DUTIES, ADVISORY COMMITTEE, MEMBERS.** — 1. There is hereby created a "Department of Higher Education", and the division of higher education of the department of education is abolished and all its powers, duties, functions, personnel and property are transferred as provided by the Reorganization Act of 1974, Appendix B, RSMo.

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the "Coordinating Board for Higher Education", which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator with a public or private institution of higher education at the time appointed or during his term. Moreover, no person shall be appointed to the coordinating board who shall not be a citizen of the United States, and who shall not have been a resident of the state of Missouri two years next prior to appointment, and at least one but not more than two persons shall be appointed to said board from each congressional district. The term of service of a member of the coordinating board shall be six years and said members, while attending the meetings of the board, shall be reimbursed for their actual expenses. Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term. The coordinating board may, in order to carry out the duties prescribed for it in subsections 1, 2, 3, 7,

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and 8 of this section, employ such professional, clerical and research personnel as may be necessary to assist it in performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent employees regardless of the source of funding. In addition to all other powers, duties and functions transferred to it, the coordinating board for higher education shall have the following duties and responsibilities:

(1) The coordinating board for higher education ~~[shall have approval of]~~ **may approve, not approve, or provisionally approve** proposed new degree programs to be offered by the state institutions of higher education. **The coordinating board may authorize a degree program outside an institution's coordinating board-approved mission only when the coordinating board has received clear evidence that the institution proposing to offer the program:**

(a) **Made a good-faith effort to explore the feasibility of offering the program in collaboration with an institution the mission of which includes offering the program;**

(b) **Is contributing substantially to the goals in the coordinating board's coordinated plan for higher education;**

(c) **Has the existing capacity to ensure the program is delivered in a high-quality manner;**

(d) **Has demonstrated that the proposed program is needed;**

(e) **Has a clear plan to meet the articulated workforce need; and**

(f) **Such other factors deemed relevant by the coordinating board;**

(2) **The governing board of each public institution of higher education in the state shall have the power and authority to confer degrees in chiropractic, osteopathic medicine, and podiatry only in collaboration with the University of Missouri, provided that such collaborative agreements are approved by the governing board of each institution and that in these instances the University of Missouri will be the degree-granting institution. Should the University of Missouri decline to collaborate in the offering of such programs, any of these institutions may seek approval of the program through the coordinating board for higher education's comprehensive review process when doing so would not unnecessarily duplicate an existing program, collaboration is not feasible or a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high quality manner;**

(3) The coordinating board for higher education may promote and encourage the development of cooperative agreements between Missouri public four-year institutions of higher education which do not offer graduate degrees and Missouri public four-year institutions of higher education which do offer graduate degrees for the purpose of offering graduate degree programs on campuses of those public four-year institutions of higher education which do not otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of the parties, including assignment of administrative responsibility. Any diploma awarded for graduate degrees under such a cooperative agreement shall include the names of both institutions inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no further approval from the coordinating board for higher education. Any costs incurred with respect to the administrative provisions of this subdivision may be paid from state funds allocated to the institution assigned the administrative authority for the program. The provisions of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this subsection;

~~[(3)]~~ (4) **In consultation with the heads of the institutions of higher education affected and against a background of carefully collected data on enrollment, physical facilities, manpower needs, and institutional missions, the coordinating board for higher education shall establish guidelines for appropriation requests by those institutions of higher education; however, other**

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provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated by the general assembly to the governing board of each public four-year institution of higher education which shall prepare expenditure budgets for the institution;

~~[(4)]~~ (5) No new state-supported senior colleges or residence centers shall be established except as provided by law and with approval of the coordinating board for higher education;

~~[(5)]~~ (6) The coordinating board for higher education shall establish admission guidelines consistent with institutional missions;

~~[(6)]~~ (7) The coordinating board for higher education shall require all public two-year and four-year higher education institutions to replicate best practices in remediation identified by the coordinating board and institutions from research undertaken by regional educational laboratories, higher education research organizations, and similar organizations with expertise in the subject, and identify and reduce methods that have been found to be ineffective in preparing or retaining students or that delay students from enrollment in college-level courses;

~~[(7)]~~ (8) The coordinating board shall establish policies and procedures for institutional decisions relating to the residence status of students;

~~[(8)]~~ (9) The coordinating board shall establish guidelines to promote and facilitate the transfer of students between institutions of higher education within the state and, with the assistance of the committee on transfer and articulation, shall require all public two-year and four-year higher education institutions to create by July 1, 2014, a statewide core transfer library of at least twenty-five lower division courses across all institutions that are transferable among all public higher education institutions. The coordinating board shall establish policies and procedures to ensure such courses are accepted in transfer among public institutions and treated as equivalent to similar courses at the receiving institutions. The coordinating board shall develop a policy to foster reverse transfer for any student who has accumulated enough hours in combination with at least one public higher education institution in Missouri that offers an associate degree and one public four-year higher education institution in the prescribed courses sufficient to meet the public higher education institution's requirements to be awarded an associate degree. The department of elementary and secondary education shall maintain the alignment of the assessments found in section 160.518 and successor assessments with the competencies previously established under this subdivision for entry-level collegiate courses in English, mathematics, foreign language, sciences, and social sciences associated with an institution's general education core;

~~[(9)]~~ (10) The coordinating board shall collect the necessary information and develop comparable data for all institutions of higher education in the state. The coordinating board shall use this information to delineate the areas of competence of each of these institutions and for any other purposes deemed appropriate by the coordinating board;

~~[(10)]~~ (11) Compliance with requests from the coordinating board for institutional information and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall be a prerequisite to the receipt of any funds which the coordinating board is responsible for administering;

~~[(11)]~~ (12) If any institution of higher education in this state, public or private, willfully fails or refuses to follow any lawful guideline, policy or procedure established or prescribed by the coordinating board, or knowingly deviates from any such guideline, or knowingly acts without coordinating board approval where such approval is required, or willfully fails to comply with any other lawful order of the coordinating board, the coordinating board may, after a public hearing, withhold or direct to be withheld from that institution any funds the disbursement of which is subject to the control of the coordinating board, or may remove the approval of the institution as an approved institution within the meaning of section 173.1102. If any such public institution

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willfully disregards board policy, the commissioner of higher education may order such institution to remit a fine in an amount not to exceed one percent of the institution's current fiscal year state operating appropriation to the board. The board shall hold such funds until such time that the institution, as determined by the commissioner of higher education, corrects the violation, at which time the board shall refund such amount to the institution. If the commissioner determines that the institution has not redressed the violation within one year, the fine amount shall be deposited into the general revenue fund, unless the institution appeals such decision to the full coordinating board, which shall have the authority to make a binding and final decision, by means of a majority vote, regarding the matter. However, nothing in this section shall prevent any institution of higher education in this state from presenting additional budget requests or from explaining or further clarifying its budget requests to the governor or the general assembly;

~~[(12)]~~ **(13)** In recognition of institutions that meet the requirements of subdivision (2), (3), or (4) of subsection 1 of section 173.616, are established by name as an educational institution in Missouri, and are authorized to operate programs beyond secondary education for purposes of authorization under 34 CFR 600.9, the coordinating board for higher education shall maintain and publish on its website a list of such postsecondary educational institutions; and

~~[(13)]~~ **(14)** (a) As used in this subdivision, the term "out-of-state public institution of higher education" shall mean an education institution located outside of Missouri that:

- a. Is controlled or administered directly by a public agency or political subdivision or is classified as a public institution by the state;
- b. Receives appropriations for operating expenses directly or indirectly from a state other than Missouri;
- c. Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;
- d. Meets the standards for accreditation by an accrediting body recognized by the United States Department of Education or any successor agency; and
- e. Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source.

(b) No later than July 1, 2008, the coordinating board shall promulgate rules regarding:

a. The board's approval process of proposed new degree programs and course offerings by any out-of-state public institution of higher education seeking to offer degree programs or course work within the state of Missouri; and

b. The board's approval process of degree programs and courses offered by any out-of-state public institutions of higher education that, prior to July 1, 2008, were approved by the board to operate a school in compliance with the provisions of sections 173.600 to 173.618. The rules shall ensure that, as of July 1, 2008, all out-of-state public institutions seeking to offer degrees and courses within the state of Missouri are evaluated in a manner similar to Missouri public higher education institutions. Such out-of-state public institutions shall be held to standards no lower than the standards established by the coordinating board for program approval and the policy guidelines of the coordinating board for data collection, cooperation, and resolution of disputes between Missouri institutions of higher education under this section. Any such out-of-state public institutions of higher education wishing to continue operating within this state must be approved by the board under the rules promulgated under this subdivision. The coordinating board may charge and collect fees from out-of-state public institutions to cover the costs of reviewing and assuring the quality of programs offered by out-of-state public institutions. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of

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chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

(c) Nothing in this subdivision or in section 173.616 shall be construed or interpreted so that students attending an out-of-state public institution are considered to be attending a Missouri public institution of higher education for purposes of obtaining student financial assistance.

3. The coordinating board shall meet at least four times annually with an advisory committee who shall be notified in advance of such meetings. The coordinating board shall have exclusive voting privileges. The advisory committee shall consist of thirty-two members, who shall be the president or other chief administrative officer of the University of Missouri; the chancellor of each campus of the University of Missouri; the president of each state-supported four-year college or university, including Harris-Stowe State University, Missouri Southern State University, Missouri Western State University, and Lincoln University; the president of State Technical College of Missouri; the president or chancellor of each public community college district; and representatives of each of five accredited private institutions selected biennially, under the supervision of the coordinating board, by the presidents of all of the state's privately supported institutions; but always to include at least one representative from one privately supported community college, one privately supported four-year college, and one privately supported university. The conferences shall enable the committee to advise the coordinating board of the views of the institutions on matters within the purview of the coordinating board.

4. The University of Missouri, Lincoln University, and all other state-governed colleges and universities, chapters 172, 174, 175, and others, are transferred by type III transfers to the department of higher education subject to the provisions of subsection 2 of this section.

5. The state historical society, chapter 183, is transferred by type III transfer to the University of Missouri.

6. The state anatomical board, chapter 194, is transferred by type II transfer to the department of higher education.

7. All the powers, duties and functions vested in the division of public schools and state board of education relating to community college state aid and the supervision, formation of districts and all matters otherwise related to the state's relations with community college districts and matters pertaining to community colleges in public school districts, chapters 163, 178, and others, are transferred to the coordinating board for higher education by type I transfer. Provided, however, that all responsibility for administering the federal-state programs of vocational-technical education, except for the 1202a postsecondary educational amendments of 1972 program, shall remain with the department of elementary and secondary education. The department of elementary and secondary education and the coordinating board for higher education shall cooperate in developing the various plans for vocational-technical education; however, the ultimate responsibility will remain with the state board of education.

8. All the powers, duties, functions, and properties of the state poultry experiment station, chapter 262, are transferred by type I transfer to the University of Missouri, and the state poultry association and state poultry board are abolished. In the event the University of Missouri shall cease to use the real estate of the poultry experiment station for the purposes of research or shall declare the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be disposed of without legislative approval.

**174.160. AUTHORITY TO CONFER DEGREES.** — The board of regents of each state college and each state teachers college shall have power and authority to confer upon students, by diploma under the common seal, such degrees as are usually granted by such colleges, **and additional degrees only when authorized by the coordinating board for higher education in circumstances in which offering such degree would not unnecessarily duplicate an existing program, collaboration is not feasible or a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high-quality manner.** In the case of nonresearch doctoral degrees in allied health professions, an institution may be authorized to offer such degree independently if offering it in collaboration with another institution would not increase the quality of the program or allow it to be delivered more efficiently. Such boards shall have the power and authority to confer degrees in engineering only in collaboration with the University of Missouri, provided that such collaborative agreements are approved by the governing board of each institution and that in these instances the University of Missouri will be the degree-granting institution. Should the University of Missouri decline to collaborate in the offering of such programs, one of these institutions may seek approval of the program through the coordinating board for higher education's comprehensive review process when doing so would not unnecessarily duplicate an existing program, collaboration is not feasible or a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high-quality manner.

**174.225. NO STATE COLLEGE OR UNIVERSITY TO SEEK LAND GRANT DESIGNATION OR RESEARCH DESIGNATION HELD BY OTHER INSTITUTIONS.** — ~~[Missouri State University] No state college or university shall [not] seek the land grant designation held by Lincoln University and the University of Missouri [nor shall Missouri State University seek] or the research designation currently held by the University of Missouri. [Missouri State University shall offer engineering programs and doctoral programs only in cooperation with the University of Missouri; provided that such cooperative agreements are approved by the governing boards of each institution and that in these instances the University of Missouri shall be the degree-granting institution. Should the University of Missouri decline to cooperate in the offering of such programs within one year of the formal approval of the coordinating board, Missouri State University may cooperate with another educational institution, or directly offer the degree. In all cases, the offering of such degree programs shall be subject to the approval of the coordinating board for higher education, or any other higher education governing authority that may replace it. Missouri State University may offer doctoral programs in audiology and physical therapy. Missouri State University shall neither offer nor duplicate the professional programs at the University of Missouri including, without limitation, those that train medical doctors, pharmacists, dentists, veterinarians, optometrists, lawyers, and architects. The alteration of the name of Southwest Missouri State University to Missouri State University shall not entitle Missouri State University to any additional state funding.]~~

**174.231. MISSOURI SOUTHERN STATE UNIVERSITY, MISSION STATEMENT — DISCONTINUANCE OF ASSOCIATE DEGREE PROGRAM.** — 1. On and after August 28, 2005, the institution formerly known as Missouri Southern State College located in Joplin, Jasper County, shall be known as "Missouri Southern State University". Missouri Southern State University is hereby designated and shall hereafter be operated as a statewide institution of international or global education. The Missouri Southern State University is hereby designated a moderately

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selective institution which shall provide associate degree programs except as provided in subsection 2 of this section, baccalaureate degree programs, and graduate degree programs pursuant to subdivisions (1) and ~~[(2)] (3)~~ of subsection 2 of section 173.005. The institution shall develop such academic support programs and public service activities it deems necessary and appropriate to establish international or global education as a distinctive theme of its mission. ~~[Consistent with the provisions of section 174.324, Missouri Southern State University is authorized to offer master's level degree programs in accountancy, subject to the approval of the coordinating board for higher education as provided in subdivision (1) of subsection 2 of section 173.005.]~~

2. As of July 1, 2008, Missouri Southern State University shall discontinue any and all associate degree programs unless the continuation of such associate degree programs is approved by the coordinating board for higher education pursuant to subdivision (1) of subsection 2 of section 173.005.

**174.251. MISSOURI WESTERN STATE UNIVERSITY, MISSION STATEMENT.** — 1. On and after August 28, 2005, the institution formerly known as Missouri Western State College at St. Joseph, Buchanan County, shall hereafter be known as the "Missouri Western State University". Missouri Western State University is hereby designated and shall hereafter be operated as a statewide institution of applied learning. The Missouri Western State University is hereby designated an open enrollment institution which shall provide associate degree programs except as provided in subsection 2 of this section, baccalaureate degree programs, and graduate degree programs pursuant to subdivisions (1) and ~~[(2)] (3)~~ of subsection 2 of section 173.005. The institution shall develop such academic support programs as it deems necessary and appropriate to an open enrollment institution with a statewide mission of applied learning. ~~[Consistent with the provisions of section 174.324, Missouri Western State University is authorized to offer master's level degree programs in accountancy, subject to the approval of the coordinating board for higher education as provided in subdivision (1) of subsection 2 of section 173.005.]~~

2. As of July 1, 2010, Missouri Western State University shall discontinue any and all associate degree programs unless the continuation of such associate degree program is approved by the coordinating board for higher education pursuant to subdivision **(3) of subsection 2** of section 173.005.

**174.500. WEST PLAINS CAMPUS OF MISSOURI STATE UNIVERSITY ESTABLISHED — MISSION IMPLEMENTATION PLAN — LIMITATION ON OFFERS FOR BACCALAUREATE DEGREES.** — 1. The board of governors of Missouri State University is authorized to continue the program of higher education at West Plains, Missouri, which was begun in 1963 and which shall be known as the "West Plains Campus of Missouri State University". Missouri State University may include an appropriation request for the branch facility at West Plains in its operating budget.

2. The coordinating board for higher education in cooperation with the board of governors shall develop a mission implementation plan for the campus at West Plains, Howell County, which is known as the "West Plains Campus of Missouri State University", and which shall be a teaching institution, offering one-year certificates, two-year associate degrees and credit and noncredit courses to both traditional and nontraditional students to meet the ongoing and emerging employer and educational needs of the citizens of the area served. **The West Plains campus of Missouri State University may offer baccalaureate degrees only when authorized by the coordinating board for higher education in circumstances where the level of education required in a field for accreditation or licensure increases to the baccalaureate degree level or, in the case of**

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applied bachelor's degrees, the level of education required for employment in a field increases to that level, and when doing so would not unnecessarily duplicate an existing program, collaboration with a university is not feasible or the approach is not a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high-quality manner. Quality for such baccalaureate degree programs shall be evaluated at least in part by delivery of upper-level coursework or competencies, and defined by accreditation or compliance with the Higher Learning Commission standards for bachelor's degrees.

**178.636. STATE TECHNICAL COLLEGE OF MISSOURI, PURPOSE AND MISSION — CERTIFICATES, DIPLOMAS AND APPLIED SCIENCE ASSOCIATE DEGREES, LIMITATIONS — BACCALAUREATE DEGREES, LIMITATIONS.** — 1. State Technical College of Missouri shall be a special purpose institution that shall make available to students from all areas of the state exceptional educational opportunities through highly specialized and advanced technical education and training at the certificate and associate degree level in both emerging and traditional technologies with particular emphasis on technical and vocational programs not commonly offered by community colleges or area vocational technical schools. Primary consideration shall be placed on the industrial and technological manpower needs of the state. In addition, State Technical College of Missouri is authorized to assist the state in economic development initiatives and to facilitate the transfer of technology to Missouri business and industry directly through the graduation of technicians in advanced and emerging disciplines and through technical assistance provided to business and industry. State Technical College of Missouri is authorized to provide technical assistance to area vocational technical schools and community colleges through supplemental on-site instruction and distance learning as such area vocational technical schools and community colleges deem appropriate.

2. Consistent with the mission statement provided in subsection 1 of this section, State Technical College of Missouri shall offer vocational and technical programs leading to the granting of certificates, diplomas, and applied science associate degrees, or a combination thereof, ~~but not including~~. **State Technical College of Missouri may offer** associate of arts or baccalaureate ~~[or higher]~~ degrees **only when authorized by the coordinating board for higher education in circumstances where the level of education required in a field for accreditation or licensure increases to the baccalaureate degree level or, in the case of applied bachelor's degrees, the level of education required for employment in a field increases to that level, and when doing so would not unnecessarily duplicate an existing program, collaboration with a university is not feasible or the approach is not a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high-quality manner. Quality for such baccalaureate degree programs shall be evaluated at least in part by delivery of upper-level coursework or competencies, and defined by accreditation or compliance with the Higher Learning Commission standards for bachelor's degrees.** State Technical College of Missouri shall also continue its role as a recognized area vocational technical school as provided by policies and procedures of the state board of education.

~~[174.324. MASTER'S DEGREES IN ACCOUNTING AUTHORIZED FOR MISSOURI WESTERN UNIVERSITY AND MISSOURI SOUTHERN STATE UNIVERSITY, REQUIREMENTS — LIMITATIONS ON NEW MASTER'S DEGREE PROGRAMS.~~ — 1. Notwithstanding any law to the contrary, Missouri Western State University and Missouri Southern State University may offer

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~~master's degrees in accounting, subject to any terms and conditions of the Missouri state board of accountancy applicable to any other institution of higher education in this state which offers such degrees, and subject to approval of the coordinating board for higher education.~~

~~2. Any new master's degree program offered at Missouri Southern State University, Missouri Western State University, or any other public institution of higher education in this state must be approved by the coordinating board for higher education pursuant to the provisions of subdivision (1) or (2) of subsection 2 of section 173.005.]~~

Approved June 1, 2018

HB 1469

**Enacts provisions relating to Missouri military code.**

AN ACT to repeal sections 41.050, 41.070, 41.080, 41.110, 41.260, 41.450, 41.460, 41.490, 41.500, and 115.013, RSMo, and to enact in lieu thereof ten new sections relating to Missouri military code.

SECTION

- A. Enacting clause.
- 41.050 State militia, members.
- 41.070 Organized and unorganized militia.
- 41.080 Military forces, how organized — oath.
- 41.110 State defense force — organization, discipline, government.
- 41.260 State defense force — selection of officers.
- 41.450 State defense force, how equipped.
- 41.460 Discipline and training.
- 41.490 State defense force — powers of governor.
- 41.500 State defense force — called to duty, when.
- 115.013 Definitions.

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

**SECTION A. ENACTING CLAUSE.** — Sections 41.050, 41.070, 41.080, 41.110, 41.260, 41.450, 41.460, 41.490, 41.500, and 115.013, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 41.050, 41.070, 41.080, 41.110, 41.260, 41.450, 41.460, 41.490, 41.500, and 115.013, to read as follows:

**41.050. STATE MILITIA, MEMBERS.** — The militia of the state shall include all able-bodied citizens and all other able-bodied residents, who, in the case of the unorganized militia and the Missouri ~~[reserve military force]~~ **state defense force**, shall be more than seventeen years of age and not more than sixty-four, and such other persons as may upon their own application be enrolled or commissioned therein, and who, in the case of the organized militia, shall be within the age limits and possess the physical and mental qualifications prescribed by law or regulations for the reserve components of the Armed Forces of the United States, except that this section shall not be construed to require militia service of any persons specifically exempted by the laws of the United States or the state of Missouri. The maximum age requirement may be waived by the adjutant general on a case-by-case basis.

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**41.070. ORGANIZED AND UNORGANIZED MILITIA.** — 1. The militia of the state is divided into two classes, the organized militia and the unorganized militia.

2. The organized militia shall consist of the following:

(1) Such elements of the land and air forces of the National Guard of the United States as are allocated to the state by the President or the Secretary of Army or Air, and accepted by the state, hereinafter to be known as the National Guard and the Air National Guard;

(2) Such elements of the reserve naval forces of the United States as are allocated to the state by the President or the Secretary of the Navy, and accepted by the state, hereinafter called the naval militia; and the

(3) Missouri ~~[reserve military force]~~ **state defense force**, when organized.

3. The unorganized militia shall consist of all persons liable to serve in the militia but not commissioned or enlisted in the organized militia.

**41.080. MILITARY FORCES, HOW ORGANIZED — OATH.** — 1. The National Guard, the Air National Guard and the naval militia will be organized in accordance with the allocations therefor accepted from the federal government.

2. The National Guard, the Air National Guard and the naval militia shall be organized as prescribed in the tables of organization and instructions applicable to those elements of the organized militia of the United States as are allocated to the state.

3. The ~~[reserve military force]~~ **Missouri state defense force**, when organized shall be of the strength and composition prescribed by the governor, and before entering upon such services every member shall take and subscribe to the following oath:

"I, . . . . ., do solemnly swear that I will support and defend the Constitution of the United States and the state of Missouri against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the governor of Missouri and the officers appointed over me, according to law; and I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge my duties as a member of the organized militia of the state of Missouri upon which I am about to enter, so help me God."

**41.110. STATE DEFENSE FORCE — ORGANIZATION, DISCIPLINE, GOVERNMENT.** — The organization, discipline and government of the ~~[reserve forces]~~ **Missouri state defense force** and the rights and benefits of the members thereof shall be the same as prescribed by this act for the organized ~~[reserve forces]~~ **Missouri state defense force** and for the National Guard and Air National Guard with such general exceptions as the governor, upon the recommendation of the military council, shall authorize.

**41.260. STATE DEFENSE FORCE — SELECTION OF OFFICERS.** — Officers of ~~[such reserve forces]~~ **the Missouri state defense force** shall be appointed in the manner prescribed by this chapter for the appointment of officers in the organized militia. Officers may hold commissions in both the National Guard and the ~~[reserve forces]~~ **Missouri state defense force** at the same time and the acceptance of one shall not have the effect of vacating the other. The ~~[reserve forces]~~ **Missouri state defense force** shall be under the command of the commanding general designated by the governor by and with the advice and consent of the senate.

**41.450. STATE DEFENSE FORCE, HOW EQUIPPED.** — Arms, uniforms and equipment for the federally recognized components of the organized militia shall be provided as prescribed in

applicable tables of equipment and tables of organization of the United States Armed Forces. The Missouri ~~[reserve military force]~~ **state defense force**, when organized, shall be armed, uniformed and equipped as prescribed by the governor.

**41.460. DISCIPLINE AND TRAINING.** — The system of discipline and training for the federally recognized components of the organized militia shall conform generally to that of the United States Armed Forces except as otherwise provided in this military code. The system of discipline and training for the Missouri ~~[reserve military force]~~ **state defense force**, when organized, shall be as prescribed by the governor.

**41.490. STATE DEFENSE FORCE — POWERS OF GOVERNOR.** — The governor shall have the power to organize from the unorganized militia of Missouri a ~~[reserve military force]~~ **state defense force** for duty within or without the state to supplement the Missouri National Guard or replace it when it is mobilized in federal service. The Missouri ~~[reserve military force]~~ **state defense force** may be used to execute the laws, suppress insurrections, repel invasion, suppress lawlessness, and provide emergency relief to distressed areas in the event of earthquake, flood, tornado, or actual or threatened enemy attack or public catastrophe creating conditions of distress or hazard to public health and safety beyond the capacity of local or established agencies. The force shall consist of such organized troops, auxiliary troops, staff corps and departments as the governor deems necessary. The governor shall prescribe the strength and composition of the various units of the same, uniform and insignia and the qualifications of its members, and shall have the power to grant a discharge therefrom for any reason deemed by him sufficient.

**41.500. STATE DEFENSE FORCE — CALLED TO DUTY, WHEN.** — The governor may call out the ~~[reserve forces]~~ **Missouri state defense force**, or any part of the same, to execute the laws, to suppress insurrections, repel invasion, and suppress lawlessness and provide emergency relief to distressed areas in the event of earthquake, flood, tornado, or other actual or threatened public catastrophe creating conditions of distress or hazard to public health and safety beyond the capacities of local or other established agencies, under the same circumstances and in the same manner as is in this chapter provided for the use of the National Guard, the Air National Guard and the organized militia in such emergencies, and when so placed on duty, the ~~[reserve forces]~~ **Missouri state defense force** shall have the same status, power and authority conferred upon the National Guard, the Air National Guard and the organized militia by this chapter.

**115.013. DEFINITIONS.** — As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

- (1) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;
- (2) "Ballot", the ballot card, paper ballot or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;
- (3) "Ballot card", a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment;
- (4) "Ballot label", the card, paper, booklet, page or other material containing the names of all offices and candidates and statements of all questions to be voted on;
- (5) "Counting location", a location selected by the election authority for the automatic processing or counting, or both, of ballots;
- (6) "County", any one of the several counties of this state or the City of St. Louis;

(7) "Disqualified", a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;

(8) "District", an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policy-making body with representatives of other areas in the state or political subdivision;

(9) "Electronic voting machine", any part of an electronic voting system on which a voter is able to cast a ballot under this chapter;

(10) "Electronic voting system", a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment, and includes computerized voting systems;

(11) "Established political party" for the state, a political party which, at either of the last two general elections, polled for its candidate for any statewide office more than two percent of the entire vote cast for the office. "Established political party" for any district or political subdivision shall mean a political party which polled more than two percent of the entire vote cast at either of the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its area;

(12) "Federal office", the office of presidential elector, United States senator, or representative in Congress;

(13) "Independent", a candidate who is not a candidate of any political party and who is running for an office for which party candidates may run;

(14) "Major political party", the political party whose candidates received the highest or second highest number of votes at the last general election;

(15) "Marking device", either an apparatus in which ballots are inserted and voted by use of a punch apparatus, or any approved device which will enable the votes to be counted by automatic tabulating equipment;

(16) "Municipal" or "municipality", a city, village, or incorporated town of this state;

(17) "New party", any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;

(18) "Nonpartisan", a candidate who is not a candidate of any political party and who is running for an office for which party candidates may not run;

(19) "Political party", any established political party and any new party;

(20) "Political subdivision", a county, city, town, village, or township of a township organization county;

(21) "Polling place", the voting place designated for all voters residing in one or more precincts for any election;

(22) "Precincts", the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;

(23) "Public office", any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district, but does not include any office in the ~~[reserve forces]~~ **Missouri state defense force** or the National Guard or the office of notary public or city attorney in cities of the third classification or cities of the fourth classification;

(24) "Question", any measure on the ballot which can be voted "YES" or "NO";

(25) "Relative within the first degree by consanguinity or affinity", a spouse, parent, or child of a person;

(26) "Relative within the second degree by consanguinity or affinity", a spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law;

(27) "Special district", any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with taxing authority, or other district formed pursuant to the laws of Missouri to provide limited, specific services;

(28) "Special election", elections called by any school district, water district, fire protection district, or other district formed pursuant to the laws of Missouri to provide limited, specific services; and

(29) "Voting district", the one or more precincts within which all voters vote at a single polling place for any election.

Approved June 1, 2018

HB 1484

**Enacts provisions relating to bingo.**

AN ACT to repeal section 313.040, RSMo, and to enact in lieu thereof one new section relating to bingo, with a contingent effective date.

SECTION

- A. Enacting clause.
- 313.040 Restrictions, penalties.
- B. Effective date.

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

**SECTION A. ENACTING CLAUSE.**— Section 313.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.040, to read as follows:

**313.040. RESTRICTIONS, PENALTIES.**— The conducting of bingo is subject to the following restrictions:

(1) (a) The entire net receipts over and above the actual cost of conducting the game shall be exclusively devoted to the lawful, charitable, religious or philanthropic purposes of the organization permitted to conduct that game and no receipts shall be used to compensate in any manner any person who works for or is in any way affiliated with the licensed organization. Any person who violates the provisions of this paragraph shall be guilty of a class E felony;

(b) Proceeds from the game of bingo may not be loaned to any person, except that this provision shall not prohibit the investment of the proceeds in any licensed banking or savings institution, instrument of the United States, Missouri, or any political subdivision thereof. Any person who violates the provisions of this paragraph shall be guilty of a class C misdemeanor; and

(c) The actual cost of conducting the game shall only include the following:

- a. The cost of the prizes;
- b. The purchasing of the bingo cards from a licensed supplier;
- c. The purchasing or leasing of the equipment used in conducting the game;
- d. The lease rental on the premises in which the game is conducted to include an allocation of utility costs, if applicable, costs of providing security, including the employment of a reasonable number of security personnel at a compensation level which complies with rules and regulations

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Matter in bold-face type is proposed language.

promulgated by the commission and such personnel is actually present and engaged in security duties, and bookkeeping and accounting expenses;

e. The actual cost of providing reasonable janitorial services. The cost of such services shall not be above the fair market rate charged for similar services in the community where the bingo game is being conducted;

f. Subject to constitutional restrictions, if any, the fair market cost of advertising each bingo occasion. Such advertising shall be procured in accordance with the rules and regulations of the commission;

(2) No person shall participate in conducting or managing the game of bingo except a person who has been a bona fide member of the licensed organization for at least ~~[two years]~~ **six months** immediately preceding such participation, who is not a paid staff person of the licensed organization employed and compensated specifically for conducting or managing the game of bingo and who volunteers the time and service necessary to conduct the game. Subject to constitutional restrictions, if any, no person shall participate in the actual operation of the game of bingo under the direction of a person conducting or managing the game of bingo, except a person who has been a bona fide member of the licensed organization for at least ~~[one year]~~ **six months** immediately preceding such participation, who is not a paid staff person of the licensed organization employed and compensated specifically for operating the game of bingo and who volunteers the time and service necessary to operate the game. If any post or organization, by its national charter, has established an auxiliary organization for spouses, then members of the auxiliary organization shall be considered bona fide members of the licensed organization and members of the post or organization shall be considered bona fide members of the auxiliary organization for the purposes of this subdivision. Any person who is a duly ordained member of the clergy and any person who is a full-time employee or staff member of the licensed organization employed for at least ~~[two years]~~ **six months** by that organization in a capacity not directly related to the conducting or managing of the game of bingo, who has specific assigned duties under a definite job description with the licensed organization, and who volunteers time and assistance to the organization without compensation for such time and assistance in the conducting and managing of the game of bingo by the organization shall not be considered a paid staff person for the purposes of this subdivision. No full-time employee or staff member shall volunteer such time and assistance to more than one organization nor more than one day in any week. The commission shall establish guidelines for the determination of whether a person is a paid staff person within the meaning of this subdivision and shall specifically approve any full-time employee or staff member of the organization before such employee or staff member may volunteer time and assistance in the conducting and managing of bingo games for any organization. The commission may suspend the approval of any employee or staff member;

(3) No person, firm, partnership or corporation shall receive any remuneration, profit or gift for participating in the management, conduct or operation of the game, including the granting or use of bingo cards without charge or at a reduced charge from the licensed organization or from any other source;

(4) The aggregate retail value of all prizes or merchandise awarded, except prizes or merchandise awarded by pull-tab cards and progressive bingo games, in any single day of bingo may not exceed the amount set by the commission per regulation;

(5) The number of games may not exceed sixty-two in any one day, including regular and special games. For purposes of this subdivision, the use of a pull-tab card and progressive bingo games shall not count as one of the sixty-two games per day, as limited by this subdivision, but no pull-tab card may be used except in conjunction with one of such sixty-two games;

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Matter in bold-face type is proposed language.

(6) The price paid for a single bingo card under the license may not exceed one dollar. The commission may establish by rule or regulation the number of bingo cards which may be placed on a single bingo sheet. The price for a single pull-tab card may not exceed one dollar. A licensee may not require a player to purchase more than a standard pack in order to participate in the bingo occasion;

(7) The number of bingo days conducted by a licensee under the provisions of sections 313.005 to 313.080 shall be limited to two days per week;

(8) Any person, officer or director of any firm or corporation, and any partner of any partnership renting or leasing to a licensed organization equipment or premises for use in a game shall meet all the qualifications set forth in subdivisions (1) to (5) and (8) of subsection 1 of section 313.035 and shall not be a paid staff person of the licensee. Proof of compliance with this subdivision shall be submitted to the commission by the licensee in the manner required by the commission;

~~(9) [Subject to constitutional restrictions, if any, an organization licensed to conduct bingo in the state of Missouri may advertise a bingo occasion or special event bingo if expenditures for advertisement do not exceed ten percent of the total amount expended from receipts of bingo conducted by the licensed organization for charitable, religious or philanthropic purposes;~~

~~(10)~~ (10) No person under the age of sixteen years may play or participate in the conducting of bingo. Any person under the age of sixteen years may be within the area where bingo is being played only when accompanied by his parent or guardian;

~~(11)~~ (11) No licensee shall lease premises in which it conducts bingo games from someone who is not a hall provider licensed by the commission;

~~(12)~~ (12) No licensee shall pay any consulting fees to any person for any service performed in relation to the bingo game;

~~(13)~~ (13) No licensee shall pay concession fees to any person who provides refreshments to the participants in the bingo game;

~~(14)~~ (14) No licensee shall conduct a bingo session at any time during the period between 1:00 a.m. and 7:00 a.m.;

~~(15)~~ (15) No licensee, while a bingo game is being conducted, shall knowingly permit entry to any part of the licensed premises to any person of notorious or unsavory reputation or who has an extensive police record or who has been convicted of a felony;

~~(16)~~ (16) No vending machine or any mechanized coin-operated machine may be used to sell pull-tab cards or to pay prize money, merchandise gifts or any other form of a prize;

~~(17)~~ (17) No rented or reusable bingo cards may be used to conduct any game. All games must be conducted with disposable paper bingo cards that are marked by permanent ink as prescribed by the rules and regulations of the commission, or by electronic bingo card monitoring device as approved by the commission;

~~(18)~~ (18) No licensee shall purchase or use any bingo supplies from a person who is not licensed by the state of Missouri as a bingo supplier.

**SECTION B. EFFECTIVE DATE.** — Section A of this act shall become effective only upon the passage and approval by the voters of a constitutional amendment submitted to them by the general assembly regarding a reduction in the duration of organizational membership requirement for the administration of a game of bingo.

Approved June 1, 2018

HB 1492

**Enacts provisions relating to the show-me heroes program.**

AN ACT to repeal section 620.515, RSMo, and to enact in lieu thereof one new section relating to the show-me heroes program.

SECTION

- A. Enacting clause.  
 620.515 Show-Me heroes program established to assist active duty military personnel and members of the National Guard and their families — rulemaking authority.

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

**SECTION A. ENACTING CLAUSE.** — Section 620.515, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 620.515, to read as follows:

**620.515. SHOW-ME HEROES PROGRAM ESTABLISHED TO ASSIST ACTIVE DUTY MILITARY PERSONNEL AND MEMBERS OF THE NATIONAL GUARD AND THEIR FAMILIES — RULEMAKING AUTHORITY.** — 1. This section shall be known and may be cited as the "Show-Me Heroes" program, the purpose of which is to:

(1) Assist the spouse of an active duty National Guard or reserve component service member reservist and active duty United States military personnel to address immediate needs and employment in an attempt to keep the family from falling into poverty while the primary income earner is on active duty, and during the ~~one-year~~ **five-year** period following discharge from deployment; and

(2) Assist returning National Guard troops or reserve component service member reservists and recently separated United States military personnel with finding work in situations where an individual needs to rebuild business clientele or where an individual's job has been eliminated while such individual was deployed, or where the individual otherwise cannot return to his or her previous employment.

2. Subject to appropriation, the department of economic development shall operate the Show-Me heroes program through existing programs. Eligibility for the program shall be based on the following criteria:

(1) Eligible participants in the program shall be those families where:

(a) The primary income earner was called to active duty in defense of the United States for a period of more than four months;

(b) The family's primary income is no longer available;

(c) The family is experiencing significant hardship due to financial burdens; and

(d) The family has no outside resources available to assist with such hardships;

(2) Services that may be provided to the family will be aimed at ameliorating the immediate crisis and providing a path for economic stability while the primary income is not available due to the active military commitment. Services shall be made available up to ~~one-year~~ **five years** following discharge from deployment. Services may include, but not be limited to the following:

(a) Financial assistance to families facing financial crisis from overdue bills;

(b) Help paying day care costs to pursue training and or employment;

(c) Help covering the costs of transportation to training and or employment;

(d) Vocational evaluation and vocational counseling to help the individual choose a visible employment goal;

(e) Vocational training to acquire or upgrade skills needed to be marketable in the workforce;

(f) Paid internships and subsidized employment to train on the job; and

(g) Job placement assistance for those who don't require skills training.

3. ~~The department shall structure any contract such that payment will be based on delivering the services described in this section as well as performance to guarantee the greatest possible effectiveness of the program.~~

4.] The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

Approved June 1, 2018

SS#2 SCS HCS HB 1500

**Enacts provisions relating to reduction in regulation of certain occupations.**

AN ACT to repeal sections 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, and 329.130, RSMo, and to enact in lieu thereof fourteen new sections relating to reduction in regulation of certain occupations.

SECTION

A. Enacting clause.

- 324.047 Guidelines for regulation of certain occupations and professions — definitions — limitation on state regulation, requirements — reports.
- 328.025 Duplicate license, issued when.
- 328.080 Application for licensure, fee, examination, qualifications — approval of schools.
- 329.010 Definitions.
- 329.032 Exemption from requirements, when.
- 329.033 Duplicate license, issued when.
- 329.040 Schools of cosmetology — license requirements, application, form — hours required for student cosmetologists, nail technicians and estheticians.
- 329.050 Applicants for examination or licensure — qualifications — denial, when.
- 329.060 Individual license, application, fee, temporary license.
- 329.070 Registration of apprentices and students, fee, qualifications, application.
- 329.080 Instructor trainee license, qualifications, application, fee.
- 329.085 Instructor license, qualifications, fees, exceptions.
- 329.130 Reciprocity with other states, fee.
- 329.275 Hair braiding, registration requirements, fee — duties of board.
- 328.100 Medical examinations of registered barbers.

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

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

**SECTION A. ENACTING CLAUSE.** — Sections 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, and 329.130, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 324.047, 328.025, 328.080, 329.010, 329.032, 329.033, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 329.130, and 329.275, to read as follows:

**324.047. GUIDELINES FOR REGULATION OF CERTAIN OCCUPATIONS AND PROFESSIONS — DEFINITIONS — LIMITATION ON STATE REGULATION, REQUIREMENTS — REPORTS. — 1.** The purpose of this section is to promote general welfare by establishing guidelines for the regulation of occupations and professions not regulated prior to January 1, 2019, and guidelines for combining any additional occupations or professions under a single license regulated by the state prior to January 1, 2019.

2. For purposes of this section, the following terms mean:

(1) "Applicant group", any occupational or professional group or organization, any individual, or any other interested party that seeks to be licensed or further regulated or supports any bill that proposes to combine any additional occupations or professions under a single license regulated by the state prior to January 1, 2019;

(2) "Certification", a program in which the government grants nontransferable recognition to an individual who meets personal qualifications established by a regulatory entity. Upon approval, the individual may use "certified" as a designated title. This term shall not be synonymous with an occupational license;

(3) "Department", the department of insurance, financial institutions and professional registration;

(4) "Director", the director of the division of professional registration;

(5) "Division", the division of professional registration;

(6) "General welfare", the concern of the government for the health, peace, morality, and safety of its residents;

(7) "Lawful occupation", a course of conduct, pursuit, or profession that includes the sale of goods or services that are not themselves illegal to sell irrespective of whether the individual selling them is subject to an occupational regulation;

(8) "Least restrictive type of occupational regulation", the regulation that is least restrictive, in which the following list of regulations in order from least to most restrictive is used to make such determination:

(a) Bonding or insurance;

(b) Registration;

(c) Certification;

(d) Occupational license;

(9) "Occupational license", a nontransferable authorization in law for an individual to perform a lawful occupation for compensation based on meeting personal qualifications established by a regulatory entity and that, if not possessed, prohibits the individual from performing the occupation for compensation;

(10) "Occupational regulation", a statute, ordinance, rule, practice, policy, or other law requiring an individual to possess certain personal qualifications to work in a lawful occupation;

(11) "Personal qualifications", criteria related to an individual's personal background, including completion of an approved educational program, satisfactory performance on an examination, work experience, criminal history, and completion of continuing education;

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Matter in bold-face type is proposed language.

(12) "Practitioner", an individual who has achieved knowledge and skill by practice and is actively engaged in a specified occupation or profession;

(13) "Registration", a requirement established by the general assembly in which an individual:

- (a) Submits notification to a state agency; and
- (b) May use "registered" as a designated title.

Notification may include the individual's name and address, the individual's agent for service of process, the location of the activity to be performed, and a description of the service the individual provides. Registration may include a requirement to post a bond but does not include education or experience requirements. If the requirement of registration is not met, the individual is prohibited from performing the occupation for compensation or using "registered" as a designated title. The term "registration" shall not be synonymous with an occupational license;

(14) "Regulatory entity", any board, commission, agency, division, or other unit or subunit of state government that regulates one or more professions, occupations, industries, businesses, or other endeavors in this state;

(15) "State agency", every state office, department, board, commission, regulatory entity, and agency of the state. The term "state agency" includes, if provided by law, programs and activities involving less than the full responsibility of a state agency;

(16) "Substantial burden", a requirement in an occupational regulation that imposes significant difficulty or cost on an individual seeking to enter into or continue in a lawful occupation and is more than an incidental burden.

3. All individuals may engage in the occupation of their choice, free from unreasonable government regulation. The state shall not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a reasonable interest for the state to protect the general welfare. If such an interest exists, the regulation adopted by the state shall be the least restrictive type of occupational regulation consistent with the public interest to be protected.

4. All bills introduced in the general assembly to regulate, pursuant to subsection 6 of this section, an occupation or profession shall be reviewed according to the following criteria. An occupation or profession shall be regulated by the state if:

- (1) Unregulated practice could cause harm and endanger the general welfare, and the potential for further harm and endangerment is recognizable;
- (2) The public can reasonably be expected to benefit from an assurance of personal qualifications; and
- (3) The general welfare cannot be sufficiently protected by other means.

5. After evaluating the criteria in subdivision (3) of this subsection and considering governmental, economic, and societal costs and benefits, if the general assembly finds that the state has a reasonable interest in regulating, pursuant to subsection 6 of this section, an occupation or profession not previously regulated by law, the most efficient form of regulation shall be implemented, consistent with this section and with the need to protect the general welfare, as follows:

- (1) If the threat to the general welfare resulting from the practitioner's services is easily predictable, the regulation shall implement a system of insurance, bonding, or registration;
- (2) If the consumer has challenges accessing credentialing information or possesses significantly less information on how to report abuses such that the practitioner puts the

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consumer in a disadvantageous position relative to the practitioner to judge the quality of the practitioner's services, the regulation shall implement a system of certification; and

(3) If other regulatory structures, such as bonding, insurance, registration, and certification, insufficiently protect the general welfare from recognizable harm, the regulation shall implement a system of licensing.

6. After January 1, 2019, any relevant regulatory entity shall report, and the department shall make available to the general assembly, upon the filing of a bill that proposes additional regulation of a profession or occupation currently regulated by the regulatory entity, the following factors to the department:

(1) A description of the professional or occupational group proposed for expansion of regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) Whether practice of the profession or occupation proposed for expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met;

(3) The nature and extent of potential harm to the public if the profession or occupation is not regulated as described in the bill, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the relevant regulatory entity shall provide, and the department shall make available to the general assembly, the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the regulatory entity and the department shall redact names and other personally identifiable information from the information released;

(4) A description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations, or academic credentials and a statement of why these efforts are inadequate to protect the public;

(5) The extent to which expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the direct cost to the government and the indirect costs to consumers;

(6) The extent to which expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public;

(7) The extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from the lack of the requirements outlined in the bill;

(8) Why bonding and insurance, registration, certification, occupational license to practice, or another type of regulation is being proposed, why that regulatory alternative was chosen, and whether the proposed method of regulation is appropriate;

(9) A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws, and available evidence from those states of the effect of regulation **on the profession or occupation in terms of a before-and-after analysis;**

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Matter in bold-face type is proposed language.

(10) The details of any previous efforts in this state to implement regulation of the profession or occupation;

(11) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist; and

(12) The method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

7. If no existing regulatory entity regulates the occupation or profession to be regulated in the bill, the department shall report and make available to the general assembly, upon the filing of a bill after January 1, 2019, that proposes new regulation of a profession or occupation, the following factors:

(1) A description of the professional or occupational group proposed for regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) The nature and extent of potential harm to the public if the profession or occupation is not regulated, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the department shall release the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the department shall redact names and other personally identifiable information from the information released;

(3) A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws, and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

(4) The details of any previous efforts in this state to implement regulation of the profession or occupation; and

(5) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist.

8. After January 1, 2019, applicant groups may report to the department, and the department shall make available to the general assembly, any of the information required in subsection 6 or 7 of this section and whether the profession or occupation plans to apply for mandated benefits.

**328.025. DUPLICATE LICENSE, ISSUED WHEN.** — If a license issued under this chapter has been destroyed, lost, mutilated beyond practical usage, or was never received, the licensee shall obtain a duplicate license from the board by appearing in person at the board's office or mailing, by certified mail, return receipt requested, a notarized affidavit stating that the license has been destroyed, lost, mutilated beyond practical usage, or was never received.

**328.080. APPLICATION FOR LICENSURE, FEE, EXAMINATION, QUALIFICATIONS — APPROVAL OF SCHOOLS.** — 1. Any person desiring to practice barbering in this state shall make application for a license to the board and shall pay the required barber examination fee.

2. The board shall examine each qualified applicant and, upon successful completion of the examination and payment of the required license fee, shall issue the applicant a license authorizing him or her to practice the occupation of barber in this state. The board shall admit an applicant to the examination, if it finds that he or she:

(1) Is seventeen years of age or older ~~[and of good moral character];~~

(2) Is free of contagious or infectious diseases **that are capable of being transmitted during the ordinary course of business for a person licensed under this chapter;**

(3) Has studied for at least one thousand hours in a period of not less than six months in a properly appointed and conducted barber school under the direct supervision of a licensed instructor; or, if the applicant is an apprentice, the applicant shall have served and completed no less than two thousand hours under the direct supervision of a licensed barber apprentice supervisor;

(4) Is possessed of requisite skill in the trade of barbering to properly perform the duties thereof, including the preparation of tools, shaving, haircutting and all the duties and services incident thereto; and

(5) Has sufficient knowledge of the common diseases of the face and skin to avoid the aggravation and spread thereof in the practice of barbering.

3. The board shall be the judge of whether the barber school, the barber apprenticeship, or college is properly appointed and conducted under proper instruction to give sufficient training in the trade.

4. The sufficiency of the qualifications of applicants shall be determined by the board.

~~[5. For the purposes of meeting the minimum requirements for examination, the apprentice training shall be recognized by the board for a period not to exceed five years.]~~

**329.010. DEFINITIONS.** — As used in this chapter, unless the context clearly indicates otherwise, the following words and terms mean:

(1) "Accredited school of cosmetology or school of manicuring", an establishment operated for the purpose of teaching cosmetology as defined in this section and meeting the criteria set forth under 34 C.F.R. Part 600, sections 600.1 and 600.2;

(2) "Apprentice" or "student", a person who is engaged in training within a cosmetology establishment or school, and while so training performs any of the practices of the classified occupations within this chapter under the immediate direction and supervision of a licensed cosmetologist or instructor;

(3) "Board", the state board of cosmetology and barber examiners;

(4) "Cosmetologist", any person who, for compensation, engages in the practice of cosmetology, as defined in subdivision (5) of this section;

(5) "Cosmetology" includes performing or offering to engage in any acts of the classified occupations of cosmetology for compensation, which shall include:

(a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair of any person by any means; or removing superfluous hair from the body of any person by means other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes. Class CH - hairdresser also includes any person who either with the person's hands or with mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics,

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lotions or creams engages for compensation in any one or any combination of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, arms or bust;

(b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails, massaging, cleaning a person's hands and arms; pedicuring, which includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying artificial toenails, massaging and cleaning a person's legs and feet;

(c) "Class CA - hairdressing and manicuring" includes all practices of cosmetology, as defined in paragraphs (a) and (b) of this subdivision;

(d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one, or any combination, of the following practices: massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso, legs or feet and removing superfluous hair by means other than electric needle or any other means of arching or tinting eyebrows or tinting eyelashes, of any person;

(6) "Cosmetology establishment", that part of any building wherein or whereupon any of the classified occupations are practiced including any space rented within a licensed establishment by a person licensed under this chapter, for the purpose of rendering cosmetology services;

(7) "Cross-over license", a license that is issued to any person who has met the licensure and examination requirements for both barbering and cosmetology;

(8) **"Hair braider", any person who, for compensation, engages in the practice of hair braiding;**

(9) **"Hair braiding", in accordance with the requirements of section 329.275, the use of techniques that result in tension on hair strands or roots by twisting, wrapping, waving, extending, locking, or braiding of the hair by hand or mechanical device, but does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair;**

(10) "Hairdresser", any person who, for compensation, engages in the practice of cosmetology as defined in paragraph (a) of subdivision (5) of this section;

~~(9)~~ (11) "Instructor", any person who is licensed to teach cosmetology or any practices of cosmetology pursuant to this chapter;

~~(10)~~ (12) "Manicurist", any person who, for compensation, engages in any or all of the practices in paragraph (b) of subdivision (5) of this section;

~~(11)~~ (13) "Parental consent", the written informed consent of a minor's parent or legal guardian that must be obtained prior to providing body waxing on or near the genitalia;

~~(12)~~ (14) "School of cosmetology" or "school of manicuring", an establishment operated for the purpose of teaching cosmetology as defined in subdivision (5) of this section.

**329.032. EXEMPTION FROM REQUIREMENTS, WHEN. — 1. Nothing in this chapter shall apply to hairdressing, manicuring, or facial treatments given for which no charge is made.**

**2. Nothing in this chapter or chapter 328, except for the provisions of sections 329.010 and 329.275, shall apply to persons engaged in the practice of hair braiding who have met the requirements in section 329.275.**

**329.033. DUPLICATE LICENSE, ISSUED WHEN.** — If a license issued under this chapter has been destroyed, lost, mutilated beyond practical usage, or was never received, the licensee shall obtain a duplicate license from the board by appearing in person at the board's office or mailing, by certified mail, return receipt requested, a notarized affidavit stating that the license has been destroyed, lost, mutilated beyond practical usage, or was never received.

**329.040. SCHOOLS OF COSMETOLOGY — LICENSE REQUIREMENTS, APPLICATION, FORM — HOURS REQUIRED FOR STUDENT COSMETOLOGISTS, NAIL TECHNICIANS AND ESTHETICIANS.** — 1. Any person [ø] in good [~~moral-character~~] **standing with the board** may make application to the board for a license to own a school of cosmetology on a form provided upon request by the board. Every school of cosmetology in which any of the classified occupations of cosmetology are taught shall be required to obtain a license from the board prior to opening. The license shall be issued upon approval of the application by the board, the payment of the required fees, and the applicant meets other requirements provided in this chapter. The license shall be kept posted in plain view within the school at all times.

2. A school license renewal fee shall be due on or before the renewal date of any school license issued pursuant to this section. If the school license renewal fee is not paid on or before the renewal date, a late fee shall be added to the regular school license fee.

3. No school of cosmetology shall be granted a license pursuant to this chapter unless it:

(1) Employs and has present in the school a competent licensed instructor for every twenty-five students in attendance for a given class period and one to ten additional students may be in attendance with the assistance of an instructor trainee. One instructor is authorized to teach up to three instructor trainees immediately after being granted an instructor's license;

(2) Requires all students to be enrolled in a course of study of no less than three hours per day and no more than twelve hours per day with a weekly total that is no less than fifteen hours and no more than seventy-two hours;

(3) Requires for the classified occupation of cosmetologist, the course of study shall be no less than one thousand five hundred hours or, for a student in public vocational/technical school no less than one thousand two hundred twenty hours; provided that, a school may elect to base the course of study on credit hours by applying the credit hour formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of one hundred and sixty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of cosmetology on any patron or customer of the school of cosmetology;

(4) Requires for the classified occupation of manicurist, the course of study shall be no less than four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of fifty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of manicurist on any patron or customer of the school of cosmetology;

(5) Requires for the classified occupation of esthetician, the course of study shall be no less than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student shall earn a minimum of seventy-five hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of esthetics on any patron or customer of the school of cosmetology or an esthetics school.

4. The subjects to be taught for the classified occupation of cosmetology shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Shampooing of all kinds, forty hours;
- (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- (3) Hair cutting and shaping, one hundred thirty hours;
- (4) Permanent waving and relaxing, one hundred twenty-five hours;
- (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
- (6) Combouts and hair styling techniques, one hundred five hours;
- (7) Scalp treatments and scalp diseases, thirty hours;
- (8) Facials, eyebrows and arches, forty hours;
- (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
- (10) Cosmetic chemistry, twenty-five hours;
- (11) Salesmanship and shop management, ten hours;
- (12) Sanitation and sterilization, thirty hours;
- (13) Anatomy, twenty hours;
- (14) State law, ten hours;
- (15) Curriculum to be defined by school, not less than four hundred seventy hours.

5. The subjects to be taught for the classified occupation of manicurist shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty hours;
- (2) Salesmanship and shop management, twenty hours;
- (3) Sanitation and sterilization, twenty hours;
- (4) Anatomy, ten hours;
- (5) State law, ten hours;
- (6) Study of the use and application of certain chemicals, forty hours; and
- (7) Curriculum to be defined by school, not less than eighty hours.

6. The subjects to be taught for the classified occupation of esthetician shall be as follows, and the hours required for each subject shall not be less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
- (2) Makeup application, all phases, one hundred hours;
- (3) Hair removal, thirty hours;
- (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
- (5) Reflexology, thirty-five hours;
- (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
- (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
- (8) Salon management and salesmanship, fifty-five hours;
- (9) Sanitation and sterilization, safety, forty-five hours;
- (10) State law, ten hours; and
- (11) Curriculum to be defined by school, not less than seventy-five hours.

7. Training for all classified occupations shall include practical demonstrations, written and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics

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and electrical appliances consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this chapter.

8. No school of cosmetology shall operate within this state unless a proper license pursuant to this chapter has first been obtained.

9. Nothing contained in this chapter shall prohibit a licensee within a cosmetology establishment from teaching any of the practices of the classified occupations for which the licensee has been licensed for not less than two years in the licensee's regular course of business, if the owner or manager of the business does not hold himself or herself out as a school and does not hire or employ or personally teach regularly at any one and the same time, more than one apprentice to each licensee regularly employed within the owner's business, not to exceed one apprentice per establishment, and the owner, manager, or trainer does not accept any fee for instruction.

10. Each licensed school of cosmetology shall provide a minimum of two thousand square feet of floor space, adequate rooms and equipment, including lecture and demonstration rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet sterilizers, and adequate working facilities for twenty students.

11. Each licensed school of cosmetology for manicuring only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement proportionately increases with student enrollment of over ten students.

12. Each licensed school of cosmetology for esthetics only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement increases fifty square feet per student with student enrollment of over ten.

13. No school of cosmetology may have a greater number of students enrolled and scheduled to be in attendance for a given class period than the total floor space of that school will accommodate. Floor space required per student shall be no less than fifty square feet per additional student beyond twenty students for a school of cosmetology, beyond ten students for a school of manicuring and beyond ten students for a school of esthetics.

14. Each applicant for a new school shall file a written application with the board upon a form approved and furnished upon request by the board. The applicant shall include a list of equipment, the proposed curriculum, and the name and qualifications of any and all of the instructors.

15. Each school shall display in a conspicuous place, visible upon entry to the school, a sign stating that all cosmetology services in this school are performed by students who are in training.

16. Any student who wishes to remain in school longer than the required training period may make application for an additional training license and remain in school. A fee is required for such additional training license.

17. All contractual fees that a student owes to any cosmetology school shall be paid before such student may be allowed to apply for any examination required to be taken by an applicant applying for a license pursuant to the provisions of this chapter.

**329.050. APPLICANTS FOR EXAMINATION OR LICENSURE — QUALIFICATIONS — DENIAL, WHEN.** — 1. Applicants for examination or licensure pursuant to this chapter shall possess the following qualifications:

(1) They ~~[must be persons of good moral character,]~~ **shall provide documentation of successful completion of courses approved by the board,** have an education equivalent to the successful completion of the tenth grade, and be at least seventeen years of age;

(2) If the applicants are apprentices, they shall have served and completed, as an apprentice under the supervision of a licensed cosmetologist, the time and studies required by the board which shall be no less than three thousand hours for cosmetologists, and no less than eight hundred hours for manicurists and no less than fifteen hundred hours for esthetics. However, when the classified occupation of manicurist is apprenticed in conjunction with the classified occupation of cosmetologist, the apprentice shall be required to successfully complete an apprenticeship of no less than a total of three thousand hours;

(3) If the applicants are students, they shall have had the required time in a licensed school of no less than one thousand five hundred hours training or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of cosmetologist, with the exception of public vocational technical schools in which a student shall complete no less than one thousand two hundred twenty hours training. All students shall complete no less than four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of manicurist. All students shall complete no less than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of esthetician. However, when the classified occupation of manicurist is taken in conjunction with the classified occupation of cosmetologist, the student shall not be required to serve the extra four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, otherwise required to include manicuring of nails; and

(4) They shall have passed an examination to the satisfaction of the board.

2. A person may apply to take the examination required by subsection 1 of this section if the person is a graduate of a school of cosmetology or apprentice program in another state or territory of the United States which has substantially the same requirements as an educational establishment licensed pursuant to this chapter. A person may apply to take the examination required by subsection 1 of this section if the person is a graduate of an educational establishment in a foreign country that provides training for a classified occupation of cosmetology, as defined by section 329.010, and has educational requirements that are substantially the same requirements as an educational establishment licensed under this chapter. The board has sole discretion to determine the substantial equivalency of such educational requirements. The board may require that transcripts from foreign schools be submitted for its review, and the board may require that the applicant provide an approved English translation of such transcripts.

3. Each application shall contain a statement that, subject to the penalties of making a false affidavit or declaration, the application is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application.

4. The sufficiency of the qualifications of applicants shall be determined by the board, but the board may delegate this authority to its executive director subject to such provisions as the board may adopt.

5. ~~[For the purpose of meeting the minimum requirements for examination, training completed by a student or apprentice shall be recognized by the board for a period of no more than five years from the date it is received.]~~ **Applications for examination or licensure may be denied if the**

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applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this state, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

- (1) Any dangerous felony as defined under section 556.061 or murder in the first degree;
- (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;
- (3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children; and
- (4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material.

**329.060. INDIVIDUAL LICENSE, APPLICATION, FEE, TEMPORARY LICENSE.** — 1. Every person desiring to sit for the examination for any of the occupations provided for in this chapter shall file with the board a written application on a form supplied to the applicant, and shall submit proof of the required age~~[-]~~ and educational qualifications, ~~[and of good moral character]~~ together with the required cosmetology examination fee. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

2. Upon the filing of the application and the payment of the fee, the board shall, upon request, issue to the applicant, if the applicant is qualified to sit for the examination, a temporary license for the practicing of the occupations as provided in this chapter. Any person receiving a temporary license shall be entitled to practice the occupations designated on the temporary license, under the supervision of a person licensed in ~~[cosmetology]~~ **the occupation**, until the expiration of the temporary license. Any person continuing to practice the occupation beyond the expiration of the temporary license without being licensed in ~~[cosmetology]~~ **that** as provided in this chapter is guilty of an infraction.

**329.070. REGISTRATION OF APPRENTICES AND STUDENTS, FEE, QUALIFICATIONS, APPLICATION.** — 1. Apprentices or students shall be ~~[licensed]~~ **registered** with the board and

shall pay a student fee or an apprentice fee prior to beginning their course, and shall ~~be of good moral character and~~ have an education equivalent to the successful completion of the tenth grade.

2. An apprentice or student shall not be enrolled in a course of study that shall exceed twelve hours per day or that is less than three hours per day. The course of study shall be no more than seventy-two hours per week and no less than fifteen hours per week.

3. Every person desiring to act as an apprentice in any of the classified occupations within this chapter shall file with the board a written application on a form supplied to the applicant, together with the required apprentice fee.

**329.080. INSTRUCTOR TRAINEE LICENSE, QUALIFICATIONS, APPLICATION, FEE.** — 1. An instructor trainee shall be a licensed cosmetologist, esthetician or manicurist and shall hold a license as an instructor trainee in cosmetology, esthetics or manicuring. An applicant for a license to practice as an instructor trainee shall submit to the board the required fee and a written application on a form supplied by the board upon request that the applicant ~~is of good moral character, in good physical and mental health,~~ has successfully completed at least a four-year high school course of study or the equivalent, and holds a Missouri license to practice as a cosmetologist, esthetician or manicurist. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration.

2. An applicant approved by the board shall be issued an instructor trainee license. The license shall be issued for a definite period needed to complete training requirements to become eligible for taking the examinations. An applicant shall be approved for an instructor trainee license only for those classified occupations ~~of cosmetology~~ for which the applicant is licensed at the time the instructor trainee application is submitted to the board.

3. The instructor trainee shall be required to complete six hundred hours of instructor training within a Missouri licensed school of cosmetology consisting of a curriculum including both theory and practical training to include the following:

(1) Two hundred hours to be devoted to basic principles of student teaching to include teaching principles, lesson planning, curriculum planning and class outlines, teaching methods, teaching aids, testing and evaluation;

(2) Fifty hours of psychology as applied to cosmetology, personality and teaching, teacher evaluation, counseling, theories of learning, and speech;

(3) Fifty hours of business experience or management including classroom management, record keeping, buying and inventorying supplies, and state law; and

(4) Three hundred hours of practice teaching in both theory and practical application.

4. ~~For the purpose of meeting the minimum requirements for examination, training completed within a school of cosmetology by an instructor trainee shall be recognized by the board for a period of no more than five years from the date it is received.~~

~~5.]~~ The six hundred hours required pursuant to subsection 3 of this section may be reduced as follows:

(1) Three years of experience as a **[practicing] licensed cosmetologist, esthetician, or manicurist** may be substituted for three hundred hours of training. The three hundred hours will be partially reduced in proportion to experience **as a licensee** greater than six months but less than three; or

(2) Four and one-half college credit hours in teaching methodology, as defined by rule, may be substituted for three hundred hours of training. Applicants requesting credit shall submit to the

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board a certified transcript together with a course description certified by the administrating education institution as being primarily directed to teaching methodology. The three hundred hours will be partially reduced in proportion to college credit hours in teaching methodology of less than four and one-half hours; or

(3) Applicants who apply from states where the requirements are not substantially equal to those in force in Missouri at the time of application, may be eligible for the examination if they provide:

~~(a)~~ an affidavit verifying a current, valid instructor license in another state, territory of the United States, District of Columbia, or foreign country, state or province; ~~and~~

~~(b) Proof of full-time work experience of not less than one year as a cosmetology instructor within the three-year period immediately preceding the application for examination].~~

**329.085. INSTRUCTOR LICENSE, QUALIFICATIONS, FEES, EXCEPTIONS.** — 1. Any person desiring an instructor license shall submit to the board a written application on a form supplied by the board showing that the applicant has met the requirements set forth in section 329.080. An applicant who has met all requirements as determined by the board shall be allowed to take the instructor examination, including any person who has been licensed three or more years as a cosmetologist, manicurist or esthetician. If the applicant passes the examination to the satisfaction of the board, the board shall issue to the applicant an instructor license.

2. The instructor examination fee and the instructor license fee for an instructor license shall be nonrefundable.

3. The instructor license renewal fee shall be in addition to the regular cosmetologist, esthetician or manicurist license renewal fee. For each renewal the instructor shall submit proof of having attended a teacher training seminar or workshop at least once every two years, sponsored by any university, or Missouri vocational association, or bona fide state cosmetology association specifically approved by the board to satisfy the requirement for continued training of this subsection. Renewal fees shall be due and payable on or before the renewal date and, if the fee remains unpaid thereafter in such license period, there shall be a late fee in addition to the regular fee.

4. Instructors duly licensed as physicians or attorneys or lecturers on subjects not directly pertaining to the practice pursuant to this chapter need not be holders of licenses provided for in this chapter.

5. The board shall grant instructor licensure upon application and payment of a fee equivalent to the sum of the instructor examination fee and the instructor license fee, provided the applicant establishes compliance with the ~~[cosmetology]~~ instructor requirements of another state, territory of the United States, or District of Columbia ~~[wherein the requirements are substantially equal or superior to those in force in Missouri at the time the application for licensure is filed]~~ and the applicant holds a current instructor license in the other jurisdiction at the time of making application.

6. Any person licensed as a cosmetology instructor prior to the training requirements which became effective January 1, 1979, may continue to be licensed as such, provided such license is maintained and the licensee complies with the continued training requirements as provided in subsection 3 of this section. Any person with an expired instructor license that is not restored to current status within two years of the date of expiration shall be required to meet the training and examination requirements as provided in this section and section 329.080.

**329.130. RECIPROCITY WITH OTHER STATES, FEE.** — ~~[+]~~ The board shall grant without examination a license to practice cosmetology to any applicant who holds a current license that is issued by another state, territory of the United States, or the District of Columbia whose requirements for licensure are ~~[substantially equal]~~ **similar** to the licensing requirements in

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Missouri at the time the application is filed or who has practiced cosmetology for at least two consecutive years in another state, territory of the United States, or the District of Columbia. The applicant under this ~~[subsection]~~ **section** shall pay the appropriate application and licensure fees at the time of making application. A licensee who is currently under disciplinary action with another board of cosmetology shall not be licensed by reciprocity under the provisions of this chapter.

~~[2. Any person who lawfully practiced or received training in another state who does not qualify for licensure without examination may apply to the board for licensure by examination. Upon application to the board, the board shall evaluate the applicant's experience and training to determine the extent to which the applicant's training and experience satisfies current Missouri licensing requirements and shall notify the applicant regarding his or her deficiencies and inform the applicant of the action that he or she must take to qualify to take the examination. The applicant for licensure under this subsection shall pay the appropriate examination and licensure fees.]~~

**329.275. HAIR BRAIDING, REGISTRATION REQUIREMENTS, FEE — DUTIES OF BOARD. —**

**1. The practices of cosmetology and barbering shall not include hair braiding, except that, nothing in this section shall be construed as prohibiting a licensed cosmetologist or barber from performing the service of hair braiding.**

**2. No person shall engage in hair braiding for compensation in the state of Missouri without first registering with the board. Applicants for a certificate of registration to engage in hair braiding shall submit to the board an application and a required fee, as set by the board. Such fee shall not exceed twenty dollars. Prior to receiving a certificate, each applicant shall also watch an instructional video prepared by the board in accordance with subsection 4 of this section. An applicant for a certificate of registration may be denied such certificate if the applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the offenses set forth in subsection 6 of section 329.050.**

**3. Registered hair braiders shall keep their information that the board requires for initial registration current and up to date with the board.**

**4. The board shall develop and prepare an instructional video, at least four hours but no more than six hours in length, that contains information about infection control techniques and diseases of the scalp that are appropriate for hair braiding in or outside of a salon setting and any other information to be determined by the board. The instructional video shall be made available to applicants through the division of professional registration's website. The board shall also develop and prepare a brochure that contains a summary of the information contained in the instructional video. The brochure shall be made available through the division of professional registration's website, or by mail, upon request, for a fee to cover the board's mailing costs.**

**5. Any person who registers as a hair braider under this section shall post a copy of his or her certificate of registration in a conspicuous place at his or her place of business. If the person is operating outside his or her place of business he or she shall provide to the client or customer a copy of his or her certificate of registration upon the client's or customer's request.**

**6. (1) The board may inspect hair braiding establishments or facilities where hair braiding occurs one time per year during business hours to ensure:**

**(a) Persons registered as hair braiders are not operating outside the scope of practice of hair braiding; and**

**(b) Compliance with this section and rules promulgated thereunder.**

(2) Additionally, if a customer or client submits a complaint to the board about a hair braider, the board may inspect such hair braider's establishment during regular business hours. This inspection shall not count toward the one time inspection limit set forth in subdivision (1) of this subsection.

(3) In addition to the causes listed in section 329.140, the board may also suspend or revoke a certificate of registration if a person registered as a hair braider is found to be operating outside the scope of practice of hair braiding.

7. Nothing in this section shall apply to any cosmetologists licensed to practice in this state in their respective classifications.

~~[328.100. MEDICAL EXAMINATIONS OF REGISTERED BARBERS. — The board may at any time require any barber to whom a certificate of registration is issued to be examined at the licensee's expense by a licensed physician to ascertain if such barber is free of infectious or contagious diseases and is not afflicted with any physical or mental ailment which would render him unfit to practice the occupation of barbering.]~~

Approved June 1, 2018

SCS HCS#2 HB 1503

**Enacts provisions relating to military affairs.**

AN ACT to repeal sections 30.750, 30.756, 41.050, 41.070, 41.080, 41.110, 41.260, 41.450, 41.460, 41.490, 41.500, 115.013, 301.074, 301.075, and 301.145, RSMo, and to enact in lieu thereof seventeen new sections relating to military affairs, with an existing penalty provision.

SECTION

- A. Enacting clause.
- 30.750 Definitions.
- 30.756 Lending institution receiving linked deposits, requirements and limitations — false statements as to use for loan, penalty — eligible student borrowers — eligibility, student renewal loans, repayment method — priority for reduced-rate loans.
- 41.050 State militia, members.
- 41.070 Organized and unorganized militia.
- 41.080 Military forces, how organized — oath.
- 41.110 State defense force — organization, discipline, government.
- 41.260 State defense force — selection of officers.
- 41.450 State defense force, how equipped.
- 41.460 Discipline and training.
- 41.490 State defense force — powers of governor.
- 41.500 State defense force — called to duty, when.
- 115.013 Definitions.
- 301.074 Duration of license period — annual proof of inspection and disability, exceptions — limitation on issuance.
- 301.075 No fee for one set of disabled veteran plates — fee for subsequent sets.
- 301.145 Congressional Medal of Honor, special license plates.
- 324.006 Spouse of active-duty military, first priority given to processing licensure applications.
- 620.3250 Boots-to-business program, veteran-owned small businesses — assignment of a mentor — rulemaking authority.

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

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

**SECTION A. ENACTING CLAUSE.** — Sections 30.750, 30.756, 41.050, 41.070, 41.080, 41.110, 41.260, 41.450, 41.460, 41.490, 41.500, 115.013, 301.074, 301.075, and 301.145, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 30.750, 30.756, 41.050, 41.070, 41.080, 41.110, 41.260, 41.450, 41.460, 41.490, 41.500, 115.013, 301.074, 301.075, 301.145, 324.006, and 620.3250, to read as follows:

**30.750. DEFINITIONS.** — As used in sections 30.750 to 30.765, the following terms mean:

(1) "Eligible agribusiness", a person engaged in the processing or adding of value to agricultural products produced in Missouri;

(2) "Eligible alternative energy consumer", an individual who wishes to borrow moneys for the purchase, installation, or construction of facilities or equipment related to the production of fuel or power primarily for the individual's own use from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass;

(3) "Eligible alternative energy operation", a business enterprise engaged in the production of fuel or power from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass. Such business enterprise shall conform to the characteristics of paragraphs (a), (b), and (d) of subdivision (6) of this section;

(4) "Eligible beginning farmer":

(a) For any beginning farmer who seeks to participate in the linked deposit program alone, a farmer who:

a. Is a Missouri resident;

b. Wishes to borrow for a farm operation located in Missouri;

c. Is at least eighteen years old; and

d. In the preceding five years has not owned, either directly or indirectly, farm land greater than fifty percent of the average size farm in the county where the proposed farm operation is located or farm land with an appraised value greater than four hundred fifty thousand dollars. A farmer who qualifies as an eligible farmer under this provision may utilize the proceeds of a linked deposit loan to purchase agricultural land, farm buildings, new and used farm equipment, livestock and working capital;

(b) For any beginning farmer who is participating in both the linked deposit program and the beginning farmer loan program administered by the Missouri agriculture and small business development authority, a farmer who:

a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal tax-exempt financing, including the limitations on the use of loan proceeds; and

b. Meets all other requirements established by the Missouri agriculture and small business development authority;

(5) "Eligible facility borrower", a borrower qualified under section 30.860 to apply for a reduced-rate loan under sections 30.750 to 30.765;

(6) "Eligible farming operation", any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010 that has all of the following characteristics:

(a) Is headquartered in this state;

(b) Maintains offices, operating facilities, or farming operations and transacts business in this state;

(c) Employs less than ten employees;

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- (d) Is organized for profit;
- (7) "Eligible governmental entity", any political subdivision of the state seeking to finance capital improvements, capital outlay, or other significant programs through an eligible lending institution;
- (8) "Eligible higher education institution", any approved public or private institution as defined in section 173.205;
- (9) "Eligible job enhancement business", a new, existing, or expanding firm operating in Missouri, or as a condition of accepting the linked deposit, will locate a facility or office in Missouri associated with said linked deposit, which employs ten or more employees in Missouri on a yearly average and which, as nearly as possible, is able to establish or retain at least one job in Missouri for each fifty thousand dollars received from a linked deposit loan except when the applicant can demonstrate significant costs for equipment, capital outlay, or capital improvements associated with the physical expansion, renovation, or modernization of a facility or equipment. In such cases, the maximum amount of the linked deposit shall not exceed fifty thousand dollars per job created or retained plus the initial cost of the physical expansion, renovation or capital outlay;
- (10) "Eligible lending institution", a financial institution that is eligible to make commercial or agricultural or student loans or discount or purchase such loans, is a public depository of state funds or obtains its funds through the issuance of obligations, either directly or through a related entity, eligible for the placement of state funds under the provisions of Section 15, Article IV, Constitution of Missouri, and agrees to participate in the linked deposit program;
- (11) "Eligible livestock operation", any person engaged in production of livestock or poultry in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010;
- (12) "Eligible locally owned business", any person seeking to establish a new firm, partnership, cooperative company, or corporation that shall retain at least fifty-one percent ownership by residents in a county in which the business is headquartered, that consists of the following characteristics:
- (a) The county has a median population of twelve thousand five hundred or less; and
  - (b) The median income of residents in the county are equal to or less than the state median income; or
  - (c) The unemployment rate of the county is equal to or greater than the state's unemployment rate;
- (13) "Eligible marketing enterprise", a business enterprise operating in this state which is in the process of marketing its goods, products or services within or outside of this state or overseas, which marketing is designed to increase manufacturing, transportation, mining, communications, or other enterprises in this state, which has proposed its marketing plan and strategy to the department of economic development and which plan and strategy has been approved by the department for purposes of eligibility pursuant to sections 30.750 to 30.765. Such business enterprise shall conform to the characteristics of paragraphs (a), (b) and (d) of subdivision (6) of this section and also employ less than twenty-five employees;
- (14) "Eligible multitenant development enterprise", a new enterprise that develops multitenant space for targeted industries as determined by the department of economic development and approved by the department for the purposes of eligibility pursuant to sections 30.750 to 30.765;
- (15) "Eligible residential property developer", an individual who purchases and develops a residential structure of either two or four units, if such residential property developer uses and agrees to continue to use, for at least the five years immediately following the date of issuance of the linked deposit loan, one of the units as his principal residence or if such person's principal

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residence is located within one-half mile from the developed structure and such person agrees to maintain the principal residence within one-half mile of the developed structure for at least the five years immediately following the date of issuance of the linked deposit loan;

(16) "Eligible residential property owner", a person, firm or corporation who purchases, develops or rehabilitates a multifamily residential structure;

(17) "Eligible small business", a person engaged in an activity with the purpose of obtaining, directly or indirectly, a gain, benefit or advantage and which conforms to the characteristics of paragraphs (a), (b) and (d) of subdivision (6) of this section, and also employs less than one hundred employees **or an eligible veteran-owned small business as defined in subdivision (19) of this section;**

(18) "Eligible student borrower", any person attending, or the parent of a dependent undergraduate attending, an eligible higher education institution in Missouri who may or may not qualify for need-based student financial aid calculated by the federal analysis called Congressional Methodology Formula pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986);

(19) **"Eligible veteran-owned small business", any business owned by an honorably discharged veteran and Missouri resident who has agreed to locate his or her business in Missouri for a minimum of three years and employs less than one hundred employees, a majority of whom are Missouri residents;**

(20) "Eligible water supply system", a water system which serves fewer than fifty thousand persons and which is owned and operated by:

(a) A public water supply district established pursuant to chapter 247; or

(b) A municipality or other political subdivision; or

(c) A water corporation; and which is certified by the department of natural resources in accordance with its rules and regulations to have suffered a significant decrease in its capacity to meet its service needs as a result of drought;

~~[(20)]~~ (21) "Farming", using or cultivating land for the production of agricultural crops, livestock or livestock products, forest products, poultry or poultry products, milk or dairy products, or fruit or other horticultural products;

~~[(21)]~~ (22) "Linked deposit", a certificate of deposit, or in the case of production credit associations, the subscription or purchase outright of obligations described in Section 15, Article IV, Constitution of Missouri, placed by the state treasurer with an eligible lending institution at rates otherwise provided by law in section 30.758, provided the institution agrees to lend the value of such deposit, according to the deposit agreement provided in sections 30.750 to 30.765, to eligible multitenant development enterprises, eligible small businesses, eligible alternative energy operations, eligible alternative energy consumers, eligible locally owned businesses, farming operations, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, eligible governmental entities, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water supply systems at below the present borrowing rate applicable to each multitenant development enterprise, small business, alternative energy operation, alternative energy consumer, farming operation, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, or supply system at the time of the deposit of state funds in the institution;

~~[(22)]~~ (23) "Market rate", the interest rate more specifically described in subsection 6 of section 30.260;

~~[(23)]~~ (24) "Professional forester", any individual who holds a bachelor of science degree in forestry from a regionally accredited college or university with a minimum of two years of professional forest management experience;

~~[(24)]~~ (25) "Qualified biomass", any agriculture-derived organic material or any wood-derived organic material harvested in accordance with a site-specific forest management plan focused on long-term forest sustainability developed by a professional forester and qualified, in consultation with the conservation commission, by the agriculture and small business development authority;

~~[(25)]~~ (26) "Water corporation", as such term is defined in section 386.020;

~~[(26)]~~ (27) "Water system", as such term is defined in section 386.020.

**30.756. LENDING INSTITUTION RECEIVING LINKED DEPOSITS, REQUIREMENTS AND LIMITATIONS — FALSE STATEMENTS AS TO USE FOR LOAN, PENALTY — ELIGIBLE STUDENT BORROWERS — ELIGIBILITY, STUDENT RENEWAL LOANS, REPAYMENT METHOD — PRIORITY FOR REDUCED-RATE LOANS.** — 1. An eligible lending institution that desires to receive a linked deposit shall accept and review applications for linked deposit loans from eligible multitenant enterprises, eligible farming operations, eligible alternative energy consumers, eligible alternative energy operations, eligible locally owned businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible residential property developers, eligible residential property owners, eligible governmental entities, eligible student borrowers, eligible facility borrowers, and eligible water supply systems. An eligible residential property owner shall certify on his or her loan application that the reduced rate loan will be used exclusively to purchase, develop or rehabilitate a multifamily residential property. The lending institution shall apply all usual lending standards to determine the creditworthiness of each eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entities, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system. No linked deposit loan made to any eligible multitenant development enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible livestock operation, eligible agribusiness, eligible beginning farmer, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible student borrower, eligible water supply system, or eligible small business shall exceed a dollar limit determined by the state treasurer in the state treasurer's best judgment, except as otherwise limited. Any link deposit loan made to an eligible facility borrower shall be in accordance with the loan amount and loan term requirements in section 30.860.

2. An eligible farming operation, small business or job enhancement business shall certify on its loan application that the reduced rate loan will be used exclusively for necessary production expenses or the expenses listed in subsection 2 of section 30.753 or the refinancing of an existing loan for production expenses or the expenses listed in subsection 2 of section 30.753 of an eligible farming operation, small business or job enhancement business. Whoever knowingly makes a false statement concerning such application is guilty of a class A misdemeanor. An eligible water supply system shall certify on its loan application that the reduced rate loan shall be used

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exclusively to pay the costs of upgrading or repairing an existing water system, constructing a new water system, or making other capital improvements to a water system which are necessary to improve the service capacity of the system.

3. In considering which eligible farming operations should receive reduced-rate loans, the eligible lending institution shall give priority to those farming operations which have suffered reduced yields due to drought or other natural disasters and for which the receipt of a reduced-rate loan will make a significant contribution to the continued operation of the recipient farming operation.

**4. In considering which eligible small businesses should receive reduced-rate loans, the eligible lending institution shall give priority to those small businesses that are owned by veterans.**

5. The eligible financial institution shall forward to the state treasurer a linked deposit loan package, in the form and manner as prescribed by the state treasurer. The package shall include such information as required by the state treasurer, including the amount of each loan requested. The institution shall certify that each applicant is an eligible multitenant development enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, and shall, for each eligible multitenant development enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, certify the present borrowing rate applicable.

~~[5-]~~ 6. The eligible lending institution shall be responsible for determining if a student borrower is an eligible student borrower. A student borrower shall be eligible for an initial or renewal reduced-rate loan only if, at the time of the application for the loan, the student is a citizen or permanent resident of the United States, a resident of the state of Missouri as defined by the coordinating board for higher education, is enrolled or has been accepted for enrollment in an eligible higher education institution, and establishes that the student has financial need. In considering which eligible student borrowers may receive reduced-rate loans, the eligible lending institution may give priority to those eligible student borrowers whose income, or whose family income, if the eligible student borrower is a dependent, is such that the eligible student borrower does not qualify for need-based student financial aid pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986). The eligible lending institution shall require the eligible student borrower to document that the student has applied for and has obtained all need-based student financial aid for which the student is eligible prior to application for a reduced-rate loan pursuant to this section. In no case shall the combination of all financial aid awarded to any student in any particular enrollment period exceed the total cost of attendance at the institution in which the student is enrolled. No eligible lending institution shall charge any additional fees, including but not limited to an origination, service or insurance fee on any loan agreement under the provisions of sections 30.750 to 30.765.

~~[6-]~~ 7. The eligible lending institution making an initial loan to an eligible student borrower may make a renewal loan or loans to the student. The total of such reduced-rate loans from eligible lending institutions made pursuant to this section to any individual student shall not exceed the cumulative totals established by 20 U.S.C. 1078, as amended. An eligible student borrower shall certify on his or her loan application that the reduced-rate loan shall be used exclusively to pay the

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costs of tuition, incidental fees, books and academic supplies, room and board and other fees directly related to enrollment in an eligible higher education institution. The eligible lending institution shall make the loan payable to the eligible student borrower and the eligible higher education institution as co-payees. The method of repayment of the loan shall be the same as for repayment of loans made pursuant to sections 173.095 to 173.186.

[7-] **8.** Beginning August 28, 2005, in considering which eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system should receive reduced-rate loans, the eligible lending institution shall give priority to an eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system that has not previously received a reduced-rate loan through the linked deposit program. However, nothing shall prohibit an eligible lending institution from making a reduced-rate loan to any entity that previously has received such a loan, if such entity otherwise qualifies for such a reduced-rate loan.

**41.050. STATE MILITIA, MEMBERS.** — The militia of the state shall include all able-bodied citizens and all other able-bodied residents, who, in the case of the unorganized militia and the Missouri ~~reserve military force~~ **state defense force**, shall be more than seventeen years of age and not more than sixty-four, and such other persons as may upon their own application be enrolled or commissioned therein, and who, in the case of the organized militia, shall be within the age limits and possess the physical and mental qualifications prescribed by law or regulations for the reserve components of the Armed Forces of the United States, except that this section shall not be construed to require militia service of any persons specifically exempted by the laws of the United States or the state of Missouri. The maximum age requirement may be waived by the adjutant general on a case-by-case basis.

**41.070. ORGANIZED AND UNORGANIZED MILITIA.** — 1. The militia of the state is divided into two classes, the organized militia and the unorganized militia.

2. The organized militia shall consist of the following:

(1) Such elements of the land and air forces of the National Guard of the United States as are allocated to the state by the President or the Secretary of Army or Air, and accepted by the state, hereinafter to be known as the National Guard and the Air National Guard;

(2) Such elements of the reserve naval forces of the United States as are allocated to the state by the President or the Secretary of the Navy, and accepted by the state, hereinafter called the naval militia; and the

(3) Missouri ~~reserve military force~~ **state defense force**, when organized.

3. The unorganized militia shall consist of all persons liable to serve in the militia but not commissioned or enlisted in the organized militia.

**41.080. MILITARY FORCES, HOW ORGANIZED — OATH.** — 1. The National Guard, the Air National Guard and the naval militia will be organized in accordance with the allocations therefor accepted from the federal government.

2. The National Guard, the Air National Guard and the naval militia shall be organized as prescribed in the tables of organization and instructions applicable to those elements of the organized militia of the United States as are allocated to the state.

3. The ~~[reserve military force]~~ **Missouri state defense force**, when organized shall be of the strength and composition prescribed by the governor, and before entering upon such services every member shall take and subscribe to the following oath:

"I, \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the United States and the state of Missouri against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the governor of Missouri and the officers appointed over me, according to law; and I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge my duties as a member of the organized militia of the state of Missouri upon which I am about to enter, so help me God."

**41.110. STATE DEFENSE FORCE — ORGANIZATION, DISCIPLINE, GOVERNMENT.** — The organization, discipline and government of the ~~[reserve forces]~~ **Missouri state defense force** and the rights and benefits of the members thereof shall be the same as prescribed by this act for the organized ~~[reserve forces]~~ **Missouri state defense force** and for the National Guard and Air National Guard with such general exceptions as the governor, upon the recommendation of the military council, shall authorize.

**41.260. STATE DEFENSE FORCE — SELECTION OF OFFICERS.** — Officers of ~~[such reserve forces]~~ **the Missouri state defense force** shall be appointed in the manner prescribed by this chapter for the appointment of officers in the organized militia. Officers may hold commissions in both the National Guard and the ~~[reserve forces]~~ **Missouri state defense force** at the same time and the acceptance of one shall not have the effect of vacating the other. The ~~[reserve forces]~~ **Missouri state defense force** shall be under the command of the commanding general designated by the governor by and with the advice and consent of the senate.

**41.450. STATE DEFENSE FORCE, HOW EQUIPPED.** — Arms, uniforms and equipment for the federally recognized components of the organized militia shall be provided as prescribed in applicable tables of equipment and tables of organization of the United States Armed Forces. The Missouri ~~[reserve military force]~~ **state defense force**, when organized, shall be armed, uniformed and equipped as prescribed by the governor.

**41.460. DISCIPLINE AND TRAINING.** — The system of discipline and training for the federally recognized components of the organized militia shall conform generally to that of the United States Armed Forces except as otherwise provided in this military code. The system of discipline and training for the Missouri ~~[reserve military force]~~ **state defense force**, when organized, shall be as prescribed by the governor.

**41.490. STATE DEFENSE FORCE — POWERS OF GOVERNOR.** — The governor shall have the power to organize from the unorganized militia of Missouri a ~~[reserve military force]~~ **state defense force** for duty within or without the state to supplement the Missouri National Guard or replace it when it is mobilized in federal service. The Missouri ~~[reserve military force]~~ **state defense force** may be used to execute the laws, suppress insurrections, repel invasion, suppress lawlessness, and provide emergency relief to distressed areas in the event of earthquake, flood, tornado, or actual or threatened enemy attack or public catastrophe creating conditions of distress or hazard to public

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health and safety beyond the capacity of local or established agencies. The force shall consist of such organized troops, auxiliary troops, staff corps and departments as the governor deems necessary. The governor shall prescribe the strength and composition of the various units of the same, uniform and insignia and the qualifications of its members, and shall have the power to grant a discharge therefrom for any reason deemed by him sufficient.

**41.500. STATE DEFENSE FORCE — CALLED TO DUTY, WHEN.** — The governor may call out the ~~[reserve forces]~~ **Missouri state defense force**, or any part of the same, to execute the laws, to suppress insurrections, repel invasion, and suppress lawlessness and provide emergency relief to distressed areas in the event of earthquake, flood, tornado, or other actual or threatened public catastrophe creating conditions of distress or hazard to public health and safety beyond the capacities of local or other established agencies, under the same circumstances and in the same manner as is in this chapter provided for the use of the National Guard, the Air National Guard and the organized militia in such emergencies, and when so placed on duty, the ~~[reserve forces]~~ **Missouri state defense force** shall have the same status, power and authority conferred upon the National Guard, the Air National Guard and the organized militia by this chapter.

**115.013. DEFINITIONS.** — As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

- (1) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;
- (2) "Ballot", the ballot card, paper ballot or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;
- (3) "Ballot card", a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment;
- (4) "Ballot label", the card, paper, booklet, page or other material containing the names of all offices and candidates and statements of all questions to be voted on;
- (5) "Counting location", a location selected by the election authority for the automatic processing or counting, or both, of ballots;
- (6) "County", any one of the several counties of this state or the City of St. Louis;
- (7) "Disqualified", a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;
- (8) "District", an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policy-making body with representatives of other areas in the state or political subdivision;
- (9) "Electronic voting machine", any part of an electronic voting system on which a voter is able to cast a ballot under this chapter;
- (10) "Electronic voting system", a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment, and includes computerized voting systems;
- (11) "Established political party" for the state, a political party which, at either of the last two general elections, polled for its candidate for any statewide office more than two percent of the entire vote cast for the office. "Established political party" for any district or political subdivision shall mean a political party which polled more than two percent of the entire vote cast at either of

the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its area;

(12) "Federal office", the office of presidential elector, United States senator, or representative in Congress;

(13) "Independent", a candidate who is not a candidate of any political party and who is running for an office for which party candidates may run;

(14) "Major political party", the political party whose candidates received the highest or second highest number of votes at the last general election;

(15) "Marking device", either an apparatus in which ballots are inserted and voted by use of a punch apparatus, or any approved device which will enable the votes to be counted by automatic tabulating equipment;

(16) "Municipal" or "municipality", a city, village, or incorporated town of this state;

(17) "New party", any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;

(18) "Nonpartisan", a candidate who is not a candidate of any political party and who is running for an office for which party candidates may not run;

(19) "Political party", any established political party and any new party;

(20) "Political subdivision", a county, city, town, village, or township of a township organization county;

(21) "Polling place", the voting place designated for all voters residing in one or more precincts for any election;

(22) "Precincts", the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;

(23) "Public office", any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district, but does not include any office in the ~~[reserve forces]~~ **Missouri state defense force** or the National Guard or the office of notary public or city attorney in cities of the third classification or cities of the fourth classification;

(24) "Question", any measure on the ballot which can be voted "YES" or "NO";

(25) "Relative within the first degree by consanguinity or affinity", a spouse, parent, or child of a person;

(26) "Relative within the second degree by consanguinity or affinity", a spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law;

(27) "Special district", any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with taxing authority, or other district formed pursuant to the laws of Missouri to provide limited, specific services;

(28) "Special election", elections called by any school district, water district, fire protection district, or other district formed pursuant to the laws of Missouri to provide limited, specific services; and

(29) "Voting district", the one or more precincts within which all voters vote at a single polling place for any election.

**301.074. DURATION OF LICENSE PERIOD — ANNUAL PROOF OF INSPECTION AND DISABILITY, EXCEPTIONS — LIMITATION ON ISSUANCE.** — License plates issued under sections 301.071 to 301.075 shall be valid for the duration of the veteran's disability. Each such applicant issued license plates under these provisions shall annually furnish proof of vehicle inspection and proof of disability to the director, except that an applicant whose service connected disability qualifying him for special license plates consists in whole or in part of loss of an eye or a limb or an applicant with a one hundred percent permanent disability, as established by a physician's

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signed statement to that effect, need only furnish proof of disability to the director when initially applying for the special license plates and not thereafter, but in such case proof that the veteran is alive shall be required annually. ~~[Each person qualifying under sections 301.071 to 301.075 may license only one motor vehicle under these provisions.]~~ No commercial motor vehicle in excess of twenty-four thousand pounds gross weight may be licensed under the provisions of sections 301.071 to 301.075.

**301.075. NO FEE FOR ONE SET OF DISABLED VETERAN PLATES — FEE FOR SUBSEQUENT SETS.** — There shall be no fee charged for **one set of license plates issued to an eligible person** under the provisions of ~~[this]~~ **sections 301.071 to 301.075. A second or subsequent set of license plates issued to the eligible person under these sections shall be subject to regular registration fees and the fee required for personalized license plates under section 301.144.**

**301.145. CONGRESSIONAL MEDAL OF HONOR, SPECIAL LICENSE PLATES.** — Any person who has been awarded the Congressional Medal of Honor may apply for special motor vehicle license plates for any vehicle he or she owns, either solely or jointly, other than commercial vehicles weighing over twenty-four thousand pounds, as provided in this section. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of receipt of the Congressional Medal of Honor as the director may require. The director shall then issue license plates bearing the words "CONGRESSIONAL MEDAL OF HONOR" in a ~~[form]~~ **manner** prescribed by the ~~[advisory committee established in section 301.129, except that]~~ **director of revenue.** Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. **There shall be no fee charged in addition to regular registration fees for license plates issued under this section.**

**324.006. SPOUSE OF ACTIVE-DUTY MILITARY, FIRST PRIORITY GIVEN TO PROCESSING LICENSURE APPLICATIONS.** — **All professional licensing boards and commissions shall give first priority to spouses of members of the active duty component of the Armed Forces of the United States in the processing of all professional licensure or certification applications.**

**620.3250. BOOTS-TO-BUSINESS PROGRAM, VETERAN-OWNED SMALL BUSINESSES — ASSIGNMENT OF A MENTOR — RULEMAKING AUTHORITY.** — **1. Any veteran who receives a small business loan through the state treasurer's linked deposit program set forth in sections 30.750 to 30.765 shall also be subject to the provisions of this section.**

**2. After receiving a loan from an eligible lending institution, as that term is defined in subdivision (10) of section 37.750, the owner of a veteran-owned small business shall complete a boots-to-business program that is approved by the department.**

**3. After receiving a loan from an eligible lending institution, as that term is defined in subdivision (10) of section 37.750, the owner of a veteran-owned small business will be assigned a mentor for the three hundred sixty-five days following the date of approval. The owner shall meet with his or her mentor at least once every ninety days.**

4. The department may adopt rules in establishing or approving boots-to-business programs under subsection 2 of this section and mentor programs under subsection 3 of this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

Approved June 1, 2018

SS HB 1504

**Enacts provisions relating to zoning around National Guard training centers.**

AN ACT to amend chapter 41, RSMo, by adding thereto one new section relating to zoning around National Guard training centers.

SECTION

A. Enacting clause.

41.657 National Guard training centers, land use ordinances for surrounding area (Adair, Audrain, Crawford, McDonald, Miller, Newton, Randolph, Ray, and Washington counties).

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

**SECTION A. ENACTING CLAUSE.** — Chapter 41, RSMo, is amended by adding thereto one new section, to be known as section 41.657, to read as follows:

**41.657. NATIONAL GUARD TRAINING CENTERS, LAND USE ORDINANCES FOR SURROUNDING AREA (ADAIR, AUDRAIN, CRAWFORD, McDONALD, MILLER, NEWTON, RANDOLPH, RAY, AND WASHINGTON COUNTIES).** — 1. The county governing body or county planning commission, if any, of any county of the second classification with more than fifty-eight thousand but fewer than sixty-five thousand inhabitants, and any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants may adopt ordinances regulating incompatible land uses and structures within all or any portion of the unincorporated area extending up to three thousand feet outward from the boundaries of any National Guard training center if the county has participated in the completion of a joint land use study associated with that training center.

2. As used in this section, “incompatible land uses and structures” are determined by the county governing body or county planning commission, if any, to be incompatible with noise, vibration, and other training impacts identified in the joint land use study or the most recent state operational noise management plan. Regulations the county governing body or county planning commission, if any, determines are necessary to effectuate the purposes of this section and the recommendations in the joint land use study or operational noise management plan may include, but are not limited to, density, lot size, outdoor lighting, land use, construction standards, and subdivision of land.

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**3. The county governing body or county planning commission, if any, may also provide for coordination with National Guard officials and notification to current and future property owners with respect to potential incompatible land uses, military training impacts, and the existence of any regulation adopted under this section.**

Approved June 1, 2018

HB 1516

**Enacts provisions relating to chiropractic services.**

AN ACT to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to chiropractic services.

SECTION

A. Enacting clause.

208.152 Medical services for which payment shall be made — co-payments may be required — reimbursement for services — notification upon change in interpretation or application of reimbursement — reimbursement for behavioral, social, and psychological services for physical health issues.

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

**SECTION A. ENACTING CLAUSE.** — Section 208.152, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.152, to read as follows:

**208.152. MEDICAL SERVICES FOR WHICH PAYMENT SHALL BE MADE — CO-PAYMENTS MAY BE REQUIRED — REIMBURSEMENT FOR SERVICES — NOTIFICATION UPON CHANGE IN INTERPRETATION OR APPLICATION OF REIMBURSEMENT — REIMBURSEMENT FOR BEHAVIORAL, SOCIAL, AND PSYCHOLOGICAL SERVICES FOR PHYSICAL HEALTH ISSUES.** — 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as described in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

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(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. Section 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

**(7) Subject to appropriation, up to twenty visits per year for services limited to examinations, diagnoses, adjustments, and manipulations and treatments of malpositioned articulations and structures of the body provided by licensed chiropractic physicians practicing within their scope of practice. Nothing in this subdivision shall be interpreted to otherwise expand MO HealthNet services;**

(8) Drugs and medicines when prescribed by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

~~[(8)]~~ (9) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

~~[(9)]~~ (10) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

~~[(10)]~~ (11) Home health care services;

~~[(11)]~~ (12) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in the physician's professional judgment, the life of the mother would be endangered if the fetus were carried to term;

~~[(12)]~~ (13) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. Section 1396d, et seq.);

~~[(13)]~~ (14) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who

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are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

~~[(14)]~~ **(15)** Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his or her physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if he or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

~~[(15)]~~ **(16)** Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. Section 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

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(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

~~[(16)]~~ **(17)** Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. Section 301, et seq.) subject to appropriation by the general assembly;

~~[(17)]~~ **(18)** The services of an advanced practice registered nurse with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

~~[(18)]~~ **(19)** Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

~~[(19)]~~ **(20)** Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

~~[(20)]~~ **(21)** Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and

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inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

~~[(21)]~~ **(22)** Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

~~[(22)]~~ **(23)** Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

~~[(23)]~~ **(24)** Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

~~[(24)]~~ **(25)** The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as described in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social,

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and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions [(14)] **(15)** and [(15)] **(16)** of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments,

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the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. Section 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. Section 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. Section 1396a (a)(13)(C).

10. The MO HealthNet division may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. If the Missouri Medicaid audit and compliance unit changes any interpretation or application of the requirements for reimbursement for MO HealthNet services from the interpretation or application that has been applied previously by the state in any audit of a MO HealthNet provider, the Missouri Medicaid audit and compliance unit shall notify all affected MO HealthNet providers five business days before such change shall take effect. Failure of the Missouri Medicaid audit and compliance unit to notify a provider of such change shall entitle the provider to continue to receive and retain reimbursement until such notification is provided and shall waive any liability of such provider for recoupment or other loss of any payments previously made prior to the five business days after such notice has been sent. Each provider shall provide the Missouri Medicaid audit and compliance unit a valid email address and shall agree to receive communications electronically. The notification required under this section shall be delivered in writing by the United States Postal Service or electronic mail to each provider.

13. Nothing in this section shall be construed to abrogate or limit the department's statutory requirement to promulgate rules under chapter 536.

14. Beginning July 1, 2016, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement

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codes 96150 to 96154 or their successor codes under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists.

Approved July 5, 2018

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HB 1517

**Enacts provisions relating to the state legal expense fund.**

AN ACT to amend chapter 105, RSMo, by adding thereto one new section relating to the state legal expense fund.

SECTION

A. Enacting clause.

105.713 Report to general assembly, settlements and judgments paid from legal expense fund — contents.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 105, RSMo, is amended by adding thereto one new section, to be known as section 105.713, to read as follows:

**105.713. REPORT TO GENERAL ASSEMBLY, SETTLEMENTS AND JUDGMENTS PAID FROM LEGAL EXPENSE FUND — CONTENTS.** — 1. **By no later than September 30, 2018, and the last day of each calendar month thereafter, the attorney general and the commissioner of administration shall submit a report to the general assembly detailing all settlements and judgments paid in the previous month from the state legal expense fund, including:**

(1) **Each payment from such fund, which shall include the case name and number of any settlement payments from such fund;**

(2) **Each individual deposit to such fund, including:**

(a) **The transferring state fund's name and section number authorizing the transfer of such funds; and**

(b) **The case name and case number that corresponds to any expenses authorized under section 105.711 for which the deposit is being made; and**

(3) **The total amount of expenses from such fund's creation for each case included in the report.**

2. **In cases concerning the legal expenses incurred by the department of transportation, department of conservation, or a public institution that awards baccalaureate degrees, the report required under subsection 1 of this section shall be submitted by the legal counsel provided by the respective entity and by the designated keeper of accounts of the respective entity.**

Approved June 25, 2018

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## SS HB 1531

**Enacts provisions relating to civil proceedings.**

AN ACT to repeal sections 34.378 and 507.060, RSMo, and to enact in lieu thereof two new sections relating to civil proceedings.

## SECTION

- A. Enacting clause.
- 34.378 Contingent fee contracts, limitations — written proposals, when — standard addendum — posting of contracts on website — record-keeping requirements — fees, limitation on — report, contents.
- 507.060 Persons having claims against plaintiff or plaintiff's insured may be joined as defendants and required to interplead, when — limitation on liability, when — dismissal not required, when.

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

**SECTION A. ENACTING CLAUSE.** — Sections 34.378 and 507.060, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 34.378 and 507.060, to read as follows:

**34.378. CONTINGENT FEE CONTRACTS, LIMITATIONS — WRITTEN PROPOSALS, WHEN — STANDARD ADDENDUM — POSTING OF CONTRACTS ON WEBSITE — RECORD-KEEPING REQUIREMENTS — FEES, LIMITATION ON — REPORT, CONTENTS.** — 1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

- (1) Whether there exists sufficient and appropriate legal and financial resources within the attorney general's office to handle the matter;
- (2) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly;
- (3) The geographic area where the attorney services are to be provided; and
- (4) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney's experience with similar issues or cases.

2. If the attorney general makes the determination described in subsection 1 of this section, the attorney general shall request written proposals from private attorneys to represent the state, unless the attorney general determines that requesting proposals is not feasible under the circumstances and sets forth the basis for this determination in writing. If a request for proposals is issued, the attorney general shall choose the lowest and best bid or request **that** the office of administration establish an independent panel to evaluate the proposals and choose the lowest and best bid.

3. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions to the contract:

- (1) The government attorneys shall retain complete control over the course and conduct of the case;
- (2) A government attorney with supervisory authority shall oversee the litigation;
- (3) The government attorneys shall retain veto power over any decisions made by outside counsel;

(4) A government attorney with supervisory authority for the case shall attend all settlement conferences; and

(5) Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the attorney general.

4. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that shall be used in all cases, describing in detail what is expected of both the contracted private attorney and the state, including, without limitation, the requirements listed in subsection 3 of this section.

5. Copies of any executed contingency fee contract and the attorney general's written determination to enter into a contingency fee contract with the private attorney shall be posted on the attorney general's website for public inspection within five business days after the date the contract is executed and shall remain posted on the website for the duration of the contingency fee contract, including any extensions or amendments to the contract. Any payment of contingency fees shall be posted on the attorney general's website within fifteen days after the payment of such contingency fees to the private attorney and shall remain posted on the website for at least three hundred sixty-five days.

6. Any private attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until at least four years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one-tenth of an hour and shall promptly provide these records to the attorney general, upon request. Any request under chapter 610 for inspection and copying of such records shall be served upon and responded to by the attorney general's office.

7. **Except as otherwise provided in subsection 8 of this section, a retained private attorney shall not be entitled to a fee, exclusive of any costs and expenses described in subsection 8 of this section, of more than:**

(1) **Fifteen percent of that portion of any amount recovered that is ten million dollars or less;**

(2) **Ten percent of that portion of any amount recovered that is more than ten million dollars but less than or equal to fifteen million dollars;**

(3) **Five percent of that portion of any amount recovered that is more than fifteen million dollars but less than or equal to twenty million dollars; and**

(4) **Two percent of that portion of any amount recovered that is more than twenty million dollars.**

8. **The total fee payable to all retained private attorneys in any matter that is the subject of a contingency fee contract shall not exceed ten million dollars, exclusive of any costs and expenses provided by the contract and actually incurred by the retained private attorneys, regardless of the number of actions or proceedings or the number of retained private attorneys involved in the matter.**

9. **A contingency fee:**

(1) **Shall be payable only from moneys that are actually received under a judgment or settlement agreement; and**

(2) **Shall not be based on any amount attributable to a fine or civil penalty.**

10. **As used in this section, "amount recovered" does not include any moneys paid as costs.**

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

11. By February first of each year, the attorney general shall submit a report to the president pro tem of the senate and the speaker of the house of representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year. At a minimum, the report shall:

(1) Identify all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year, and for each contract describe:

(a) The name of the private attorney with whom the department has contracted, including the name of the attorney's law firm;

(b) The nature and status of the legal matter;

(c) The name of the parties to the legal matter;

(d) The amount of any recovery; and

(e) The amount of any contingency fee paid;

(2) Include copies of any written determinations made under subsections 1 and 2 of this section.

**507.060. PERSONS HAVING CLAIMS AGAINST PLAINTIFF OR PLAINTIFF'S INSURED MAY BE JOINED AS DEFENDANTS AND REQUIRED TO INTERPLEAD, WHEN — LIMITATION ON LIABILITY, WHEN — DISMISSAL NOT REQUIRED, WHEN. — 1.** Persons having claims against the plaintiff or plaintiff's insured may be joined as defendants and required to interplead when their claims are such that the plaintiff is or may be exposed to ~~[double or]~~ multiple liability, **including multiple claims against the same insurance coverage**. It is not ground for objection to the joinder that the claims of the several claimants or the titles on which their claims depend do not have a common origin or are not identical but are adverse to and independent of one another, or that the plaintiff avers that he is not liable in whole or in part to any or all of the claimants. A defendant exposed to similar liability may obtain such interpleader by way of cross-claim or counterclaim. The provisions of this section supplement and do not in any way limit the joinder of parties permitted in section 507.040.

**2.** For purposes of this subsections 2 to 5 of this section, the term "plaintiff" means the insurer, or any entity which is subject to sections 537.700 to 537.756 or which provides risk management services to any public or private entity, of an insured person or entity subject to more than one claim arising out of any one incident or occurrence, but only when such claims total an amount in excess of the plaintiff's total limits of coverage available for that one incident or occurrence.

**3.** For purposes of this subsections 2 to 5 of this section, the term "claim" means all actual or potential claims against a plaintiff or plaintiff's insured arising from the one incident or occurrence referred to in subsection 2 of this section.

**4.** If, within ninety days after receiving the first offer of settlement or demand for payment by a claimant, a plaintiff files an action for interpleader under this section and the plaintiff timely deposits all of its applicable limits of coverage into court within thirty days of the court's order granting interpleader, the plaintiff shall not be liable to any insured or defendant for any amount in excess of the plaintiff's contractual limits of coverage in the interpleader or any other action, so long as the plaintiff defends all of its insureds in good faith from any claims or lawsuits for damages allegedly caused by the incident or occurrence for which the limits of coverage were paid into court, even after depositing its limits of coverage into court notwithstanding any policy provision releasing the plaintiff of its duty to

defend any of the insureds. Any insured's refusal of the plaintiff's good faith defense shall not affect the plaintiff's rights under this section.

5. Nothing in this section shall require a release or dismissal of any claim for damages against any insured person or entity upon interpleader by an insurer of that person or entity.

6. Nothing in this section shall be construed, expressly or by implication, to amend, modify, or abrogate any insured's right to consent or control the defense or settlement of any claim as may be provided in any insurance contract.

Approved June 1, 2018

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SS SCS HB 1558

**Enacts provisions relating to the offense of nonconsensual dissemination of private sexual images.**

AN ACT to amend chapter 573, RSMo, by adding thereto two new sections relating to the offense of nonconsensual dissemination of private sexual images, with a penalty provision and an emergency clause.

SECTION

- A. Enacting clause.
  - 573.110 Nonconsensual dissemination of private sexual images, offense of — definitions — elements — exemptions — immunity from liability, when — penalty — private cause of action, when.
  - 573.112 Threatening the nonconsensual dissemination of private sexual images, offense of — elements — penalty.
- B. Emergency clause.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 573, RSMo, is amended by adding thereto two new sections, to be known as sections 573.110 and 573.112, to read as follows:

**573.110. NONCONSENSUAL DISSEMINATION OF PRIVATE SEXUAL IMAGES, OFFENSE OF — DEFINITIONS — ELEMENTS — EXEMPTIONS — IMMUNITY FROM LIABILITY, WHEN — PENALTY — PRIVATE CAUSE OF ACTION, WHEN. — 1.** As used in this section and section 573.112, the following terms mean:

(1) "Computer", a device that accepts, processes, stores, retrieves, or outputs data and includes, but is not limited to, auxiliary storage and telecommunications devices connected to computers;

(2) "Computer program", a series of coded instructions or statements in a form acceptable to a computer that causes the computer to process data and supply the results of the data processing;

(3) "Data", a representation in any form of information, knowledge, facts, concepts, or instructions including, but not limited to, program documentation, that is prepared or has been prepared in a formalized manner and is stored or processed in or transmitted by a computer or in a system or network. Data is considered property and may be in any form including, but not limited to, printouts, magnetic or optical storage media, punch cards, data

stored internally in the memory of the computer, or data stored externally that is accessible by the computer;

(4) "Image", a photograph, film, videotape, digital recording, or other depiction or portrayal of an object, including a human body;

(5) "Intimate parts", the fully unclothed, partially unclothed, or transparently clothed genitals, pubic area, or anus or, if the person is female, a partially or fully exposed nipple, including exposure through transparent clothing;

(6) "Private mobile radio services", private land mobile radio services and other communications services characterized by the public service commission as private mobile radio services;

(7) "Public mobile services", air-to-ground radio telephone services, cellular radio telecommunications services, offshore radio, rural radio services, public land mobile telephone services, and other common carrier radio communications services;

(8) "Sexual act", sexual penetration, masturbation, or sexual activity;

(9) "Sexual activity", any:

(a) Knowing touching or fondling by the victim or another person or animal, either directly or through clothing, of the sex organs, anus, or breast of the victim or another person or animal for the purpose of sexual gratification or arousal;

(b) Transfer or transmission of semen upon any part of the clothed or unclothed body of the victim for the purpose of sexual gratification or arousal of the victim or another;

(c) Act of urination within a sexual context;

(d) Bondage, fetter, sadism, or masochism; or

(e) Sadomasochism abuse in any sexual context.

2. A person commits the offense of nonconsensual dissemination of private sexual images if he or she:

(1) Intentionally disseminates with the intent to harass, threaten, or coerce an image of another person:

(a) Who is at least eighteen years of age;

(b) Who is identifiable from the image itself or information displayed in connection with the image; and

(c) Who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part;

(2) Obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and

(3) Knows or should have known that the person in the image did not consent to the dissemination.

3. The following activities are exempt from the provisions of this section:

(1) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed if the dissemination is made for the purpose of a criminal investigation that is otherwise lawful;

(2) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed if the dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct;

(3) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed if the image involves voluntary exposure in a public or commercial setting; or

(4) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed if the dissemination serves a lawful public purpose.

4. Nothing in this section shall be construed to impose liability upon the following entities solely as a result of content or information provided by another person:

- (1) An interactive computer service, as defined in 47 U.S.C. Section 230(f)(2);
- (2) A provider of public mobile services or private mobile radio services; or
- (3) A telecommunications network or broadband provider.

5. A person convicted under this section is subject to the forfeiture provisions under sections 513.600 to 513.660.

6. The offense of nonconsensual dissemination of private sexual images is a class D felony.

7. In addition to the criminal penalties listed in subsection 6 of this section, the person in violation of the provisions of this section shall also be subject to a private cause of action from the depicted person. Any successful private cause of action brought under this subsection shall result in an award equal to ten thousand dollars or actual damages, whichever is greater, and in addition shall include attorney's fees. Humiliation or embarrassment shall be an adequate show that the plaintiff has incurred damages; however, no physical manifestation of either humiliation or embarrassment is necessary for damages to be shown.

**573.112. THREATENING THE NONCONSENSUAL DISSEMINATION OF PRIVATE SEXUAL IMAGES, OFFENSE OF — ELEMENTS — PENALTY. — 1.** A person commits the offense of threatening the nonconsensual dissemination of private sexual images if he or she gains or attempts to gain anything of value, or coerces or attempts to coerce another person to act or refrain from acting, by threatening to disseminate an image of another person, which was obtained under circumstances in which a reasonable person would know or understand that the image was to remain private, against the will of such person:

- (1) Who is at least eighteen years of age;
- (2) Who is identifiable from the image itself or information displayed in connection with the image; and
- (3) Who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part.

2. The offense of threatening the nonconsensual dissemination of private sexual images is a class E felony.

**SECTION B. EMERGENCY CLAUSE.** — Because of the urgent need to protect the safety of the citizens of this state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved June 1, 2018

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## SS HCS HB 1606

**Enacts provisions relating to elementary and secondary education.**

AN ACT to repeal sections 160.011, 160.041, 160.530, 161.072, 161.094, 161.095, 161.106, 161.670, 162.064, 162.401, 162.720, 163.018, 163.021, 163.073, 167.121, 167.225, 170.015, 171.029, 171.031, 171.033, 173.1004, 302.272, and 304.060, RSMo, and to enact in lieu thereof thirty-three new sections relating to elementary and secondary education, with an effective date for certain sections.

## SECTION

- A. Enacting clause.
- 160.011 Definitions, certain chapters.
- 160.041 Minimum school day, school month, school year, defined — reduction of required number of hours and days, when.
- 160.066 Expenditures and revenue, searchable document or database required — updates — template.
- 160.530 Eligibility for state aid, allocation of funds to professional development committee — statewide areas of critical need, funds — success leads to success grant program created, purpose — listing of expenditures.
- 160.572 Participation in ACT WorkKeys assessment in lieu of ACT assessment or ACT plus writing assessment, when.
- 161.026 Teacher representative on state board of education, qualifications, term, vacancy — expiration date.
- 161.072 Meetings of board — records, electronic availability, when — closed meetings to teacher representative, when.
- 161.094 Examinations for high school equivalency certificate, what tests acceptable.
- 161.095 Fee for examination — subsidized when.
- 161.106 Career and student organizations' activities, department to provide staffing support — handling of organization funds.
- 161.670 Course access and virtual school program established, eligibility for enrollment — state aid calculation — enrollment process, payment by district — department duties, annual report — rulemaking authority.
- 162.064 Bus drivers, medical endorsement required, when.
- 162.401 Treasurer's bond.
- 162.720 Gifted children, district may establish programs for — state board to approve — review of decisions — immunity from liability, when.
- 162.722 Acceleration of students, subject or whole grade, when.
- 162.1475 Data breach, procedures.
- 163.018 Early childhood education programs, pupils included in average daily attendance calculation, when.
- 163.021 Eligibility for state aid, requirements — evaluation of correlation of rates and assessed valuation, report, calculation — further requirements — exception — operating levy less than performance levy, requirements.
- 163.073 Aid for programs provided by the division of youth services — amount, how determined — payment by district of domicile of the child, amount.
- 167.121 Assignment of pupil to another district — tuition, how paid, amount.
- 167.125 Assignment of certain students to another district, procedure — tuition — transportation routes. (St. Elizabeth and St. Albans).
- 167.225 Definitions — instruction in Braille for visually impaired students — teacher certification.
- 167.266 Academic and career counseling program — rulemaking authority.
- 167.637 Influenza and influenza vaccination information, provided when.
- 167.902 Critical need occupations, data and information distribution.
- 167.910 Career readiness course task force established, purpose, members, meetings, duties — findings and recommendations.
- 168.024 Local business externship, count as contact hours of professional development.
- 170.015 Human sexuality and sexually transmitted diseases, instruction in, requirements — policies, school boards' duties — **certain course materials on human sexuality prohibited, when.**

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

- 171.031 Board to prepare calendar — minimum term — opening dates — exemptions.
- 171.033 Make-up of hours lost or cancelled, number required — exemption, when — waiver for schools, granted when.
- 173.1004 Rulemaking authority — board and department of economic development to provide information to colleges and universities.
- 302.272 School bus endorsement, qualifications — grounds for refusal to issue or renew endorsement — rulemaking authority — reciprocity.
- 304.060 School buses and other district vehicles, use to be regulated by board — field trips in common carriers, regulation authorized — violation by employee, effect — design of school buses, regulated by board — St. Louis County buses may use word "special".
- 171.029 Four-day school week authorized — calendar to be filed with department.
- B. Effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 160.011, 160.041, 160.530, 161.072, 161.094, 161.095, 161.106, 161.670, 162.064, 162.401, 162.720, 163.018, 163.021, 163.073, 167.121, 167.225, 170.015, 171.029, 171.031, 171.033, 173.1004, 302.272, and 304.060, RSMo, are repealed and thirty-three new sections enacted in lieu thereof, to be known as sections 160.011, 160.041, 160.066, 160.530, 160.572, 161.026, 161.072, 161.094, 161.095, 161.106, 161.670, 162.064, 162.401, 162.720, 162.722, 162.1475, 163.018, 163.021, 163.073, 167.121, 167.125, 167.225, 167.266, 167.637, 167.902, 167.910, 168.024, 170.015, 171.031, 171.033, 173.1004, 302.272, and 304.060, to read as follows:

**160.011. DEFINITIONS, CERTAIN CHAPTERS.** — As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 178, the following terms mean:

- (1) "District" or "school district", when used alone, may include seven-director, urban, and metropolitan school districts;
- (2) "Elementary school", a public school giving instruction in a grade or grades not higher than the eighth grade;
- (3) "Family literacy programs", services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:
  - (a) Interactive literacy activities between parents and their children;
  - (b) Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;
  - (c) Parent literacy training that leads to high school completion and economic self sufficiency; and
  - (d) An age-appropriate education to prepare children of all ages for success in school;
- (4) "Graduation rate", the quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth graders who dropped out in the current year plus the number of eleventh graders who dropped out in the preceding year plus the number of tenth graders who dropped out in the second preceding year plus the number of ninth graders who dropped out in the third preceding year;
- (5) "High school", a public school giving instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade;
- (6) "Metropolitan school district", any school district the boundaries of which are coterminous with the limits of any city which is not within a county;
- (7) "Public school" includes all elementary and high schools operated at public expense;

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

(8) "School board", the board of education having general control of the property and affairs of any school district;

(9) "School term", a minimum of one hundred seventy-four school days, as that term is defined in section 160.041, for schools with a five-day school week or a minimum of one hundred forty-two school days, as that term is defined in section 160.041, for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to section 171.031 during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. **In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required with no minimum number of school days required.** A school term may be within a school year or may consist of parts of two consecutive school years, but does not include summer school. A district may choose to operate two or more terms for different groups of children. A school term for students participating in a school flex program as established in section 160.539 may consist of a combination of actual pupil attendance and attendance at college or technical career education or approved employment aligned with the student's career academic plan for a total of ~~[one thousand forty-four]~~ **the required number of hours as provided in this subdivision;**

(10) "Secretary", the secretary of the board of a school district;

(11) "Seven-director district", any school district which has seven directors and includes urban districts regardless of the number of directors an urban district may have unless otherwise provided by law;

(12) "Taxpayer", any individual who has paid taxes to the state or any subdivision thereof within the immediately preceding twelve-month period or the spouse of such individual;

(13) "Town", any town or village, whether or not incorporated, the plat of which has been filed in the office of the recorder of deeds of the county in which it is situated;

(14) "Urban school district", any district which includes more than half of the population or land area of any city which has not less than seventy thousand inhabitants, other than a city which is not within a county.

**160.041. MINIMUM SCHOOL DAY, SCHOOL MONTH, SCHOOL YEAR, DEFINED — REDUCTION OF REQUIRED NUMBER OF HOURS AND DAYS, WHEN.** — 1. The "minimum school day" consists of three hours for schools with a five-day school week or four hours for schools with a four-day school week in which the pupils are under the guidance and direction of teachers in the teaching process. A "school month" consists of four weeks of five days each for schools with a five-day school week or four weeks of four days each for schools with a four-day school week. **In school year 2019-20 and subsequent years, no minimum number of school days shall be required, and "school day" shall mean any day in which, for any amount of time, pupils are under the guidance and direction of teachers in the teaching process.** The "school year" commences on the first day of July and ends on the thirtieth day of June following.

2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of education is authorized to reduce the required number of hours ~~and~~ **or** days in which the pupils are under the guidance and direction of teachers in the teaching process if:

(1) There is damage to or destruction of a public school facility which requires the dual utilization of another school facility; or

(2) Flooding or other inclement weather as defined in subsection 1 of section 171.033 prevents students from attending the public school facility.

Such reduction shall not extend beyond two calendar years in duration.

**160.066. EXPENDITURES AND REVENUE, SEARCHABLE DOCUMENT OR DATABASE REQUIRED — UPDATES — TEMPLATE. — 1.** By September 1, 2019, each public school district and each charter school shall develop, maintain, and make publicly available, at a minimum, a searchable expenditure and revenue document or database detailing actual income, expenditures, and disbursements for the current calendar or fiscal year on its district or school website, which may be in the format of a searchable PDF, document, or spreadsheet. If the public school district or charter school does not provide the aforementioned detailed financial and budgetary information on its website, then a direct link to the department of elementary and secondary education's website, which has detailed financial and budgetary information about the public school district or charter school, shall be provided on the district's website. The site shall contain only information that is a public record or that is not confidential or otherwise protected from public disclosure under state or federal law.

2. The public school district or charter school shall, to the extent practicable, update the financial data contained on the site no less frequently than every quarter and provide the data in a structured format. The public school district or charter school shall archive the financial data, which shall remain accessible and searchable, for a minimum of ten years.

3. By January 1, 2019, the department of elementary and secondary education shall create a template for voluntary use by school districts needing assistance with the online posting of the information specified in subsection 1 of this section. The template may include both the type of electronic file posted as well as the information to be included in the posting. The department may take into consideration any existing templates or reports developed by the department for purposes of financial reporting. In the event that a school district or charter school does not maintain a website, this information shall be accessible through the department.

4. Nothing in this section shall direct or require a school district or charter school to post online any personal information relating to payroll including, but not limited to, payroll deductions, payroll contributions, or any other information that is confidential or otherwise protected from public disclosure under state or federal law.

**160.530. ELIGIBILITY FOR STATE AID, ALLOCATION OF FUNDS TO PROFESSIONAL DEVELOPMENT COMMITTEE — STATEWIDE AREAS OF CRITICAL NEED, FUNDS — SUCCESS LEADS TO SUCCESS GRANT PROGRAM CREATED, PURPOSE — LISTING OF EXPENDITURES. —**

1. Beginning with fiscal year 1994 and for all fiscal years thereafter, in order to be eligible for state aid distributed pursuant to section 163.031, a school district shall allocate one percent of moneys received pursuant to section 163.031, exclusive of categorical add-ons, to the professional development committee of the district as established in subdivision (1) of subsection 4 of section 168.400, **provided that in any fiscal year ending with fiscal year 2024 in which the amount appropriated and expended to the public schools under section 163.161 for the transportation of pupils is less than twenty-five percent of the allowable costs of providing pupil transportation under said section, a school district may, by majority vote of its board, allocate an amount less than one percent of the moneys received pursuant to section 163.031, exclusive of categorical add-ons, to the professional development committee of the district but in no instance shall the district allocate less than one-half of one percent of the moneys received pursuant to section 163.031, exclusive of categorical add-ons, to the professional development committee of the district.** Of the moneys allocated to the professional development

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

committee in any fiscal year as specified by this subsection, seventy-five percent of such funds shall be spent in the same fiscal year for purposes determined by the professional development committee after consultation with the administrators of the school district and approved by the local board of education as meeting the objectives of a school improvement plan of the district that has been developed by the local board. Moneys expended for staff training pursuant to any provisions of ~~this~~ **the outstanding schools** act shall not be considered in determining the requirements for school districts imposed by this subsection.

2. Beginning with fiscal year 1994 and for all fiscal years thereafter, eighteen million dollars shall be distributed by the commissioner of education to address statewide areas of critical need for learning and development, provided that such disbursements are approved by the joint committee on education as provided in subsection 5 of this section, and as determined by rule and regulation of the state board of education with the advice of the advisory council provided by subsection 1 of section 168.015. The moneys described in this subsection may be distributed by the commissioner of education to colleges, universities, private associations, professional education associations, statewide associations organized for the benefit of members of boards of education, public elementary and secondary schools, and other associations and organizations that provide professional development opportunities for teachers, administrators, family literacy personnel and boards of education for the purpose of addressing statewide areas of critical need, provided that subdivisions (1), (2) and (3) of this subsection shall constitute priority uses for such moneys. "Statewide areas of critical need for learning and development" shall include:

- (1) Funding the operation of state management teams in districts with academically deficient schools and providing resources specified by the management team as needed in such districts;
- (2) Funding for grants to districts, upon application to the department of elementary and secondary education, for resources identified as necessary by the district, for those districts which are failing to achieve assessment standards;
- (3) Funding for family literacy programs;
- (4) Ensuring that all children, especially children at risk, children with special needs, and gifted students are successful in school;
- (5) Increasing parental involvement in the education of their children;
- (6) Providing information which will assist public school administrators and teachers in understanding the process of site-based decision making;
- (7) Implementing recommended curriculum frameworks as outlined in section 160.514;
- (8) Training in new assessment techniques for students;
- (9) Cooperating with law enforcement authorities to expand successful antidrug programs for students;
- (10) Strengthening existing curricula of local school districts to stress drug and alcohol prevention;
- (11) Implementing and promoting programs to combat gang activity in urban areas of the state;
- (12) Establishing family schools, whereby such schools adopt proven models of one-stop state services for children and families;
- (13) Expanding adult literacy services; and
- (14) Training of members of boards of education in the areas deemed important for the training of effective board members as determined by the state board of education.

3. Beginning with fiscal year 1994 and for all fiscal years thereafter, two million dollars of the moneys appropriated to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, exclusive of categorical add-ons, shall be distributed in grant awards by the state board of education, by rule and regulation, for the "Success Leads to Success" grant program, which is hereby created. The

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purpose of the success leads to success grant program shall be to recognize, disseminate and exchange information about the best professional teaching practices and programs in the state that address student needs, and to encourage the staffs of schools with these practices and programs to develop school-to-school networks to share these practices and programs.

4. The department shall include a listing of all expenditures under this section in the annual budget documentation presented to the governor and general assembly.

5. Prior to distributing any funds under subsection 2 of this section, the commissioner of education shall appear before the joint committee on education and present a proposed delineation of the programs to be funded under the provisions of subsection 2 of this section. The joint committee shall review all proposed spending under subsection 2 of this section and shall affirm, by a majority vote of all members serving on the committee, the spending proposal of the commissioner prior to any disbursement of funds under subsection 2 of this section.

6. If any provision of subdivision (11) of subsection 4 of section 160.254 or any provision of subsection 2 or 5 of this section regarding approval of disbursements by the joint committee on education is held to be invalid for any reason, then such decision shall invalidate subsection 2 of this section in its entirety.

**160.572. PARTICIPATION IN ACT WORKKEYS ASSESSMENT IN LIEU OF ACT ASSESSMENT OR ACT PLUS WRITING ASSESSMENT, WHEN. — 1. For purposes of this section, the following terms mean:**

- (1) "ACT assessment", the ACT assessment or the ACT Plus Writing assessment;
- (2) "WorkKeys", the ACT WorkKeys assessments required for the National Career Readiness Certificate.

2. (1) In any school year in which the department of elementary and secondary education directs a state-funded census administration of the ACT assessment to any group of students, any student who would be allowed or required to participate in the census administration shall receive the opportunity, on any date within three months before the census administration, to participate in a state-funded administration of WorkKeys.

(2) Any student who participated in a state-funded administration of WorkKeys as described under subdivision (1) of this subsection shall not participate in any state-funded census administration of the ACT assessment.

(3) The department of elementary and secondary education shall not require school districts or charter schools to administer the ACT assessment to any student who participated in a state-funded administration of WorkKeys as described under subdivision (1) of this subsection.

3. (1) In any school year in which a school district directs the administration of the ACT assessment to any group of its students to be funded by the district, any student who would be allowed or required to participate in the district-funded administration shall receive the opportunity, on any date within three months before the administration, to participate in an administration of WorkKeys funded by the school district.

(2) Nothing in this section shall require a school district to fund the administration of the ACT assessment to any student who participated in a district-funded administration of WorkKeys as described under subdivision (1) of this subsection.

**161.026. TEACHER REPRESENTATIVE ON STATE BOARD OF EDUCATION, QUALIFICATIONS, TERM, VACANCY — EXPIRATION DATE. — 1. Notwithstanding the provisions of section 161.032 or any other provision of law, the governor shall, by and with the advice and consent**

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of the senate, appoint a teacher representative to the state board of education, who shall attend all meetings and participate in all deliberations of the board. The teacher representative shall not have the right to vote on any matter before the board or be counted in establishing a quorum under section 161.082.

2. The teacher representative shall be an active classroom teacher. For purposes of this section, "active classroom teacher" means a resident of the state of Missouri who is a full-time teacher with at least five years of teaching experience in the state of Missouri, who is certified to teach under the laws governing the certification of teachers in Missouri, and who is not on leave at the time of the appointment to the position of teacher representative. The teacher representative shall have the written support of the local school board prior to accepting the appointment.

3. The term of the teacher representative shall be four years, and appointments made under this section shall be made in rotation from each congressional district beginning with the first congressional district and continuing in numerical order.

4. If a vacancy occurs for any reason in the position of teacher representative, the governor shall appoint, by and with the advice and consent of the senate, a replacement for the unexpired term. Such replacement shall be a resident of the same congressional district as the teacher representative being replaced, shall meet the qualifications set forth under subsection 2 of this section, and shall serve until his or her successor is appointed and qualified.

5. If the teacher representative ceases to be an active classroom teacher, as defined under subsection 2 of this section, or fails to follow the board's attendance policy, the teacher representative's position shall immediately become vacant unless an absence is caused by sickness or some accident preventing the representative's arrival at the time and place appointed for the meeting.

6. The teacher representative shall receive the same reimbursement for expenses as members of the state board of education receive under section 161.022.

7. At no time shall more than one nonvoting member serve on the state board of education.

8. The provisions of this section shall expire on August 28, 2026.

**161.072. MEETINGS OF BOARD — RECORDS, ELECTRONIC AVAILABILITY, WHEN — CLOSED MEETINGS TO TEACHER REPRESENTATIVE, WHEN. — 1.** The state board of education shall meet semiannually in December and in June in Jefferson City. Other meetings may be called by the president of the board on seven days' written notice to the members. In the absence of the president, the commissioner of education shall call a meeting on request of three members of the board, and if both the president and the commissioner of education are absent or refuse to call a meeting, any three members of the board may call a meeting by similar notices in writing. The business to come before the board shall be available by free electronic record at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available by free electronic media within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members of the board by the staff shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010 and are not permitted to be closed under section 610.021, shall be made available by free electronic media at least five business days in advance of the meeting.

**2. Upon an affirmative vote of the members of the board who are present and who are not teacher representatives, a given meeting closed under sections 610.021 and 610.022 shall be closed to the teacher representative.**

**161.094. EXAMINATIONS FOR HIGH SCHOOL EQUIVALENCY CERTIFICATE, WHAT TESTS ACCEPTABLE. — 1.** The department of elementary and secondary education shall provide for examination of such applicants at least twice each year at places reasonably convenient for the applicants. The examination shall be designed to test the applicant's knowledge of subject matter usually presented in the courses required to be successfully completed by those graduating from the public high schools of the state. The certificate of equivalence may also be issued on the basis of test scores certified to the state board of education by the United States Armed Forces Institute, or a similar agency approved by the state board of education.

**2. At each place of examination established by the department of elementary and secondary education in accordance with subsection 1 of this section, each applicant shall be given the option of voluntarily submitting his or her contact information for the purposes of evaluating the college and career placement rates of high school equivalency certificate applicants. The department of elementary and secondary education shall not maintain the contact information of any applicant for longer than a period of two years, beginning on the date of examination.**

**161.095. FEE FOR EXAMINATION — SUBSIDIZED WHEN. —** The state board of education may charge an examination fee of each applicant to cover the cost of administering the program. **Subject to appropriation, the department of elementary and secondary education shall subsidize the examination fee for first-time examination takers.**

**161.106. CAREER AND STUDENT ORGANIZATIONS' ACTIVITIES, DEPARTMENT TO PROVIDE STAFFING SUPPORT — HANDLING OF ORGANIZATION FUNDS. — 1.** The department of elementary and secondary education shall provide staffing support including but not limited to statewide coordination for career and technical student organizations' activities that are an integral part of the instructional educational curriculum for career and technical education programs approved by the department. Such career and technical organizations shall include, but not be limited to, the nationally recognized organizations of DECA, FBLA, FFA, FCCLA, HOSA, SkillsUSA, and TSA.

**2.** The department of elementary and secondary education shall ~~continue to~~ handle the funds from the **career and technical student** organizations ~~[in the same manner as it did during school year 2011-12]~~, with department personnel maintaining responsibility for the receipt and disbursement of funds. The department may ensure accountability and transparency by requiring the career and technical student organizations to provide sworn affidavits annually by personnel in the organization who are responsible for such funds as to the proper receipt and disbursement of such funds.

**161.670. COURSE ACCESS AND VIRTUAL SCHOOL PROGRAM ESTABLISHED, ELIGIBILITY FOR ENROLLMENT — STATE AID CALCULATION — ENROLLMENT PROCESS, PAYMENT BY DISTRICT — DEPARTMENT DUTIES, ANNUAL REPORT — RULEMAKING AUTHORITY. — 1.** Notwithstanding any other law, prior to July 1, 2007, the state board of education shall establish ~~[a virtual public school]~~ **the "Missouri Course Access and Virtual School Program"** to serve school-age students residing in the state. The ~~[virtual public school]~~ **Missouri course access and virtual school program shall offer instruction in a virtual setting using technology, intranet,**

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and/or internet methods of communication. Any student under the age of twenty-one in grades kindergarten through twelve who resides in this state shall be eligible to enroll in the ~~[virtual public school regardless of the student's physical location]~~ **Missouri course access and virtual school program pursuant to subsection 3 of this section.**

2. For purposes of calculation and distribution of state school aid, students enrolled in ~~[a virtual public school]~~ **the Missouri course access and virtual school program** shall be included~~[- at the choice of the student's parent or guardian,]~~ in the student enrollment of the school district in which the student physically ~~[resides]~~ **is enrolled under subsection 3 of this section.** The ~~[virtual public school]~~ **Missouri course access and virtual school program** shall report to the district of residence the following information about each student served by the ~~[virtual public school]~~ **Missouri course access and virtual school program:** name, address, eligibility for free or reduced-price lunch, limited English proficiency status, special education needs, and the number of courses in which the student is enrolled. The ~~[virtual public school]~~ **Missouri course access and virtual school program** shall promptly notify the resident district when a student discontinues enrollment. A "full-time equivalent student" is a student who successfully has completed the instructional equivalent of six credits per regular term. Each ~~[virtual]~~ **Missouri course access and virtual school program** course shall count as one class and shall generate that portion of a full-time equivalent that a comparable course offered by the school district would generate. In no case shall more than the full-time equivalency of a regular term of attendance for a single student be used to claim state aid. Full-time equivalent student credit completed shall be reported to the department of elementary and secondary education in the manner prescribed by the department. Nothing in this section shall prohibit students from enrolling in additional courses under a separate agreement that includes terms for paying tuition or course fees.

3. ~~[When a school district has one or more resident students enrolled in a virtual public school program authorized by this section, whose parent or guardian has chosen to include such student in the district's enrollment, the department of elementary and secondary education shall disburse an amount corresponding to fifteen percent of the state aid under sections 163.031 and 163.043 attributable to such student to the resident district. Subject to an annual appropriation by the general assembly, the department shall disburse an amount corresponding to eighty five percent of the state adequacy target attributable to such student to the virtual public school.]~~

4-] (1) A school district or charter school shall allow any eligible student who resides in such district to enroll in Missouri course access and virtual school program courses of his or her choice as a part of the student's annual course load each school year or a full-time virtual school option, with any costs associated with such course or courses to be paid by the school district or charter school if:

(a) The student is enrolled full-time in and has attended, for at least one semester immediately prior to enrolling in the Missouri course access and virtual school program, a public school, including any charter school; except that, no student seeking to enroll in Missouri course access and virtual school program courses under this subdivision shall be required to have attended a public school during the previous semester if the student has a documented medical or psychological diagnosis or condition that prevented the student from attending a school in the community during the previous semester; and

(b) Prior to enrolling in any Missouri course access and virtual school program course, a student has received approval from his or her school district or charter school through the procedure described under subdivision (2) of this subsection.

(2) Each school district or charter school shall adopt a policy that delineates the process by which a student may enroll in courses provided by the Missouri course access and virtual

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school program that is substantially similar to the typical process by which a district student would enroll in courses offered by the school district and a charter school student would enroll in courses offered by the charter school. The policy may include consultation with the school's counselor and may include parental notification or authorization. School counselors shall not be required to approve or disapprove a student's enrollment in the Missouri course access and virtual school program. If the school district or charter school disapproves a student's request to enroll in a course or courses provided by the Missouri course access and virtual school program, including full-time enrollment in courses provided by the Missouri course access and virtual school program, the reason shall be provided in writing and it shall be for "good cause". "Good cause" justification to disapprove a student's request for enrollment in a course shall be a determination that doing so is not in the best educational interest of the student. In cases of denial by the school district or charter school, local education agencies shall inform the student and the student's family of their right to appeal any enrollment denial in the Missouri course access and virtual school program to the local school district board or charter school governing body where the family shall be given an opportunity to present their reasons for their child or children to enroll in the Missouri course access and virtual school program in an official school board meeting. In addition, the school district or charter school administration shall provide its "good cause" justification for denial at a school board meeting or governing body meeting. Both the family and school administration shall also provide their reasons in writing to the members of the school board or governing body and the documents shall be entered into the official board minutes. The members of the board or governing body shall issue their decision in writing within thirty calendar days, and then an appeal may be made to the department of elementary and secondary education, which shall provide a final enrollment decision within seven calendar days.

(3) For students enrolled in any Missouri course access and virtual school program course in which costs associated with such course are to be paid by the school district or charter school as described under subdivision (1) of this subsection, the school district or charter school shall pay the content provider directly on a pro rata monthly basis based on a student's completion of assignments and assessments. If a student discontinues enrollment, the district or charter school may stop making monthly payments to the content provider. No school district or charter school shall pay, for any one course for a student, more than the market necessary costs but in no case shall pay more than fourteen percent of the state adequacy target, as defined under section 163.011, as calculated at the end of the most recent school year for any single, year-long course and no more than seven percent of the state adequacy target as described above for any single semester equivalent course. Payment for a full-time virtual school student shall not exceed the state adequacy target, unless the student receives additional federal or state aid. Nothing in this subdivision shall prohibit a school district or charter school from negotiating lower costs directly with course or full-time virtual school providers, particularly in cases where several students enroll in a single course or full-time virtual school.

(4) In the case of a student who is a candidate for A+ tuition reimbursement and taking a virtual course under this section, the school shall attribute no less than ninety-five percent attendance to any such student who has completed such virtual course.

(5) The Missouri course access and virtual school program shall ensure that individual learning plans designed by certified teachers and professional staff are developed for all

students enrolled in more than two full-time course access program courses or a full-time virtual school.

(6) The department shall monitor student success and engagement of students enrolled in their program and report the information to the school district or charter school. Providers and the department may make recommendations to the school district or charter school regarding the student's continued enrollment in the program. The school district or charter school shall consider the recommendations and evaluate the progress and success of enrolled students that are enrolled in any course or full-time virtual school offered under this section and may terminate or alter the course offering if it is found the course or full-time virtual school is not meeting the educational needs of the students enrolled in the course.

(7) School districts and charter schools shall monitor student progress and success, and course or full-time virtual school quality, and annually provide feedback to the department of elementary and secondary education regarding course quality.

(8) Pursuant to rules to be promulgated by the department of elementary and secondary education, when a student transfers into a school district or charter school, credits previously gained through successful passage of approved courses under the Missouri course access and virtual school program shall be accepted by the school district or charter school.

(9) Pursuant to rules to be promulgated by the department of elementary and secondary education, if a student transfers into a school district or charter school while enrolled in a Missouri course access and virtual school program course or full-time virtual school, the student shall continue to be enrolled in such course or school.

(10) Nothing in this section shall prohibit home school students, private school students, or students wishing to take additional courses beyond their regular course load from enrolling in Missouri course access and virtual school program courses under an agreement that includes terms for paying tuition or course fees.

(11) Nothing in this subsection shall require any school district, charter school, or the state to provide computers, equipment, or internet access to any student unless required by an eligible student with a disability to comply with federal law.

(12) The authorization process shall provide for continuous monitoring of approved providers and courses. The department shall revoke or suspend or take other corrective action regarding the authorization of any course or provider no longer meeting the requirements of the program. Unless immediate action is necessary, prior to revocation or suspension, the department shall notify the provider and give the provider a reasonable time period to take corrective action to avoid revocation or suspension. The process shall provide for periodic renewal of authorization no less frequently than once every three years.

(13) Courses approved as of August 28, 2018, by the department to participate in the Missouri virtual instruction program shall be automatically approved to participate in the Missouri course access and virtual school program, but shall be subject to periodic renewal.

(14) Any online course or virtual program offered by a school district or charter school, including those offered prior to August 28, 2018, which meets the requirements of section 162.1250 shall be automatically approved to participate in the Missouri course access and virtual school program. Such course or program shall be subject to periodic renewal. A school district or charter school offering such a course or virtual school program shall be deemed an approved provider.

4. School districts or charter schools shall inform parents of their child's right to participate in the program. Availability of the program shall be made clear in the parent

handbook, registration documents, and featured on the home page of the school district or charter school's website.

5. The department shall:

(1) Establish an authorization process for course or full-time virtual school providers that includes multiple opportunities for submission each year;

(2) Pursuant to the time line established by the department, authorize course or full-time virtual school providers that:

(a) Submit all necessary information pursuant to the requirements of the process; and

(b) Meet the criteria described in subdivision (3) of this subsection;

(3) Review, pursuant to the authorization process, proposals from providers to provide a comprehensive, full-time equivalent course of study for students through the Missouri course access and virtual school program. The department shall ensure that these comprehensive courses of study align to state academic standards and that there is consistency and compatibility in the curriculum used by all providers from one grade level to the next grade level;

(4) Within thirty days of any denial, provide a written explanation to any course or full-time virtual school providers that are denied authorization.

6. If a course or full-time virtual school provider is denied authorization, the course provider may reapply at any point in the future.

7. The department shall publish the process established under this section, including any deadlines and any guidelines applicable to the submission and authorization process for course or full-time virtual school providers on its website.

8. If the department determines that there are insufficient funds available for evaluating and authorizing course or full-time virtual school providers, the department may charge applicant course or full-time virtual school providers a fee up to, but no greater than, the amount of the costs in order to ensure that evaluation occurs. The department shall establish and publish a fee schedule for purposes of this subsection.

9. Except as specified in this section and as may be specified by rule of the state board of education, the ~~virtual public school~~ **Missouri course access and virtual school program** shall comply with all state laws and regulations applicable to school districts, including but not limited to the Missouri school improvement program (MSIP), ~~adequate yearly progress (AYP),~~ annual performance report (APR), teacher certification, and curriculum standards.

~~5-]~~ 10. The department shall submit and publicly publish an annual report on the Missouri course access and virtual school program and the participation of entities to the governor, the chair and ranking member of the senate education committee, and the chair and ranking member of the house of representative elementary and secondary education committee. The report shall at a minimum include the following information:

(1) The annual number of unique students participating in courses authorized under this section and the total number of courses students are enrolled in;

(2) The number of authorized providers;

(3) The number of authorized courses and the number of students enrolled in each course;

(4) The number of courses available by subject and grade level;

(5) The number of students enrolled in courses broken down by subject and grade level;

(6) Student outcome data, including completion rates, student learning gains, student performance on state or nationally accepted assessments, by subject and grade level per provider. **This outcome data shall be published in a manner that protects student privacy;**

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(7) The costs per course;

(8) Evaluation of in-school course availability compared to course access availability to ensure gaps in course access are being addressed statewide.

11. The department shall be responsible for creating the Missouri course access and virtual school program catalog providing a listing of all courses authorized and available to students in the state, detailed information, including costs per course, about the courses to inform student enrollment decisions, and the ability for students to submit their course enrollments.

12. The state board of education through the rulemaking process and the department of elementary and secondary education in its policies and procedures shall ensure that multiple content providers and learning management systems are allowed, ensure digital content conforms to accessibility requirements, provide an easily accessible link for providers to submit courses or full-time virtual schools on the Missouri course access and virtual school program website, and allow any person, organization, or entity to submit courses or full-time virtual schools for approval. No content provider shall be allowed that is unwilling to accept payments in the amount and manner as described under subdivision (3) of subsection 3 of this section or does not meet performance or quality standards adopted by the state board of education.

[6.] 13. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

**162.064. BUS DRIVERS, MEDICAL ENDORSEMENT REQUIRED, WHEN.** — Each school district shall have on file a statement from a medical examiner which indicates that the driver is physically qualified to operate a school bus for the purpose of transporting pupils. Such statement shall be made on ~~[an annual]~~ a biennial basis. The term "medical examiner" includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. For new drivers, such statement shall be on file prior to the driver's initial operation of a school bus. This section shall apply to drivers employed by the school district or under contract with the school district.

**162.401. TREASURER'S BOND.** — The treasurer, before entering upon the discharge of his duties, shall enter into a bond to the state of Missouri, with ~~[two]~~ one or more sureties, to be approved by the board, conditioned that he will render a faithful and just account of all money that comes into his hands as treasurer, and otherwise perform the duties of his office according to law. The bond shall be filed with the secretary of the board. The treasurer shall be the custodian of all school moneys derived from taxation for school purposes in the district until paid out on the order of the board, and on breach of the conditions of the bond, the secretary of the board, or any resident of the school district, may cause suit to be brought thereon. The suit shall be prosecuted in the name of the state of Missouri, at the relation and to the use of the proper school district.

**162.720. GIFTED CHILDREN, DISTRICT MAY ESTABLISH PROGRAMS FOR — STATE BOARD TO APPROVE — REVIEW OF DECISIONS — IMMUNITY FROM LIABILITY, WHEN.** — 1. Where a

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sufficient number of children are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, districts may establish special programs for such gifted children.

2. The state board of education shall determine standards for such programs. Approval of such programs shall be made by the state department of elementary and secondary education based upon project applications submitted by July fifteenth of each year.

3. No district shall make a determination as to whether a child is gifted based on the child's participation in an advanced placement course or international baccalaureate course. Districts shall determine a child is gifted only if the child meets the definition of gifted children as provided in section 162.675.

**4. Any district with a gifted education program approved under subsection 2 of this section shall have a policy, approved by the board of education of the district, that establishes a process that outlines the procedures and conditions under which parents or guardians may request a review of the decision that determined that their child did not qualify to receive services through the district's gifted education program.**

**5. School districts and school district employees shall be immune from liability for any and all acts or omissions relating to the decision that a child did not qualify to receive services through the district's gifted education program.**

**162.722. ACCELERATION OF STUDENTS, SUBJECT OR WHOLE GRADE, WHEN. — 1. Each school district shall establish a policy, approved by the board of education of the district, that allows acceleration for students who demonstrate:**

- (1) Advanced performance or potential for advanced performance; and**
- (2) The social and emotional readiness for acceleration.**

**2. The policy shall allow, for students described in this section, at least the following types of acceleration:**

- (1) Subject acceleration; and**
- (2) Whole grade acceleration.**

**162.1475. DATA BREACH, PROCEDURES. — 1. "Personal information" shall have the same meaning as defined in section 407.1500.**

**2. In the event of a breach of data maintained in electronic form that includes personal information of a student, a school district shall send written notification to the parent or legal guardian of an affected student.**

**3. Notification of a breach of personal information of a student shall also be sent to the department of elementary and secondary education and the state auditor.**

**163.018. EARLY CHILDHOOD EDUCATION PROGRAMS, PUPILS INCLUDED IN AVERAGE DAILY ATTENDANCE CALCULATION, WHEN. — 1. (1) Notwithstanding the definition of "average daily attendance" in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced price lunch and attend an early childhood education program that is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education shall be included in the district's or charter school's calculation of average daily attendance. The total number of such pupils included in the district's or charter school's calculation of average daily attendance shall not exceed four percent of the total number**

of pupils who are eligible for free and reduced price lunch between the ages of five and eighteen who are included in the district's or charter school's calculation of average daily attendance.

**(2) If a pupil described under subdivision (1) of this subsection leaves an early childhood education program during the school year, a district or charter school shall be allowed to fill the vacant enrollment spot with another pupil between the ages of three and five who is eligible for free and reduced price lunch without affecting the district's or charter school's calculation of average daily attendance.**

~~2. (1) For any district that has been declared unaccredited by the state board of education and remains unaccredited as of July 1, 2015, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable during the 2015-16 school year.~~

~~(2) For any district that is declared unaccredited by the state board of education after July 1, 2015, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable immediately upon such declaration.~~

~~(3) For any district that has been declared provisionally accredited by the state board of education and remains provisionally accredited as of July 1, 2016, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable beginning in the 2016-17 school year.~~

~~(4) For any district that is declared provisionally accredited by the state board of education after July 1, 2016, and for any charter school located in said district, the provisions of this section shall become applicable beginning in the 2016-17 school year or immediately upon such declaration, whichever is later.~~

~~(5) For all other districts and charter schools, the provisions of subsection 1 of this section shall become effective in any school year subsequent to a school year in which the amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, and shall remain effective in all school years thereafter, irrespective of the amount appropriated for subsections 1 and 2 of section 163.031 in any succeeding year.~~

~~3.] This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.~~

**163.021. ELIGIBILITY FOR STATE AID, REQUIREMENTS — EVALUATION OF CORRELATION OF RATES AND ASSESSED VALUATION, REPORT, CALCULATION — FURTHER REQUIREMENTS — EXCEPTION — OPERATING LEVY LESS THAN PERFORMANCE LEVY, REQUIREMENTS. — 1.** A school district shall receive state aid for its education program only if it:

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033. **In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance with no minimum number of school days shall**

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Matter in bold-face type is proposed language.

**be required for each pupil or group of pupils; except that, the board shall provide a minimum of five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils with no minimum number of school days;**

(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111 for districts;

(3) Levies an operating levy for school purposes of not less than one dollar and twenty-five cents after all adjustments and reductions on each one hundred dollars assessed valuation of the district; **and**

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.

2. For the 2006-07 school year and thereafter, no school district shall receive more state aid, as calculated under subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all adjustments and reductions. Any district which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of Article X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution.

3. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-94, if the state board of education determines that the district was not in compliance in the preceding school year with the requirements of section 163.172, until such time as the board determines that the district is again in compliance with the requirements of section 163.172.

4. No school district shall receive state aid, pursuant to section 163.031, if such district was not in compliance, during the preceding school year, with the requirement, established pursuant to section 160.530 to allocate revenue to the professional development committee of the district.

5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, if the district did not comply in the preceding school year with the requirements of subsection 5 of section 163.031.

6. Any school district that levies an operating levy for school purposes that is less than the performance levy, as such term is defined in section 163.011, shall provide written notice to the department of elementary and secondary education asserting that the district is providing an adequate education to the students of such district. If a school district asserts that it is not providing an adequate education to its students, such inadequacy shall be deemed to be a result of insufficient local effort. The provisions of this subsection shall not apply to any special district established under sections 162.815 to 162.940.

**163.073. AID FOR PROGRAMS PROVIDED BY THE DIVISION OF YOUTH SERVICES — AMOUNT, HOW DETERMINED — PAYMENT BY DISTRICT OF DOMICILE OF THE CHILD, AMOUNT. — 1.** When an education program, as approved under section 219.056, is provided for pupils by the division of youth services in one of the facilities operated by the division for children who have been assigned there by the courts, the division of youth services shall be entitled to state aid for pupils being educated by the division of youth services in an amount to be determined as follows: the total amount apportioned to the division of youth services shall be an amount equal to the average per weighted average daily attendance amount apportioned for the preceding school year under section 163.031, multiplied by the number of full-time equivalent students served by facilities operated by the division of youth services. The number of full-time equivalent students shall be determined by dividing by one hundred seventy-four days the number of student-days of education service provided by the division of youth services to elementary and secondary students who have been assigned to the division by the courts and who have been determined as inappropriate for attendance in a local public school. A student day shall mean one day of education services provided for one student. **In school year 2019-20 and subsequent years, the number of full-time equivalent students shall be the quotient of the number of student-hours of education service provided by the division of youth services to elementary and secondary students who have been assigned to the division by the courts, and who have been determined as inappropriate for attendance in a local public school, divided by one thousand forty-four hours. A student hour shall mean one hour of education services provided for one student.** In addition, other provisions of law notwithstanding, the division of youth services shall be entitled to funds under section 163.087. The number of full-time equivalent students as defined in this section shall be considered as "September membership" and as "average daily attendance" for the apportioning of funds under section 163.087.

2. The educational program approved under section 219.056 as provided for pupils by the division of youth services shall qualify for funding for those services provided to handicapped or severely handicapped children. The department of elementary and secondary education shall cooperate with the division of youth services in arriving at an equitable funding for the services provided to handicapped children in the facilities operated by the division of youth services.

3. Each local school district or special school district constituting the domicile of a child placed in programs or facilities operated by the division of youth services or residing in another district pursuant to assignment by the division of youth services shall pay toward the per pupil cost of educational services provided by the serving district or agency an amount equal to the average sum

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produced per child by the local tax effort of that district. A special school district shall pay the average sum produced per child by the local tax efforts of the component districts. This amount paid by the local school district or the special school district shall be on the basis of full-time equivalence as determined in section 163.011, not to exceed the actual per pupil local tax effort.

**167.121. ASSIGNMENT OF PUPIL TO ANOTHER DISTRICT — TUITION, HOW PAID, AMOUNT.** — ~~[1-]~~ If the residence of a pupil is so located that attendance in the district of residence constitutes an unusual or unreasonable transportation hardship because of natural barriers, travel time, or distance, the commissioner of education or his **or her** designee may assign the pupil to another district, **except as provided in section 167.125.** Subject to the provisions of this section, all existing assignments shall be reviewed prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. **Any assignment granted to a pupil under this section prior to August 28, 2018, shall remain in effect until the pupil completes his or her course of study in the receiving district or until the parent or guardian withdraws the pupil from the assignment. Any assignment granted to a pupil under this section prior to August 28, 2018, shall also be applicable to any sibling of the pupil and shall remain in effect until the pupil completes his or her course of study in the receiving district or until the parent or guardian withdraws the pupil from the assignment.** The board of education of the district in which the pupil lives shall pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata cost of instruction.

~~[2- (1) For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a lapsed public school district or a district that has scored either unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual performance reports may enroll the parent's or guardian's child in the Missouri virtual school created in section 161.670 provided the pupil first enrolls in the school district of residence. The school district of residence shall include the pupil's enrollment in the virtual school created in section 161.670 in determining the district's average daily attendance. Full-time enrollment in the virtual school shall constitute one average daily attendance equivalent in the school district of residence. Average daily attendance for part-time enrollment in the virtual school shall be calculated as a percentage of the total number of virtual courses enrolled in divided by the number of courses required for full-time attendance in the school district of residence.~~

~~(2) A pupil's residence, for purposes of this section, means residency established under section 167.020. Except for students residing in a K-8 district attending high school in a district under section 167.131, the board of the home district shall pay to the virtual school the amount required under section 161.670.~~

~~(3) Nothing in this section shall require any school district or the state to provide computers, equipment, internet or other access, supplies, materials or funding, except as provided in this section, as may be deemed necessary for a pupil to participate in the virtual school created in section 161.670.~~

~~(4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.]~~

**167.125. ASSIGNMENT OF CERTAIN STUDENTS TO ANOTHER DISTRICT, PROCEDURE — TUITION — TRANSPORTATION ROUTES. (ST. ELIZABETH AND ST. ALBANS). — 1. (1) For the purposes of this section, the term "attendance center" shall mean a public school building or buildings or part of a school building that constitutes one unit for accountability purposes under the Missouri school improvement program.**

**(2) For any pupil residing in any unincorporated area located in any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants that also borders on any county with a charter form of government and with more than nine hundred fifty thousand inhabitants and any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, and for any pupil residing in any village with more than three hundred twenty but fewer than three hundred sixty inhabitants and located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a village with more than two hundred but fewer than two hundred fifty inhabitants as the county seat, the commissioner of education or his or her designee shall, upon proper application by the parent or guardian of the pupil, assign the pupil and any sibling of the pupil to another school district if the pupil is eligible as described under subsection 2 of this section and the following conditions are met:**

**(a) The actual driving distance from the pupil's residence to the attendance center in the district of residence is fifteen miles or more by the shortest route available as determined by the commissioner or his or her designee;**

**(b) The attendance center to which the pupil would be assigned in the receiving district is at least five miles closer in actual driving distance by the shortest route available to the pupil's residence than the current attendance center in the district of residence as determined by the commissioner or his or her designee; and**

**(c) The attendance of the pupil will not cause the classroom in the receiving district to exceed the maximum number of pupils per class as determined by the receiving district.**

**2. (1) For pupils applying to the commissioner of education under this section, the commissioner, or his or her designee, shall assign pupils in the order in which applications are received, provided the applications are properly completed and the conditions of subsection 1 of this section are met.**

**(2) Once granted, the hardship assignment shall continue until the pupil, and any sibling of the pupil who attends the same attendance center, completes his or her course of study in the receiving district or the parent or guardian withdraws the pupil. If a parent or guardian withdraws a pupil from a hardship assignment, the granting of a subsequent application is discretionary.**

**(3) A pupil shall be eligible to apply to the commissioner of education to be assigned to another district under this section if the pupil has been enrolled in and attending a public school in his or her district of residence during the school year prior to the application. Any pupil shall be eligible to apply to the commissioner of education to be assigned to another district under this section if the pupil has been enrolled in and attending a public school in a district other than his or her district of residence and paid nonresident tuition for such enrollment during the school year prior to the application. Pupils who reside in the district who become eligible for kindergarten or first grade shall also be eligible to apply to the commissioner of education to be assigned to another district.**

(4) A pupil who is not currently enrolled in a public school district shall become eligible to apply to the commissioner of education to be assigned to another district after the pupil has enrolled in and completed a full school year in a public school in his or her district of residence.

3. The board of education of the district in which the pupil resides shall pay the tuition of the pupil assigned. The tuition amount shall not exceed the pro rata cost of instruction. However, if the tuition of the receiving district is greater than the tuition of the pupil's district of residence, the pupil's parent or guardian shall pay the difference in tuition.

4. A receiving district shall not be required to alter its transportation route to accommodate pupils that are assigned to the receiving district under the provisions of this section.

**167.225. DEFINITIONS — INSTRUCTION IN BRAILLE FOR VISUALLY IMPAIRED STUDENTS — TEACHER CERTIFICATION.** — 1. As used in this section, the following terms mean:

(1) ["Blind persons", individuals who:  
 (a) Have a visual acuity of 20/200 or less in the better eye with conventional correction, or have a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees; or  
 (b) Have a reasonable expectation of visual deterioration; or  
 (c) Cannot read printed material at a competitive rate of speed and with facility due to lack of visual acuity;

(2) "Braille", the system of reading and writing through touch [commonly known as standard English braille];

~~[(3)]~~ (2) "Student", any student who [is blind or any student eligible for special education services for visually impaired as defined in P.L. 94-142] **has an impairment in vision that, even with correction, adversely affects a child's educational performance and who is determined eligible for special education services under the Individuals with Disabilities Education Act.**

2. All students ~~[may]~~ **shall** receive instruction in braille reading and writing as part of their individualized education plan **unless the individual education program team determines, after an evaluation of a student's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the student's future needs for instruction in braille or the use of braille, that instruction in braille or the use of braille is not appropriate.** No student shall be denied ~~[the opportunity of]~~ instruction in braille reading and writing solely because the student has some remaining vision.

3. Instruction in braille reading and writing shall be sufficient to enable each student to communicate effectively and efficiently at a level commensurate with ~~[his]~~ **the student's** sighted peers of comparable grade level and intellectual functioning. The student's individualized education plan shall specify:

(1) How braille will be implemented as the primary mode for learning through integration with normal classroom activities. If braille will not be provided to a child who is blind, the reason for not incorporating it in the individualized education plan shall be documented therein;

(2) The date on which braille instruction will commence;

(3) The level of competency in braille reading and writing to be achieved by the end of the period covered by the individualized education plan; and

(4) The duration of each session.

4. As part of the certification process, teachers certified in the education of blind and visually impaired children shall be required to demonstrate competence in reading and writing braille. The

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department of elementary and secondary education shall adopt assessment procedures to assess such competencies which are consistent with standards adopted by the National Library Service for the Blind and Physically Handicapped, Library of Congress, Washington, D. C.

**167.266. ACADEMIC AND CAREER COUNSELING PROGRAM — RULEMAKING AUTHORITY.**

— 1. Beginning with the 2018-19 school year, the board of education of a school district or a charter school that is a local educational agency may establish an academic and career counseling program in cooperation with parents and the local community that is in the best interest of and meets the needs of students in the community. School districts and local educational agencies may use the Missouri comprehensive school counseling program as a resource for the development of a district's or local educational agency's program. The department of elementary and secondary education shall develop a process for recognition of a school district's academic and career counseling program established in cooperation with parents and the local community no later than January 1, 2019.

2. The state board of education shall promulgate rules and regulations for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**167.637. INFLUENZA AND INFLUENZA VACCINATION INFORMATION, PROVIDED WHEN. —**

If the local board of education of a school district provides information on immunizations, infectious diseases, medications, or other school health issues to parents and guardians of students in a grade or grades not lower than kindergarten nor higher than the twelfth grade, the board shall include information that is identical or similar to that produced by the Centers for Disease Control and Prevention about influenza and influenza vaccinations.

**167.902. CRITICAL NEED OCCUPATIONS, DATA AND INFORMATION DISTRIBUTION. — 1.**

The department of economic development shall annually identify occupations in which a critical need or shortage of trained personnel exists in the labor markets in this state and provide such information to the state board of education. Upon receipt of such data, the state board of education shall, in collaboration with the department of economic development, compile the following data and information:

- (1) Information on how to obtain industry-recognized certificates and credentials;
- (2) Information on how to obtain a license and the requirements for a license when licensure is required for an occupation;
- (3) Access to assessments and interest inventories that provide insight into the types of careers that would be suitable for students;
- (4) Resources that describe the types of skills and occupations most in demand in the current job market and those skills and occupations likely to be in high demand in future years;
- (5) Resources that describe the typical salaries for occupations and salary trends;
- (6) Information on how to obtain financial assistance for postsecondary education;

- (7) Information on how to choose a college, school, or apprenticeship that aligns with the student's career goals and values;
- (8) Information on self-employment;
- (9) Resources related to creating a resume, interviewing, networking, and finding job opportunities; and
- (10) Information on the skills and traits necessary to succeed in various careers.

2. The educational materials and data derived from the state board of education's collaboration with the department of economic development under subsection 1 of this section shall be distributed by the board to each high school in this state for the purpose of emphasizing areas of critical workforce needs and shortages in the labor markets in this state to high school students to support such students' career pathway decisions. Each high school shall provide its students with the information provided to the school by the state board of education before November first of every school year.

**167.910. CAREER READINESS COURSE TASK FORCE ESTABLISHED, PURPOSE, MEMBERS, MEETINGS, DUTIES — FINDINGS AND RECOMMENDATIONS. — 1.** There is hereby established the "Career Readiness Course Task Force" to explore the possibility of a course covering the topics described in this section being offered in the public schools to students in eighth grade or ninth grade. Task force members shall be chosen to represent the geographic diversity of the state. All task force members shall be appointed before October 31, 2018. The task force members shall be appointed as follows:

- (1) A parent of a student attending elementary school, appointed by the joint committee on education;
- (2) A parent of a student attending a grade not lower than the sixth nor higher than the eighth grade, appointed by the joint committee on education;
- (3) A parent of a student attending high school, appointed by the joint committee on education;
- (4) An elementary education professional from an accredited school district, appointed by the joint committee on education from names submitted by statewide education employee organizations;
- (5) Two education professionals giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade in accredited school districts, appointed by the joint committee on education from names submitted by statewide education employee organizations;
- (6) Two secondary education professionals from accredited school districts, appointed by the joint committee on education from names submitted by statewide education employee organizations;
- (7) A career and technical education professional who has experience serving as an advisor to a statewide career and technical education organization, appointed by a statewide career and technical education organization;
- (8) An education professional from an accredited technical high school, appointed by a statewide career and technical education organization;
- (9) A public school board member, appointed by a statewide association of school boards;
- (10) A secondary school principal, appointed by a statewide association of secondary school principals;

(11) A principal of a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of secondary school principals;

(12) An elementary school counselor, appointed by a statewide association of school counselors;

(13) Two school counselors from a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of school counselors;

(14) A secondary school counselor, appointed by a statewide association of school counselors;

(15) A secondary school career and college counselor, appointed by a statewide association of school counselors;

(16) An apprenticeship professional, appointed by the division of workforce development of economic development;

(17) A representative of Missouri Project Lead the Way, appointed by the statewide Project Lead the Way organization;

(18) A representative of the state technical college, appointed by the state technical college;

(19) A representative of a public community college, appointed by a statewide organization of community colleges; and

(20) A representative of a public four-year institution of higher education, appointed by the commissioner of higher education.

2. The members of the task force established under subsection 1 of this section shall elect a chair from among the membership of the task force. The task force shall meet as needed to complete its consideration of the course described in subsection 5 of this section and provide its findings and recommendations as described in subsection 6 of this section. Members of the task force shall serve without compensation. No school district policy or administrative action shall require any education employee member to use personal leave or incur a reduction in pay for participating on the task force.

3. The task force shall hold at least three public hearings to provide an opportunity to receive public testimony including, but not limited to, testimony from educators, local school boards, parents, representatives from business and industry, labor and community leaders, members of the general assembly, and the general public.

4. The department of elementary and secondary education shall provide such legal, research, clerical, and technical services as the task force may require in the performance of its duties.

5. The task force established under subsection 1 of this section shall consider a course that:

(1) Gives students an opportunity to explore various career and educational opportunities by:

(a) Administering career surveys to students and helping students use Missouri Connections to determine their career interests and develop plans to meet their career goals;

(b) Explaining the differences between types of colleges, including two-year and four-year colleges and noting the availability of registered apprenticeship programs as alternatives to college for students;

(c) Describing technical degrees offered by colleges;

(d) Explaining the courses and educational experiences offered at community colleges;

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(e) Describing the various certificates and credentials available to earn at the school or other schools including, but not limited to, career and technical education certificates described under section 170.029 and industry-recognized certificates and credentials;

(f) Advising students of any advanced placement courses that they may take at the school;

(g) Describing any opportunities at the school for dual enrollment;

(h) Advising students of any Project Lead the Way courses offered at the school and explaining how Project Lead the Way courses help students learn valuable skills;

(i) Informing students of the availability of funding for postsecondary education through the A+ schools program described under section 160.545;

(j) Describing the availability of virtual courses;

(k) Describing the types of skills and occupations most in demand in the current job market and those skills and occupations likely to be in high demand in future years;

(l) Describing the typical salaries for occupations, salary trends, and opportunities for advancement in various occupations;

(m) Emphasizing the opportunities available in careers involving science, technology, engineering, and math;

(n) Advising students of the resources offered by workforce or job centers;

(o) Preparing students for the ACT assessment or the ACT WorkKeys assessments required for the National Career Readiness Certificate;

(p) Administering a practice ACT assessment or practice ACT WorkKeys assessments required for the National Career Readiness Certificate to students;

(q) Advising students of opportunities to take the SAT and the Armed Services Vocational Aptitude Battery;

(r) Administering a basic math test to students so that they can assess their math skills;

(s) Administering a basic writing test to students so that they can assess their writing skills;

(t) Helping each student prepare a personal plan of study that outlines a sequence of courses and experiences that concludes with the student reaching his or her postsecondary goals; and

(u) Explaining how to complete college applications and the Free Application for Federal Student Aid;

(2) Focuses on career readiness and emphasizes the importance of work ethic, communication, collaboration, critical thinking, and creativity;

(3) Demonstrates that graduation from a four-year college is not the only pathway to success by describing to students at least sixteen pathways to success in detail and including guest visitors who represent each pathway described. In exploring how these pathways could be covered in the course, the task force shall consider how instructors for the course may be able to rely on assistance from Missouri's career pathways within the department of elementary and secondary education;

(4) Provides student loan counseling; and

(5) May include parent-student meetings.

6. Before December 1, 2019, the task force established under subsection 1 of this section shall present its findings and recommendations to the speaker of the house of representatives, the president pro tempore of the senate, the joint committee on education, and the state board of education. Upon presenting the findings and recommendations as **described in this subsection, the task force shall dissolve.**

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**168.024. LOCAL BUSINESS EXTERNSHIP, COUNT AS CONTACT HOURS OF PROFESSIONAL DEVELOPMENT.** — 1. For purposes of this section, "local business externship" means an experience in which a teacher, supervised by his or her school or school district, gains practical experience at a business in the local community in which the teacher is employed through observation and interaction with employers and employees who are working on issues related to subjects taught by the teacher.

2. Any hours spent in a local business externship shall count as contact hours of professional development under section 168.021.

**170.015. HUMAN SEXUALITY AND SEXUALLY TRANSMITTED DISEASES, INSTRUCTION IN, REQUIREMENTS — POLICIES, SCHOOL BOARDS' DUTIES — CERTAIN COURSE MATERIALS ON HUMAN SEXUALITY PROHIBITED, WHEN.** — 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) Present students with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present students with information on contraceptives and pregnancy in a manner consistent with the provisions of the federal abstinence education law, 42 U.S.C. Section 710;

(4) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan;

(5) Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

(6) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory rape;

(7) Teach pupils about the dangers of sexual predators, including online predators when using electronic communication methods such as the internet, cell phones, text messages, chat rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly and remain safe on the internet and the importance of having open communication with responsible

adults and reporting any inappropriate situation, activity, or abuse to a responsible adult, and depending on intent and content, to local law enforcement, the Federal Bureau of Investigation, or the National Center for Missing & Exploited Children's CyberTipline; ~~and~~

(8) Teach pupils about the consequences, both personal and legal, of inappropriate text messaging, even among friends; **and**

**(9) Teach pupils about sexual harassment, sexual violence, and consent:**

**(a) For the purposes of this subdivision, the term "consent" shall mean a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent;**

**(b) For the purposes of this subdivision, the term "sexual harassment" shall mean uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate;**

**(c) For the purposes of this subdivision, the term "sexual violence" shall mean causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent.**

2. Policies concerning referrals and parental notification regarding contraception shall be determined by local school boards or charter schools, consistent with the provisions of section 167.611.

3. A school district or charter school which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district or charter school shall determine the specific content of the district's or school's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. A school district or charter school shall notify the parent or legal guardian of each student enrolled in the district or school of:

(1) The basic content of the district's or school's human sexuality instruction to be provided to the student; and

(2) The parent's right to remove the student from any part of the district's or school's human sexuality instruction.

6. A school district or charter school shall make all curriculum materials used in the district's or school's human sexuality instruction available for public inspection pursuant to chapter 610 prior to the use of such materials in actual instruction.

7. No school district or charter school, or its personnel or agents, shall provide abortion services, or permit a person or entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students if such person or entity is a provider of abortion services.

8. As used in this section, the following terms mean:

(1) "Abortion", the same meaning as such term is defined in section 188.015;

(2) "Abortion services":

(a) Performing, inducing, or assisting in the performance or inducing of an abortion which is not necessary to save the life of the mother;

(b) Encouraging a patient to have an abortion or referring a patient for an abortion, which is not necessary to save the life of the mother; or

(c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion which is not necessary to save the life of the mother.

**171.031. BOARD TO PREPARE CALENDAR — MINIMUM TERM — OPENING DATES — EXEMPTIONS.** — 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, **days of planned attendance**, and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. **In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required for the school term with no minimum number of school days.** In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033. **In school year 2019-20 and subsequent years, such calendar shall include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined in subsection 1 of section 171.033, with no minimum number of make-up days.**

2. Each local school district may set its opening date each year, which date shall be no earlier than ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section.

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031 for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

~~[7. No school day for schools with a five day school week shall be longer than seven hours except for vocational schools which may adopt an eight hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county, and any school that adopts a four day school week in accordance with section 171.029.]~~

**171.033. MAKE-UP OF HOURS LOST OR CANCELLED, NUMBER REQUIRED — EXEMPTION, WHEN — WAIVER FOR SCHOOLS, GRANTED WHEN.** — 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

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

2. **(1)** A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

**(2) Notwithstanding subdivision (1) of this subsection, in school year 2019-20 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.**

3. **(1)** In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

**(2) In school year 2019-20 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total make-up hours required by this section.**

4. The commissioner of education may provide, for any school district [~~in which schools are in session for twelve months of each calendar year~~] that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance **or, in school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance**, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather[, ~~flooding~~] or fire.

**173.1004. RULEMAKING AUTHORITY — BOARD AND DEPARTMENT OF ECONOMIC DEVELOPMENT TO PROVIDE INFORMATION TO COLLEGES AND UNIVERSITIES. — 1.** The coordinating board shall promulgate rules and regulations to ensure that each approved public higher education institution shall post on its website the names of all faculty, including adjunct, part-time, and full-time faculty, who are given full or partial teaching assignments along with web links or other means of providing information about their academic credentials and, where feasible, instructor ratings by students. In addition, public institutions of higher education shall post course schedules on their websites that include the name of the instructor assigned to each course and, if applicable, each section of a course, as well as identifying those instructors who are teaching assistants, provided that the institution may modify and update the identity of instructors as courses and sections are added or cancelled.

**2. The coordinating board for higher education and the department of economic development shall jointly provide the following information for each credential offered by a public institution of higher education:**

(1) Common areas of employment for people who have earned the credential, including estimates of the numbers and types of jobs available in the professions or industries in which people who have earned the credential usually work;

(2) The number and percentage of graduates who earned the credential who were employed within one year of graduation for the five most recent graduating classes and, for the graduates so employed, their average income, where such data are available and can be provided in a manner that protects the privacy of graduates;

(3) The number and percentage of graduates who earned the credential who were working in a field related to their educational program within one year of graduation for the five most recent graduating classes and, for the graduates so employed, their average income, where such data are available and can be provided in a manner that protects the privacy of graduates;

(4) The number and percentage of graduates who earned the credential who were working in any field of employment within one year of graduation for the five most recent graduating classes and, for the graduates so employed, their average income, where such data are available and can be provided in a manner that protects the privacy of graduates;

(5) The average income and salary range for each year of the five years immediately following graduation for graduates who were employed for at least five years following graduation but not more than ten years, where such data are available and can be provided in a manner that protects the privacy of graduates;

(6) The number of academic years likely required to earn the credential based on statistics for recent graduates;

(7) Estimated tuition and fees required to earn the credential based on any on-campus housing costs for the number of academic years likely required to earn the credential if the student chooses on-campus housing, the number of credit hours required to earn the credential, and the course materials likely required to earn the credential; and

(8) Other relevant information, including a description of the limitations of the data posted, as deemed necessary by the coordinating board for higher education and the department of economic development.

3. The information described under subsection 2 of this section shall appear on the public website of the public institution of higher education alongside its credential offerings and, if the institution currently publishes a course catalog, be published in the course catalog alongside its credential offerings on or before October 1, 2019.

4. Each public institution of higher education shall ensure that its website and course catalog, if the institution currently publishes a course catalog, contains the information described under subsection 2 of this section, subject to the provisions of subsection 3 of this section.

**302.272. SCHOOL BUS ENDORSEMENT, QUALIFICATIONS — GROUNDS FOR REFUSAL TO ISSUE OR RENEW ENDORSEMENT — RULEMAKING AUTHORITY — RECIPROCITY. — 1.** No person shall operate any school bus owned by or under contract with a public school or the state board of education unless such driver has qualified for a school bus endorsement under this section and complied with the pertinent rules and regulations of the department of revenue and any final rule issued by the secretary of the United States Department of Transportation or has a valid school bus endorsement on a valid commercial driver's license issued by another state. A school bus endorsement shall be issued to any applicant who meets the following qualifications:

(1) The applicant has a valid state license issued under this chapter;

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

(2) The applicant is at least twenty-one years of age; and

(3) The applicant has successfully passed an examination for the operation of a school bus as prescribed by the director of revenue. The examination shall include any examinations prescribed by the secretary of the United States Department of Transportation, and a driving test in the type of vehicle to be operated. The test shall be completed in the appropriate class of vehicle to be driven. For purposes of this section classes of school buses shall comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570). For drivers who are at least seventy years of age, such examination, **excluding the pre-trip inspection portion of the commercial driver's license skills test**, shall be completed annually **to retain the school bus endorsement**.

2. The director of revenue, to the best of the director's knowledge, shall not issue or renew a school bus endorsement to any applicant whose driving record shows that such applicant's privilege to operate a motor vehicle has been suspended, revoked or disqualified or whose driving record shows a history of moving vehicle violations.

3. The director may adopt any rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

4. Notwithstanding the requirements of this section, an applicant who resides in another state and possesses a valid driver's license from his or her state of residence with a valid school bus endorsement for the type of vehicle being operated shall not be required to obtain a Missouri driver's license with a school bus endorsement.

**304.060. SCHOOL BUSES AND OTHER DISTRICT VEHICLES, USE TO BE REGULATED BY BOARD — FIELD TRIPS IN COMMON CARRIERS, REGULATION AUTHORIZED — VIOLATION BY EMPLOYEE, EFFECT — DESIGN OF SCHOOL BUSES, REGULATED BY BOARD — ST. LOUIS COUNTY BUSES MAY USE WORD "SPECIAL".** — 1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

2. **Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri in an urban district containing the greater part of the population of a city**

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

which has more than three hundred thousand inhabitants may contract with any municipality, bi-state agency, or other governmental entity for the purpose of transporting school children attending a grade or grades not lower than the ninth nor higher than the twelfth grade, provided that such contract shall be for additional transportation services, and shall not replace or fulfill any of the school district's obligations pursuant to section 167.231. The school district may notify students of the option to use district contracted transportation services.

3. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

[3-] 4. Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word "special".

~~[171.029. FOUR-DAY SCHOOL WEEK AUTHORIZED — CALENDAR TO BE FILED WITH DEPARTMENT. — 1. The school board of any school district in the state, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may establish a four-day school week or other calendar consisting of less than one hundred seventy-four days in lieu of a five-day school week. Upon adoption of a four-day school week or other calendar consisting of less than one hundred seventy-four days, the school shall file a calendar with the department of elementary and secondary education in accordance with section 171.031. Such calendar shall include, but not be limited to, a minimum term of one hundred forty-two days and one thousand forty-four hours of actual pupil attendance.~~

~~2. If a school district that attends less than one hundred seventy-four days meets at least two fewer performance standards on two successive annual performance reports than it met on its last annual performance report received prior to implementing a calendar year of less than one hundred seventy-four days, it shall be required to revert to a one hundred seventy-four-day school year in the school year following the report of the drop in the number of performance standards met. When the number of performance standards met reaches the earlier number, the district may return to the four-day week or other calendar consisting of less than one hundred seventy-four days in the next school year.]~~

SECTION B. EFFECTIVE DATE. — The repeal of section 171.029 and the repeal and reenactment of section 167.121 of this act shall become effective July 1, 2019.

Approved July 13, 2018

SS#3 SCS HCS HB 1617

**Enacts provisions relating to telehealth.**

AN ACT to repeal sections 191.1145, 208.670, 208.671, 208.673, 208.675, and 208.677, RSMo, and to enact in lieu thereof three new sections relating to telehealth.

SECTION

- A. Enacting clause.
- 191.1145 Definitions — telehealth services authorized, when.
- 208.670 Practice of telehealth, definitions — reimbursement of providers.
- 208.677 School children, parental authorization required for telehealth.
- 208.671 Asynchronous store-and-forward technology, use of — rules — standard of care.
- 208.673 Telehealth services advisory committee, duties, members, rules.
- 208.675 Telehealth services, eligible health care providers.

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

**SECTION A. ENACTING CLAUSE.** — Sections 191.1145, 208.670, 208.671, 208.673, 208.675, and 208.677, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 191.1145, 208.670, and 208.677, to read as follows:

**191.1145. DEFINITIONS — TELEHEALTH SERVICES AUTHORIZED, WHEN.** — 1. As used in sections 191.1145 and 191.1146, the following terms shall mean:

- (1) "Asynchronous store-and-forward transfer", the collection of a patient's relevant health information and the subsequent transmission of that information from an originating site to a health care provider at a distant site without the patient being present;
- (2) "Clinical staff", any health care provider licensed in this state;
- (3) "Distant site", a site at which a health care provider is located while providing health care services by means of telemedicine;
- (4) "Health care provider", as that term is defined in section 376.1350;
- (5) "Originating site", a site at which a patient is located at the time health care services are provided to him or her by means of telemedicine. For the purposes of asynchronous store-and-forward transfer, originating site shall also mean the location at which the health care provider transfers information to the distant site;
- (6) "Telehealth" or "telemedicine", the delivery of health care services by means of information and communication technologies which facilitate the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care while such patient is at the originating site and the health care provider is at the distant site. Telehealth or telemedicine shall also include the use of asynchronous store-and-forward technology.

2. Any licensed health care provider shall be authorized to provide telehealth services if such services are within the scope of practice for which the health care provider is licensed and are provided with the same standard of care as services provided in person. **This section shall not be construed to prohibit a health carrier, as defined in section 376.1350, from reimbursing non-clinical staff for services otherwise allowed by law.**

3. In order to treat patients in this state through the use of telemedicine or telehealth, health care providers shall be fully licensed to practice in this state and shall be subject to regulation by their respective professional boards.

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

4. Nothing in subsection 3 of this section shall apply to:

(1) Informal consultation performed by a health care provider licensed in another state, outside of the context of a contractual relationship, and on an irregular or infrequent basis without the expectation or exchange of direct or indirect compensation;

(2) Furnishing of health care services by a health care provider licensed and located in another state in case of an emergency or disaster; provided that, no charge is made for the medical assistance; or

(3) Episodic consultation by a health care provider licensed and located in another state who provides such consultation services on request to a physician in this state.

5. Nothing in this section shall be construed to alter the scope of practice of any health care provider or to authorize the delivery of health care services in a setting or in a manner not otherwise authorized by the laws of this state.

6. No originating site for services or activities provided under this section shall be required to maintain immediate availability of on-site clinical staff during the telehealth services, except as necessary to meet the standard of care for the treatment of the patient's medical condition if such condition is being treated by an eligible health care provider who is not at the originating site, has not previously seen the patient in person in a clinical setting, and is not providing coverage for a health care provider who has an established relationship with the patient.

7. Nothing in this section shall be construed to alter any collaborative practice requirement as provided in chapters 334 and 335.

**208.670. PRACTICE OF TELEHEALTH, DEFINITIONS — REIMBURSEMENT OF PROVIDERS.**

— 1. As used in this section, these terms shall have the following meaning:

(1) **"Consultation", a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;**

(2) **"Distant site", the same meaning as such term is defined in section 191.1145;**

(3) **"Originating site", the same meaning as such term is defined in section 191.1145;**

(4) **"Provider", [any provider of medical services and mental health services, including all other medical disciplines] the same meaning as the term "health care provider" is defined in section 191.1145, and such provider meets all other MO HealthNet eligibility requirements;**

~~[(2)]~~ (5) **"Telehealth", the same meaning as such term is defined in section 191.1145.**

2. ~~[Reimbursement for the use of asynchronous store and forward technology in the practice of telehealth in the MO HealthNet program shall be allowed for orthopedics, dermatology, ophthalmology and optometry, in cases of diabetic retinopathy, burn and wound care, dental services which require a diagnosis, and maternal-fetal medicine ultrasounds.~~

3. ~~The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the practice of telehealth in the MO HealthNet program. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth, certification of agencies offering telehealth, and payment for services by providers. Telehealth providers shall be required to obtain participant consent before telehealth services are initiated and to ensure confidentiality of medical information.~~

4. ~~Telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. Reimbursement for such services shall be made in the same way as reimbursement for in-person contacts.~~

5. ~~The provisions of section 208.671 shall apply to the use of asynchronous store and forward technology in the practice of telehealth in the MO HealthNet program]~~ **The department of social**

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Matter in bold-face type is proposed language.

services shall reimburse providers for services provided through telehealth if such providers can ensure services are rendered meeting the standard of care that would otherwise be expected should such services be provided in person. The department shall not restrict the originating site through rule or payment so long as the provider can ensure services are rendered meeting the standard of care that would otherwise be expected should such services be provided in person. Payment for services rendered via telehealth shall not depend on any minimum distance requirement between the originating and distant site. Reimbursement for telehealth services shall be made in the same way as reimbursement for in-person contact; however, consideration shall also be made for reimbursement to the originating site. Reimbursement for asynchronous store-and-forward may be capped at the reimbursement rate had the service been provided in person.

**208.677. SCHOOL CHILDREN, PARENTAL AUTHORIZATION REQUIRED FOR TELEHEALTH.**

— [1. For purposes of the provision of telehealth services in the MO HealthNet program, the term "originating site" shall mean a telehealth site where the MO HealthNet participant receiving the telehealth service is located for the encounter. The standard of care in the practice of telehealth shall be the same as the standard of care for services provided in person. An originating site shall be one of the following locations:

- (1) An office of a physician or health care provider;
- (2) A hospital;
- (3) A critical access hospital;
- (4) A rural health clinic;
- (5) A federally-qualified health center;
- (6) A long-term care facility licensed under chapter 198;
- (7) A dialysis center;
- (8) A Missouri state habilitation center or regional office;
- (9) A community mental health center;
- (10) A Missouri state mental health facility;
- (11) A Missouri state facility;

(12) A Missouri residential treatment facility licensed by and under contract with the children's division. Facilities shall have multiple campuses and have the ability to adhere to technology requirements. Only Missouri licensed psychiatrists, licensed psychologists, or provisionally licensed psychologists, and advanced practice registered nurses who are MO HealthNet providers shall be consulting providers at these locations;

- (13) A comprehensive substance treatment and rehabilitation (CSTAR) program;
- (14) A school;
- (15) The MO HealthNet recipient's home;
- (16) A clinical designated area in a pharmacy; or
- (17) A child assessment center as described in section 210.001.

2. If the originating site is a school, the school shall obtain permission from the parent or guardian of any student receiving telehealth services prior to each provision of service.] **Prior to the provision of telehealth services in a school, the parent or guardian of the child shall provide authorization for the provision of such service. Such authorization shall include the ability for the parent or guardian to authorize services via telehealth in the school for the remainder of the school year.**

~~208.671. ASYNCHRONOUS STORE AND FORWARD TECHNOLOGY, USE OF — RULES — STANDARD OF CARE.~~ 1. As used in this section and section 208.673, the following terms shall mean:

~~(1) "Asynchronous store and forward", the transfer of a participant's clinically important digital samples, such as still images, videos, audio, text files, and relevant data from an originating site through the use of a camera or similar recording device that stores digital samples that are forwarded via telecommunication to a distant site for consultation by a consulting provider without requiring the simultaneous presence of the participant and the participant's treating provider;~~

~~(2) "Asynchronous store and forward technology", cameras or other recording devices that store images which may be forwarded via telecommunication devices at a later time;~~

~~(3) "Consultation", a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;~~

~~(4) "Consulting provider", a provider who, upon referral by the treating provider, evaluates a participant and appropriate medical data or images delivered through asynchronous store and forward technology. If a consulting provider is unable to render an opinion due to insufficient information, the consulting provider may request additional information to facilitate the rendering of an opinion or decline to render an opinion;~~

~~(5) "Distant site", the site where a consulting provider is located at the time the consultation service is provided;~~

~~(6) "Originating site", the site where a MO HealthNet participant receiving services and such participant's treating provider are both physically located;~~

~~(7) "Provider", any provider of medical, mental health, optometric, or dental health services, including all other medical disciplines, licensed and providing MO HealthNet services who has the authority to refer participants for medical, mental health, optometric, dental, or other health care services within the scope of practice and licensure of the provider;~~

~~(8) "Telehealth", as that term is defined in section 191.1145;~~

~~(9) "Treating provider", a provider who:~~

~~(a) Evaluates a participant;~~

~~(b) Determines the need for a consultation;~~

~~(c) Arranges the services of a consulting provider for the purpose of diagnosis and treatment; and~~

~~(d) Provides or supplements the participant's history and provides pertinent physical examination findings and medical information to the consulting provider.~~

~~2. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the use of asynchronous store and forward technology in the practice of telehealth in the MO HealthNet program. Such rules shall include, but not be limited to:~~

~~(1) Appropriate standards for the use of asynchronous store and forward technology in the practice of telehealth;~~

~~(2) Certification of agencies offering asynchronous store and forward technology in the practice of telehealth;~~

~~(3) Timelines for completion and communication of a consulting provider's consultation or opinion, or if the consulting provider is unable to render an opinion, timelines for communicating a request for additional information or that the consulting provider declines to render an opinion;~~

~~(4) Length of time digital files of such asynchronous store and forward services are to be maintained;~~

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Matter in bold-face type is proposed language.

(5) Security and privacy of such digital files;  
 (6) Participant consent for asynchronous store and forward services; and  
 (7) Payment for services by providers; except that, consulting providers who decline to render an opinion shall not receive payment under this section unless and until an opinion is rendered.

~~Telehealth providers using asynchronous store and forward technology shall be required to obtain participant consent before asynchronous store and forward services are initiated and to ensure confidentiality of medical information.~~

~~3. Asynchronous store and forward technology in the practice of telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. The total payment for both the treating provider and the consulting provider shall not exceed the payment for a face to face consultation of the same level.~~

~~4. The standard of care for the use of asynchronous store and forward technology in the practice of telehealth shall be the same as the standard of care for services provided in person.]~~

**[208.673. TELEHEALTH SERVICES ADVISORY COMMITTEE, DUTIES, MEMBERS, RULES.—**

~~1. There is hereby established the "Telehealth Services Advisory Committee" to advise the department of social services and propose rules regarding the coverage of telehealth services in the MO HealthNet program utilizing asynchronous store and forward technology.~~

~~2. The committee shall be comprised of the following members:~~

- ~~(1) The director of the MO HealthNet division, or the director's designee;~~
- ~~(2) The medical director of the MO HealthNet division;~~
- ~~(3) A representative from a Missouri institution of higher education with expertise in telehealth;~~
- ~~(4) A representative from the Missouri office of primary care and rural health;~~
- ~~(5) Two board-certified specialists licensed to practice medicine in this state;~~
- ~~(6) A representative from a hospital located in this state that utilizes telehealth;~~
- ~~(7) A primary care physician from a federally qualified health center (FQHC) or rural health clinic;~~
- ~~(8) A primary care physician from a rural setting other than from an FQHC or rural health clinic;~~
- ~~(9) A dentist licensed to practice in this state; and~~
- ~~(10) A psychologist, or a physician who specializes in psychiatry, licensed to practice in this state.~~

~~3. Members of the committee listed in subdivisions (3) to (10) of subsection 2 of this section shall be appointed by the governor with the advice and consent of the senate. The first appointments to the committee shall consist of three members to serve three year terms, three members to serve two year terms, and three members to serve a one year term as designated by the governor. Each member of the committee shall serve for a term of three years thereafter.~~

~~4. Members of the committee shall not receive any compensation for their services but shall be reimbursed for any actual and necessary expenses incurred in the performance of their duties.~~

~~5. Any member appointed by the governor may be removed from office by the governor without cause. If there is a vacancy for any cause, the governor shall make an appointment to become effective immediately for the unexpired term.~~

~~6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter~~

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

~~536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.]~~

~~**[208.675. TELEHEALTH SERVICES, ELIGIBLE HEALTH CARE PROVIDERS.**— For purposes of the provision of telehealth services in the MO HealthNet program, the following individuals, licensed in Missouri, shall be considered eligible health care providers:~~

- ~~(1) Physicians, assistant physicians, and physician assistants;~~
- ~~(2) Advanced practice registered nurses;~~
- ~~(3) Dentists, oral surgeons, and dental hygienists under the supervision of a currently registered and licensed dentist;~~
- ~~(4) Psychologists and provisional licensees;~~
- ~~(5) Pharmacists;~~
- ~~(6) Speech, occupational, or physical therapists;~~
- ~~(7) Clinical social workers;~~
- ~~(8) Podiatrists;~~
- ~~(9) Optometrists;~~
- ~~(10) Licensed professional counselors; and~~
- ~~(11) Eligible health care providers under subdivisions (1) to (10) of this section practicing in a rural health clinic, federally qualified health center, or community mental health center.]~~

Approved June 1, 2018

HB 1625

**Enacts provisions relating to the Missouri senior farmers' market nutrition program.**

AN ACT to amend chapter 208, RSMo, by adding thereto one new section relating to the Missouri senior farmers' market nutrition program.

SECTION

- A. Enacting clause.
- 208.285 Senior farmers' market nutrition program, department to apply for grant — vouchers for fresh produce — rulemaking authority.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 208, RSMo, is amended by adding thereto one new section, to be known as section 208.285, to read as follows:

**208.285. SENIOR FARMERS' MARKET NUTRITION PROGRAM, DEPARTMENT TO APPLY FOR GRANT — VOUCHERS FOR FRESH PRODUCE — RULEMAKING AUTHORITY.** — **1. The department of agriculture shall apply for a grant under the United States Department of Agriculture's Senior Farmers' Market Nutrition Program to provide low-income seniors with vouchers or other approved and acceptable methods of payment including, but not limited to, electronic cards that may be used to purchase eligible foods at farmers' markets, roadside stands, and community-supported agriculture (CSA) programs.**

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

2. There is hereby established the "Missouri Senior Farmers' Market Nutrition Program" within the department of agriculture. Upon receipt of any grant moneys under subsection 1 of this section, the program shall supply Missouri-grown, fresh produce to senior participants through the distribution of vouchers or other approved methods of payment that may be used only at designated Missouri farmers' markets, roadside stands, and CSA programs. The program is designed to provide a supplemental source of fresh produce for the dietary needs of low-income seniors; to stimulate an increased demand for Missouri-grown produce at farmers' markets, roadside stands, and CSA programs; and to develop new and additional farmers' markets, roadside stands, and CSA programs.

3. Eligible seniors shall receive senior farmers' market nutrition program vouchers or other approved methods of payment from designated distribution sites in their county of residence. Upon the issuance of vouchers or other approved methods of payment, participants shall be provided with a list of participating farmers, farmers' markets, roadside stands, and CSA programs. The department shall provide distribution site information at all county area agencies on aging.

4. For purposes of this section, "senior participant" means a person who is sixty years of age or older by December thirty-first of the program year and who meets the income eligibility criteria based on guidelines published annually by the United States Department of Agriculture.

5. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

Approved June 1, 2018

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SCS HCS HB 1635

**Enacts provisions relating to abuse or neglect reporting in long-term care facilities.**

AN ACT to repeal section 198.070, RSMo, and to enact in lieu thereof one new section relating to abuse or neglect reporting in long-term care facilities, with existing penalty provisions.

SECTION

A. Enacting clause.

198.070 Abuse or neglect of residents — reports, when, by whom — contents of report — failure to report, penalty — investigation, referral of complaint, removal of resident — confidentiality of report — immunity, exception — prohibition against retaliation — penalty — employee list — self-reporting of incidents, investigations, when.

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

**SECTION A. ENACTING CLAUSE.** — Section 198.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 198.070, to read as follows:

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

**198.070. ABUSE OR NEGLECT OF RESIDENTS — REPORTS, WHEN, BY WHOM — CONTENTS OF REPORT — FAILURE TO REPORT, PENALTY — INVESTIGATION, REFERRAL OF COMPLAINT, REMOVAL OF RESIDENT — CONFIDENTIALITY OF REPORT — IMMUNITY, EXCEPTION — PROHIBITION AGAINST RETALIATION — PENALTY — EMPLOYEE LIST — SELF-REPORTING OF INCIDENTS, INVESTIGATIONS, WHEN. — 1.** When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; social worker; or other person with the care of a person sixty years of age or older or an eligible adult, **as defined in section 192.2400**, has reasonable cause to believe that a resident of a facility has been abused or neglected, he or she shall immediately report or cause a report to be made to the department.

2. **(1)** The report shall contain the name and address of the facility, the name of the resident, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

**(2) In the event of suspected sexual assault of the resident, in addition to the report to be made to the department, a report shall be made to the appropriate local law enforcement agency in accordance with federal law under the provisions of 42 U.S.C. 1320b-25.**

3. Any person required in subsection 1 of this section to report or cause a report to be made to the department who knowingly fails to make a report within a reasonable time after the act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

4. In addition to the penalties imposed by this section, any administrator who knowingly conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in section 556.061, is guilty of a class E felony.

5. In addition to those persons required to report pursuant to subsection 1 of this section, any other person having reasonable cause to believe that a resident has been abused or neglected may report such information to the department.

6. Upon receipt of a report, the department shall initiate an investigation within twenty-four hours and, as soon as possible during the course of the investigation, shall notify the resident's next of kin or responsible party of the report and the investigation and further notify them whether the report was substantiated or unsubstantiated unless such person is the alleged perpetrator of the abuse or neglect. As provided in section 192.2425, substantiated reports of elder abuse shall be promptly reported by the department to the appropriate law enforcement agency and prosecutor.

7. If the investigation indicates possible abuse or neglect of a resident, the investigator shall refer the complaint together with the investigator's report to the department director or the director's designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate removal is necessary to protect the resident from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the resident in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the resident, for a period not to exceed thirty days.

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Matter in bold-face type is proposed language.

8. Reports shall be confidential, as provided pursuant to section 192.2500.

9. Anyone, except any person who has abused or neglected a resident in a facility, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith or with malicious purpose. It is a crime under section 565.189 for any person to knowingly file a false report of elder abuse or neglect.

10. Within five working days after a report required to be made pursuant to this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

11. No person who directs or exercises any authority in a facility shall evict, harass, dismiss or retaliate against a resident or employee because such resident or employee or any member of such resident's or employee's family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the facility which the resident, the resident's family or an employee has reasonable cause to believe has been committed or has occurred. Through the existing department information and referral telephone contact line, residents, their families and employees of a facility shall be able to obtain information about their rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to a report being made pursuant to this section.

12. Any person who abuses or neglects a resident of a facility is subject to criminal prosecution under section 565.184.

13. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who are or have been employed in any facility and who have been finally determined by the department pursuant to section 192.2490 to have knowingly or recklessly abused or neglected a resident. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

14. The timely self-reporting of incidents to the central registry by a facility shall continue to be investigated in accordance with department policy, and shall not be counted or reported by the department as a hot-line call but rather a self-reported incident. If the self-reported incident results in a regulatory violation, such incident shall be reported as a substantiated report.

Approved June 1, 2018

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HB 1646

**Enacts provisions relating to brush control on county roads.**

AN ACT to repeal section 263.245, RSMo, and to enact in lieu thereof one new section relating to brush control on county roads.

SECTION

- A. Enacting clause.  
 263.245 Brush adjacent to county roads, to be removed subject to voter approval, certain counties — county commission may remove brush, when, procedures, certain counties — county right-of-way or maintenance easement, distance.

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

**SECTION A. ENACTING CLAUSE.** — Section 263.245, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 263.245, to read as follows:

**263.245. BRUSH ADJACENT TO COUNTY ROADS, TO BE REMOVED SUBJECT TO VOTER APPROVAL, CERTAIN COUNTIES — COUNTY COMMISSION MAY REMOVE BRUSH, WHEN, PROCEDURES, CERTAIN COUNTIES — COUNTY RIGHT-OF-WAY OR MAINTENANCE EASEMENT, DISTANCE.** — 1. **Subject to voter approval under section 263.247**, all owners of land in:

- (1) Any county with a township form of government, located north of the Missouri River and having no portion of the county located east of U.S. Highway 63 ~~and located in~~ ;  
 (2) Any county of the third classification without a township form of government and with more than four thousand one hundred but fewer than four thousand two hundred inhabitants~~;~~ ; or ~~in~~  
 (3) Any county of the third classification without a township form of government and with more than two thousand three hundred but fewer than two thousand four hundred inhabitants

shall control all brush growing on such owner's property that is designated as the county right-of-way or county maintenance easement part of such owner's property and which is adjacent to any county road. Such brush shall be cut, burned, or otherwise destroyed as often as necessary in order to keep such lands accessible for purposes of maintenance and safety of the county road **and to prevent brush from interfering with any vehicle that may travel the road.**

2. The county commission, either upon its own motion or upon receipt of a written notice requesting the action from any residents of the county in which the county road bordering the lands in question is located or upon written request of any person regularly using the county road, may control such brush so as to allow easy access to the land described in subsection 1 of this section, and for that purpose the county commission, or its agents, servants, or employees shall have authority to enter on such lands without being liable to an action of trespass therefor, and shall keep an accurate account of the expenses incurred in eradicating the brush, and shall verify such statement under seal of the county commission, and transmit the same to the officer whose duty it is or may be to extend state and county taxes on tax books or bills against real estate. Such officer shall extend the aggregate expenses so charged against each tract of land as a special tax, which shall then become ~~a lien on such lands,~~ **due on such landowner's real and personal property tax assessment** and be collected as state and county taxes are collected by law and paid to the county commission and credited to the county control fund.

3. Before proceeding to control brush as provided in this section, the county commission of the county in which the land is located shall notify the owner of the land of the requirements of

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 Matter in bold-face type is proposed language.

this law ~~by certified mail, return receipt requested, from a list~~ **in writing using any mail service with delivery tracking and an address** supplied by the officer who prepares the tax list~~]~~ and shall allow the owner of the land thirty days from ~~acknowledgment date of return receipt, or~~ **the date of [refusal of acceptance of] delivery [as the case may be,]** to eradicate all such brush growing on land designated as the county right-of-way or county maintenance easement part of such owner's land and which is adjacent to the county road. In the event that the property owner cannot be located by ~~certified~~ mail, notice shall be placed in a newspaper of general circulation in the county in which the land is located at least thirty days before the county commission removes the brush pursuant to subsection 2 of this section. Such property owner shall be granted an automatic thirty-day extension due to hardship by notifying the county commission that such owner cannot comply with the requirements of this section, due to hardship, within the first thirty-day period. The property owner may be granted a second extension by a majority vote of the county commission. There shall be no further extensions. For the purposes of this subsection, "hardship" may be financial, physical or any other condition that the county commission deems to be a valid reason to allow an extension of time to comply with the requirements of this section.

4. County commissions shall not withhold rock, which is provided from funds from the county aid road trust fund, for maintaining county roads due to the abutting property owner's refusal to remove brush located on land designated as the county right-of-way or county maintenance easement part of such owner's land. County commissions shall use such rock on the county roads, even though the brush is not removed, or county commissions may resort to the procedures in this section to remove the brush.

**5. The county right-of-way or county maintenance easement shall extend fifteen feet from the center of the county road or the distance set forth in the original conveyance, whichever is greater. For purposes of this subsection, the "center of the county road" shall be the point equidistant from both edges of the drivable ground of the road in its current condition.**

**6. In the event a county is required to obtain a land survey to enforce this section, the costs of such survey shall be divided equally between the county and the landowner.**

Approved June 1, 2018

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HB 1665

**Enacts provisions relating to a visiting scholars certificate.**

AN ACT to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to a visiting scholars certificate.

SECTION

A. Enacting clause.

168.021 Issuance of teachers' licenses and scholars certificates, requirements, procedure — fees — effect of certification in another state and subsequent employment in this state.

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

**SECTION A. ENACTING CLAUSE.**— Section 168.021, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 168.021, to read as follows:

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

**168.021. ISSUANCE OF TEACHERS' LICENSES AND SCHOLARS CERTIFICATES, REQUIREMENTS, PROCEDURE — FEES — EFFECT OF CERTIFICATION IN ANOTHER STATE AND SUBSEQUENT EMPLOYMENT IN THIS STATE.** — 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it:

- (a) Upon the basis of college credit;
- (b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

- (a) Recommendation of a state-approved baccalaureate-level teacher preparation program;
- (b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check as prescribed in section 168.133 and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed;

(4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the holders of such certificates; ~~or~~

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, or special education. For certification in the area of elementary education, ninety contact hours in the classroom shall be required, of which at least thirty shall be in an elementary classroom. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of

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Matter in bold-face type is proposed language.

this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

- (a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;
- (b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;
- (c) Attainment of a successful performance-based teacher evaluation; and
- (d) ~~Participate~~ **Participation** in a beginning teacher assistance program; or
- (6) By the state board, under rules and regulations prescribed by it, which shall issue an initial visiting scholars certificate at the discretion of the board, based on the following criteria:**
  - (a) **Verification from the hiring school district that the applicant will be employed as part of a business-education partnership initiative designed to build career pathways systems for students in a grade or grades not lower than the ninth grade for which the applicant's academic degree or professional experience qualifies him or her;**
  - (b) **Appropriate and relevant bachelor's degree or higher, occupational license, or industry-recognized credential;**
  - (c) **Completion of the application for a one-year visiting scholars certificate; and**
  - (d) **Completion of a background check as prescribed under section 168.133.**

**The initial visiting scholars certificate shall certify the holder of such certificate to teach for one year. An applicant shall be eligible to renew an initial visiting scholars certificate a maximum of two times, based upon the completion of the requirements listed under paragraphs (a), (b), and (d) of this subdivision; completion of professional development required by the school district and school; and attainment of a satisfactory performance-based teacher evaluation.**

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall include completion of a background check as prescribed in section 168.133. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

- (a) Participate in a mentoring program approved and provided by the district for a minimum of two years;
- (b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time; and
- (c) Participate in a beginning teacher assistance program.

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

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon completion of a background check as prescribed in section 168.133, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate of license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the Armed Forces stationed in Missouri;

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Matter in bold-face type is proposed language.

(2) Relocated from another state within one year of the date of application;  
 (3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and

(4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

Approved June 1, 2018

## HCS HB 1690

### **Enacts provisions relating to the Missouri life and health insurance guaranty association act.**

AN ACT to repeal sections 375.1218, 376.715, 376.717, 376.718, 376.720, 376.722, 376.724, 376.725, 376.726, 376.733, 376.734, 376.735, 376.737, 376.738, 376.742, 376.743, 376.746, 376.747, 376.748, 376.755, 376.756, and 376.758, RSMo, and to enact in lieu thereof twenty-two new sections relating to the Missouri life and health insurance guaranty association act.

#### SECTION

- A. Enacting clause.
- 375.1218 Classes of claims — priority of distribution.
- 376.715 Citation of law, purpose.
- 376.717 Coverages provided, persons covered — coverage not provided, when — maximum benefits allowable.
- 376.718 Definitions.
- 376.720 Association, created — accounts — director to supervise.
- 376.722 Board of directors, established, members, how selected — expense reimbursement.
- 376.724 Impaired insurers, association's options, duties — insolvent insurers, association's options, duties — alternative policies, requirements.
- 376.725 Terminated coverage, reissuance of, premium set, how — obligation to cease, date — interest rate, guaranteed minimum.
- 376.726 Nonpayment of premiums, effect of.
- 376.733 Assignment of rights to association by persons receiving benefits, when — subrogation rights.
- 376.734 Additional powers of association.
- 376.735 Assessments against members, when due, classes — amounts, how determined.
- 376.737 Deferment of assessment, how, when — maximum assessment — refund of, when — members may increase premiums to cover assessments.
- 376.738 Certificate of contribution, when issued.

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 Matter in bold-face type is proposed language.

- 376.742 Director, powers and duties.  
 376.743 Board of directors, powers.  
 376.746 Records of association meetings to be kept — association deemed creditor of insolvent or impaired insured.  
 376.747 Distribution of member insurer assets upon liquidation, priority of association.  
 376.748 Liquidation, recovery of distributions, when, exceptions, limitations.  
 376.755 Advertising, use of guaranty association prohibited.  
 376.756 Summary document, association to prepare, contents — policy not covered by guaranty association to contain notice, form determined by director.  
 376.758 Law inapplicable to insolvent insurers on effective date of law.

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

**SECTION A. ENACTING CLAUSE.** — Sections 375.1218, 376.715, 376.717, 376.718, 376.720, 376.722, 376.724, 376.725, 376.726, 376.733, 376.734, 376.735, 376.737, 376.738, 376.742, 376.743, 376.746, 376.747, 376.748, 376.755, 376.756, and 376.758, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 375.1218, 376.715, 376.717, 376.718, 376.720, 376.722, 376.724, 376.725, 376.726, 376.733, 376.734, 376.735, 376.737, 376.738, 376.742, 376.743, 376.746, 376.747, 376.748, 376.755, 376.756, and 376.758, to read as follows:

**375.1218. CLASSES OF CLAIMS — PRIORITY OF DISTRIBUTION.** — The priority of distribution of claims from the insurer's estate shall be in accordance with the order in which each class of claims is herein set forth. Every claim in each class shall be paid in full or adequate funds retained for such payment before the members of the next class receive any payment. No subclasses shall be established within any class. No claim by a shareholder, policyholder or other creditor shall be permitted to circumvent the priority class through the use of equitable remedies. The order of distribution of claims shall be:

(1) Class 1. The costs and expenses of administration during rehabilitation and liquidation, including but not limited to the following:

(a) The actual and necessary costs of preserving or recovering the assets of the insurer, and costs necessary to store records required to be preserved pursuant to section 375.1228;

(b) Compensation for all authorized services rendered in the rehabilitation and liquidation;

(c) Any necessary filing fees;

(d) The fees and mileage payable to witnesses;

(e) Authorized reasonable attorney's fees and other professional services rendered in the rehabilitation and liquidation; **and**

**(f) The reasonable expenses of the Missouri property and casualty insurance guaranty association, the Missouri life and health insurance guaranty association, and any similar organization in any other state, including overhead, salaries, and other general administrative expenses allocable to the receivership. These expenses shall be subordinate to all other costs and expenses of administration under paragraphs (a) to (e) of this subdivision. The provisions of this paragraph shall apply to the distribution of claims from an insurer's estate if such insurer was first placed under an order of rehabilitation or an order of liquidation if no order of rehabilitation was entered on or after August 28, 2018.**

(2) Class 2. All claims under policies including such claims of the federal or any state or local government for losses incurred ("loss claims" ) including third party claims and all claims of a guaranty association or foreign guaranty association including reasonable allocated loss adjustment expenses and all claims of a life and health insurance guaranty association or foreign guaranty

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association which covers claims of life and health insurance policies, relating to the handling of such claims. All claims under life insurance and annuity policies and funding agreements, whether for death proceeds, annuity proceeds or investment values shall be treated as loss claims. That portion of any loss, indemnification for which is provided by other benefits or advantages recovered by the claimant, shall not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligation of support or by way of succession at death or as proceeds of life insurance, or as gratuities. No payment by an employer to his employee shall be treated as a gratuity. Early distributions to guaranty associations and foreign guaranty associations may be made in the manner provided in section 375.1205, provided that such guaranty associations and foreign guaranty associations agree to indemnify the liquidator if a shortage occurs in the insurer's estate of property necessary to settle claims as provided by this section. Any early distributions shall not increase the proportionate share of such guaranty associations and foreign guaranty associations, of distributions of the insurer's estate. The liquidator shall have authority to inquire into the reasonableness of any allocated loss adjustment expenses claimed by a guaranty association or foreign guaranty association and such claim shall not be allowed if it is found to be unreasonable.

(3) Class 3. Claims of the United States government other than those claims included in class 2.

(4) Class 4. Reasonable compensation to employees for services performed to the extent that they do not exceed two months of monetary compensation and represent payment for services performed within one year before the filing of the petition for liquidation or, if rehabilitation preceded liquidation, within one year before the filing of the petition for rehabilitation. Principal officers and directors shall not be entitled to the benefit of this priority except as otherwise approved by the liquidator and the court. Such priority shall be in lieu of any other similar priority which may be authorized by law as to wages or compensation of employees.

(5) Class 5. Claims under nonassessable policies for unearned premiums or other premium refunds and claims of general creditors including claims of ceding and assuming companies in their capacity as such.

(6) Class 6. Claims of any state or local government except those under class 2 of this section. Claims, including those of any governmental body for a penalty or forfeiture, shall be allowed in this class only to the extent of the pecuniary loss sustained from the act, transaction, or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby. The remainder of such claims shall be postponed as class 9 claims.

(7) Class 7. Claims filed late or any other claims other than class 8 or 9 claims.

(8) Class 8. Surplus or contribution notes, or similar obligations, and premium refunds on assessable policies. Payments to members of domestic mutual insurance companies shall be limited in accordance with law.

(9) Class 9. The claims of shareholders or other owners in their capacity as shareholders.

**376.715. CITATION OF LAW, PURPOSE.** — 1. Sections 376.715 to 376.758 shall be known and may be cited as the "Missouri Life and Health Insurance Guaranty Association Act".

2. The purpose of sections 376.715 to 376.758 is to protect, subject to certain limitations, the persons specified in subsection 1 of section 376.717 against failure in the performance of contractual obligations, under life, ~~and~~ health, ~~insurance policies~~ and annuity **policies, plans, or** contracts specified in subsection 2 of section 376.717, because of the impairment or insolvency of the member insurer that issued the policies or contracts.

3. To provide this protection, an association of **member** insurers is created to pay benefits and to continue coverages as limited herein, and members of the association are subject to assessment to provide funds to carry out the purpose of sections 376.715 to 376.758.

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**376.717. COVERAGES PROVIDED, PERSONS COVERED — COVERAGE NOT PROVIDED, WHEN — MAXIMUM BENEFITS ALLOWABLE.** — 1. Sections 376.715 to 376.758 shall provide coverage for the policies and contracts specified in subsection 2 of this section:

(1) To persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees or payees, **including health care providers rendering services covered under health insurance policies or certificates**, of the persons covered under subdivision (2) of this subsection; and

(2) To persons who are owners of ~~or~~, certificate holders, **or enrollees** under such policies or contracts, other than structured settlement annuities, who:

(a) Are residents of this state; or

(b) Are not residents, but only under all of the following conditions:

a. The **member** insurers which issued such policies or contracts are domiciled in this state;

b. The persons are not eligible for coverage by an association in any other state due to the fact that the insurer **or health maintenance organization** was not licensed in such state at the time specified in such state's guaranty association law; and

c. The states in which the persons reside have associations similar to the association created by sections 376.715 to 376.758;

(3) For structured settlement annuities specified in subsection 2 of this section, subdivisions (1) and (2) of subsection 1 of this section shall not apply, and sections 376.715 to 376.758 shall, except as provided in subdivisions (4) and (5) of this subsection, provide coverage to a person who is a payee under a structured settlement annuity, or beneficiary of a payee if the payee is deceased, if the payee:

(a) Is a resident, regardless of where the contract owner resides; or

(b) Is not a resident, but only under both of the following conditions:

a. (i) The contract owner of the structured settlement annuity is a resident; or

(ii) The contract owner of the structure settlement annuity is not a resident, but:

i. The insurer that issued the structured settlement annuity is domiciled in this state; and

ii. The state in which the contract owner resides has an association similar to the association created under sections 376.715 to 376.758; and

b. Neither the payee or beneficiary nor the contract owner is eligible for coverage by the association of the state in which the payee or contract owner resides;

(4) Sections 376.715 to 376.758 shall not provide to a person who is a payee or beneficiary of a contract owner resident of this state, if the payee or beneficiary is afforded any coverage by such an association of another state;

(5) Sections 376.715 to 376.758 are intended to provide coverage to a person who is a resident of this state and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under sections 376.715 to 376.758 is provided coverage under the laws of any other state, the person shall not be provided coverage under sections 376.715 to 376.758. In determining the application of the provisions of this subdivision in situations where a person could be covered by such an association of more than one state, whether as an owner, payee, **enrollee**, beneficiary, or assignee, sections 376.715 to 376.758 shall be construed in conjunction with the other state's laws to result in coverage by only one association.

2. Sections 376.715 to 376.758 shall provide coverage to the persons specified in subsection 1 of this section for **policies or contracts of direct, nongroup life insurance, health**~~], annuity policies or contracts,~~ **insurance, which for the purposes of sections 376.715 to 376.758 includes health maintenance organizations' subscriber contracts and certificates, or annuities** and supplemental contracts to any such policies or contracts, and for certificates under

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direct group policies and contracts, except as limited by the provisions of sections 376.715 to 376.758. Annuity contracts and certificates under group annuity contracts include allocated funding agreements, structured settlement annuities, and any immediate or deferred annuity contracts.

3. **Except as otherwise provided in paragraph (c) of subdivision (3) of this subsection,** sections 376.715 to 376.758 shall not provide coverage for:

(1) Any portion of a policy or contract not guaranteed by the **member** insurer, or under which the risk is borne by the policy or contract holder;

(2) Any policy or contract of reinsurance, unless assumption certificates have been issued;

(3) Any portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

(a) Averaged over the period of four years prior to the date on which the association becomes obligated with respect to such policy or contract, exceeds the rate of interest determined by subtracting three percentage points from Moody's Corporate Bond Yield Average averaged for that same four-year period or for such lesser period if the policy or contract was issued less than four years before the association became obligated; ~~and~~

(b) On and after the date on which the association becomes obligated with respect to such policy or contract exceeds the rate of interest determined by subtracting three percentage points from Moody's Corporate Bond Yield Average as most recently available; **and**

**(c) The exclusion from coverage referenced in this subdivision shall not apply to any portion of a policy or contract, including a rider, that provides long-term care or any other health insurance benefits;**

(4) Any portion of a policy or contract issued to a plan or program of an employer, association or other person to provide life, health, or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including but not limited to benefits payable by an employer, association or other person under:

(a) A multiple employer welfare arrangement as defined in 29 U.S.C. Section 1144, as amended;

(b) A minimum premium group insurance plan;

(c) A stop-loss group insurance plan; or

(d) An administrative services only contract;

(5) Any portion of a policy or contract to the extent that it provides dividends or experience rating credits, voting rights, or provides that any fees or allowances be paid to any person, including the policy or contract holder, in connection with the service to or administration of such policy or contract;

(6) Any policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue such policy or contract in this state;

(7) A portion of a policy or contract to the extent that the assessments required by section 376.735 with respect to the policy or contract are preempted by federal or state law;

(8) An obligation that does not arise under the express written terms of the policy or contract issued by the **member** insurer to the **enrollee, certificate holder**, contract owner, or policy owner, including without limitation:

(a) Claims based on marketing materials;

(b) Claims based on side letters, riders, or other documents that were issued by the **member** insurer without meeting applicable policy **or contract** form filing or approval requirements;

**(c) Misrepresentations of or regarding policy or contract benefits;**

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- (d) Extra-contractual claims;
- (e) A claim for penalties or consequential or incidental damages;
- (9) A contractual agreement that establishes the member insurer's obligations to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer;
- (10) An unallocated annuity contract;
- (11) A portion of a policy or contract to the extent it provides for interest or other changes in value to be determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the policy or contract owner's rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer under sections 376.715 to 376.758, whichever is earlier. If a policy's or contract's interest or changes in value are credited less frequently than annually, for purposes of determining the value that have been credited and are not subject to forfeiture under this subdivision, the interest or change in value determined by using the procedures defined in the policy or contract will be credited as if the contractual date of crediting interest or changing values was the date of impairment or insolvency, whichever is earlier, and will not be subject to forfeiture;
- (12) A policy or contract providing any hospital, medical, prescription drug or other health care benefit under Part C or Part D of Subchapter XVIII, Chapter 7 of Title 42 of the United States Code, Medicare Parts C & D, **Subchapter XIX, Chapter 7 of Title 42 of the United States Code, Medicaid**, or any regulations issued thereunder.

4. The benefits for which the association may become liable, with regard to a member insurer that was first placed under an order of rehabilitation or under an order of liquidation if no order of rehabilitation was entered prior to August 28, 2013, shall in no event exceed the lesser of:

- (1) The contractual obligations for which the **member** insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or
- (2) With respect to any one life, regardless of the number of policies or contracts:
  - (a) Three hundred thousand dollars in life insurance death benefits, but not more than one hundred thousand dollars in net cash surrender and net cash withdrawal values for life insurance;
  - (b) One hundred thousand dollars in health insurance benefits, including any net cash surrender and net cash withdrawal values;
  - (c) One hundred thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values.

Provided, however, that in no event shall the association be liable to expend more than three hundred thousand dollars in the aggregate with respect to any one life under paragraphs (a), (b), and (c) of this subdivision.

5. Except as otherwise provided in subdivision (2) of this subsection, the benefits for which the association may become liable with regard to a member insurer that was first placed under an order of rehabilitation or under an order of liquidation if no order of rehabilitation was entered on or after August 28, 2013, shall in no event exceed the lesser of:

- (1) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or
- (2) (a) With respect to any one life, regardless of the number of policies or contracts:
  - a. Three hundred thousand dollars in life insurance death benefits, but not more than one hundred thousand dollars in net cash surrender and net cash withdrawal values for life insurance;
  - b. ~~For~~ **For** health insurance benefits:

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(i) One hundred thousand dollars of coverages other than disability **income** insurance ~~or basic hospital, medical, and surgical insurance or major medical insurance~~, **health benefit plans**, or long-term care insurance, including any net cash surrender and net cash withdrawal values;

(ii) Three hundred thousand dollars for disability **income** insurance and three hundred thousand dollars for long-term care insurance;

(iii) Five hundred thousand dollars for ~~basic hospital, medical, and surgical insurance or major medical insurance~~ **health benefit plans**;

c. Two hundred fifty thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values; or

(b) With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, two hundred fifty thousand dollars in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values, if any;

(c) Except that, in no event shall the association be obligated to cover more than:

a. An aggregate of three hundred thousand dollars in benefits with respect to any one life under paragraphs (a) and (b) of this subdivision, except with respect to benefits for ~~basic hospital, medical, and surgical insurance and major medical insurance~~ **health benefit plans** under item (iii) of subparagraph b. of paragraph (a) of this subdivision, in which case the aggregate liability of the association shall not exceed five hundred thousand dollars with respect to any one individual; or

b. With respect to one owner of multiple nongroup policies of life insurance, whether the policy owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, more than five million dollars in benefits, regardless of the number of policies and contracts held by the owner.

6. The limitations set forth in subsections 4 and 5 of this section are limitations on the benefits for which the association is obligated before taking into account either its subrogation and assignment rights or the extent to which such benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The costs of the association's obligations under sections 376.715 to 376.758 may be met by the use of assets attributable to covered policies or reimbursed to the association under its subrogation and assignment rights.

**7. For the purposes of sections 376.715 to 376.758, benefits provided by a long-term care rider to a life insurance policy or annuity contract shall be considered the same type of benefits as the basic life insurance policy or annuity contract to which it relates.**

**376.718. DEFINITIONS.** — As used in sections 376.715 to 376.758, the following terms shall mean:

(1) "Account", any of the accounts created under section 376.720;

(2) "Association", the Missouri life and health insurance guaranty association created under section 376.720;

(3) "Benefit plan", a specific employee, union, or association of natural persons benefit plan;

(4) "Contractual obligation", any obligation under a policy or contract or certificate under a group policy or contract, or portion thereof for which coverage is provided under the provisions of section 376.717;

(5) "Covered **contract**" or "**covered policy**", any policy or contract or portion of a policy or contract for which coverage is provided under the provisions of section 376.717;

(6) "Director", the director of the department of insurance, financial institutions and professional registration of this state;

(7) "Extra-contractual claims", includes but is not limited to claims relating to bad faith in the payment of claims, punitive or exemplary damages, or attorneys fees and costs;

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(8) "Health benefit plan", any hospital or medical expense policy or certificate, health maintenance organization subscriber contract, or any other similar health contract.

"Health benefit plan" does not include:

- (a) Accident only insurance;
- (b) Credit insurance;
- (c) Dental only insurance;
- (d) Vision only insurance;
- (e) Medicare supplement insurance;
- (f) Benefits for long-term care, home health care, community-based care, or any combination thereof;
- (g) Disability income insurance;
- (h) Coverage for on-site medical clinics; or
- (i) Specified disease, hospital confinement indemnity, or limited benefit health insurance if the types of coverage do not provide coordination of benefits and are provided under separate policies or certificates;

(9) "Impaired insurer", a member insurer which, after August 13, 1988, is not an insolvent insurer, and is placed under an order of rehabilitation or conservation by a court of competent jurisdiction;

~~(9)~~ (10) "Insolvent insurer", a member insurer which, after August 13, 1988, is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency;

~~(10)~~ (11) "Member insurer", any insurer, **health maintenance organization**, or health services corporation licensed or which holds a certificate of authority to transact in this state any kind of insurance **or health maintenance organization business** for which coverage is provided under section 376.717, and includes any insurer **or health maintenance organization** whose license or certificate of authority in this state may have been suspended, revoked, not renewed or voluntarily withdrawn, but does not include:

- (a) ~~A health maintenance organization;~~
- ~~(b)~~ (b) A fraternal benefit society;
- ~~(c)~~ (c) A mandatory state pooling plan;
- ~~(d)~~ (d) A mutual assessment company or any entity that operates on an assessment basis;
- ~~(e)~~ (e) An insurance exchange;
- ~~(f)~~ (f) An organization that issues qualified charitable gift annuities, as defined in section 352.500, and does not hold a certificate or license to transact insurance business; or
- ~~(g)~~ (g) Any entity similar to any of the entities listed in paragraphs (a) to ~~(f)~~ (f) of this subdivision;

~~(11)~~ (12) "Moody's Corporate Bond Yield Average", the monthly average corporates as published by Moody's Investors Service, Inc., or any successor thereto;

~~(12)~~ (13) "Owner", "**policyholder**", "policy owner", or "contract owner", the person who is identified as the legal owner under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the **member** insurer. Owner, contract owner, **policyholder**, and policy owner shall not include persons with a mere beneficial interest in a policy or contract;

~~(13)~~ (14) "Person", any individual, corporation, partnership, association or voluntary organization;

~~(14)~~ (15) "Premiums", amounts received on covered policies or contracts, less premiums, considerations and deposits returned thereon, and less dividends and experience credits thereon.

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The term does not include any amounts received for any policies or contracts or for the portions of any policies or contracts for which coverage is not provided under subsection 3 of section 376.717, except that assessable premium shall not be reduced on account of subdivision (3) of subsection 3 of section 376.717 relating to interest limitations and subdivision (2) of subsection 4 of section 376.717 relating to limitations with respect to any one life, any one participant, and any one **policy or contract holder**. Premiums shall not include:

(a) Premiums on an unallocated annuity contract; or

(b) With respect to multiple nongroup policies of life insurance owned by one owner, whether the **policy or contract owner** is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, premiums in excess of five million dollars with respect to such policies or contracts, regardless of the number of policies or contracts held by the owner;

~~[(15)]~~ **(16)** "Principal place of business", for a person other than a natural person, the single state in which the natural persons who establish policy for the direction, control, and coordination of the operations of the entity as a whole primarily exercise that function, determined by the association in its reasonable judgment by considering the following factors:

(a) The state in which the primary executive and administrative headquarters of the entity is located;

(b) The state in which the principal office of the chief executive officer of the entity is located;

(c) The state in which the board of directors, or similar governing person or persons, of the entity conducts the majority of its meetings;

(d) The state in which the executive or management committee of the board of directors, or similar governing person or persons, of the entity conducts the majority of its meetings; and

(e) The state from which the management of the overall operations of the entity is directed;

~~[(16)]~~ **(17)** "Receivership court", the court in the insolvent or impaired insurer's state having jurisdiction over the conservation, rehabilitation, or liquidation of the insurer;

~~[(17)]~~ **(18)** "Resident", any person who resides in this state on the date of entry of a court order that determines a member insurer to be an impaired insurer or a court order that determines a member insurer to be an insolvent insurer, whichever first occurs, and to whom a contractual obligation is owed. A person may be a resident of only one state, which in the case of a person other than a natural person shall be its principal place of business. Citizens of the United States that are either residents of foreign countries or residents of the United States' possessions, territories, or protectorates that do not have an association similar to the association created under sections 376.715 to 376.758 shall be deemed residents of the state of domicile of the **member insurer** that issued the policies or contracts;

~~[(18)]~~ **(19)** "State", a state, the District of Columbia, Puerto Rico, and a United States possession, territory, or protectorate;

~~[(19)]~~ **(20)** "Structure settlement annuity", an annuity purchased in order to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury suffered by the plaintiff or other claimant;

~~[(20)]~~ **(21)** "Supplemental contract", any written agreement entered into for the distribution of proceeds under a life, health, or annuity policy or contract;

~~[(21)]~~ **(22)** "Unallocated annuity contract", any annuity contract or group annuity certificate which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by an insurer under such contract or certificate.

**376.720. ASSOCIATION, CREATED — ACCOUNTS — DIRECTOR TO SUPERVISE.** — 1. There is created a nonprofit legal entity to be known as the "Missouri Life and Health Insurance Guaranty Association". All member insurers shall be and remain members of the association as a condition of their authority to transact insurance **or a health maintenance organization business** in this state. The association shall perform its functions under the plan of operation established and approved under subsections 1 to 3 of section 376.740 and shall exercise its powers through a board of directors established pursuant to section 376.722. For purposes of administration and assessment the association shall maintain three accounts:

- (1) The health ~~insurance~~ account;
- (2) The life insurance account;
- (3) The annuity account, excluding unallocated annuity contracts.

2. The association shall come under the immediate supervision of the director and shall be subject to the applicable provisions of the insurance laws of this state. Meetings or records of the association may be opened to the public upon majority vote of the board of directors of the association.

**376.722. BOARD OF DIRECTORS, ESTABLISHED, MEMBERS, HOW SELECTED — EXPENSE REIMBURSEMENT.** — 1. The board of directors of the association shall consist of not less than ~~five~~ **seven** nor more than ~~nine~~ **eleven** member insurers serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the director. Each class of member insurer, as defined in section 376.718, shall be represented on the board. Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the director. ~~[To select the initial board of directors, and initially organize the association, the director shall give notice to all member insurers of the time and place of the organizational meeting.]~~ In determining voting rights at the organizational meeting each member insurer shall be entitled to one vote in person or by proxy. ~~[If the board of directors is not selected within sixty days after notice of the organizational meeting, the director may appoint the initial members.]~~

2. In approving selections or in appointing members to the board, the director shall consider, among other things, whether all member insurers are fairly represented.

3. Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors but members of the board shall not otherwise be compensated by the association for their services.

**376.724. IMPAIRED INSURERS, ASSOCIATION'S OPTIONS, DUTIES — INSOLVENT INSURERS, ASSOCIATION'S OPTIONS, DUTIES — ALTERNATIVE POLICIES, REQUIREMENTS.** — 1. If a member insurer is an impaired insurer, the association may, in its discretion, and subject to any conditions imposed by the association that do not impair the contractual obligations of the impaired insurer, that are approved by the director:

(1) Guarantee, assume, **reissue**, or reinsure, or cause to be guaranteed, assumed, **reissued**, or reinsured, any or all of the policies or contracts of the impaired insurer; or

(2) Provide such moneys, pledges, notes, loans, guarantees, or other means as are proper to effectuate subdivision (1) of this subsection and assure payment of the contractual obligations of the impaired insurer pending action under subdivision (1) of this subsection.

2. If a member insurer is an insolvent insurer, the association shall, in its discretion, either:

(1) (a) a. Guarantee, assume, **reissue**, or reinsure, or cause to be guaranteed, assumed, **reissued**, or reinsured, the policies or contracts of the insolvent insurer; or

- b. Assure payment of the contractual obligations of the insolvent insurer; and
- (b) Provide such moneys, pledges, loans, notes, guarantees, or other means as are reasonably necessary to discharge such duties; or
- (2) Provide benefits and coverages in accordance with the following provisions:
- (a) With respect to ~~[life and health insurance policies and annuities]~~ **policies and contracts**, assure payment of benefits ~~[for premiums identical to the premiums and benefits, except for terms of conversion and renewability,]~~ that would have been payable under the policies of the insolvent insurer, for claims incurred:
- a. With respect to group policies and contracts, not later than the earlier of the next renewal date under such policies or contracts or forty-five days, but in no event less than thirty days, after the date on which the association becomes obligated with respect to such policies and contracts;
- b. With respect to individual policies, contracts, and annuities, not later than the earlier of the next renewal date, if any, under such policies or contracts or one year, but in no event less than thirty days, from the date on which the association becomes obligated with respect to such policies and contracts;
- (b) Make diligent efforts to provide all known insureds, **enrollees**, or annuitants for individual policies and contracts, or group ~~[policyholders]~~ **policy or contract owners** with respect to group policies or contracts, thirty days notice of the termination, under paragraph (a) of this subdivision, of the benefits provided;
- (c) With respect to individual policies **and contracts**, make available to each known insured, annuitant, or owner if other than the insured, **enrollee**, or annuitant, and with respect to an individual formerly **an** insured, **enrollee**, or ~~[formerly an]~~ annuitant under a group policy **or contract** who is not eligible for replacement group coverage, make available substitute coverage on an individual basis in accordance with the provisions of paragraph (d) of this subdivision, if the insureds, **enrollees**, or annuitants had a right under law or the terminated policy, **contract, or annuity** to convert coverage to individual coverage or to continue an individual policy, **contract, or annuity** in force until a specified age or for a specified time, during which the insurer **or health maintenance organization** had no right unilaterally to make changes in any provision of the policy, **contract, or annuity** or had a right only to make changes in premium by class;
- (d) a. In providing the substitute coverage required under paragraph (c) of this subdivision, the association may offer either to reissue the terminated coverage or to issue an alternative policy **or contract at actuarially justified rates**;
- b. Alternative or reissued policies **or contracts** shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy **or contract**;
- c. The association may reinsure any alternative or reissued policy **or contract**;
- (e) a. Alternative policies **or contracts** adopted by the association shall be subject to the approval of the director. The association may adopt alternative policies **or contracts** of various types for future issuance without regard to any particular impairment or insolvency;
- b. Alternative policies **or contracts** shall contain at least the minimum statutory provisions required in this state and provide benefits that shall not be unreasonable in relation to the premium charged. The association shall set the premium in accordance with a table of rates which it shall adopt. The premium shall reflect the amount of insurance to be provided and the age and class of risk of each insured, but shall not reflect any changes in the health of the insured after the original policy **or contract** was last underwritten;
- c. Any alternative policy **or contract** issued by the association shall provide coverage of a type similar to that of the policy **or contract** issued by the impaired or insolvent insurer, as determined by the association;

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Matter in bold-face type is proposed language.

(f) In carrying out its duties in connection with guaranteeing, assuming, **reissuing**, or reinsuring policies or contracts under this subsection, the association may ~~subject to approval of the receivership court,~~ issue substitute coverage for a policy or contract that provides an interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with the following provisions:

- a. In lieu of the index or other external reference provided for in the original policy or contract, the alternative policy or contract provides for a fixed interest rate, payment of dividends with minimum guarantees, or a different method for calculating interest or changes in value;
- b. There is no requirement for evidence of insurability, waiting period, or other exclusion that would not have applied under the replaced policy or contract; and
- c. The alternative policy or contract is substantially similar to the replaced policy or contract in all other terms.

**376.725. TERMINATED COVERAGE, REISSUANCE OF, PREMIUM SET, HOW — OBLIGATION TO CEASE, DATE — INTEREST RATE, GUARANTEED MINIMUM.** — 1. If the association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy **or contract**, the premium shall be **actuarially justified and** set by the association in accordance with the amount of insurance **or coverage** provided and the age and class of risk of the insured, subject to **prior** approval of the director ~~[or by a court of competent jurisdiction].~~

2. The association's obligations with respect to coverage under any policy **or contract** of the impaired or insolvent insurer or under any reissued or alternative policy **or contract** shall cease on the date the coverage, ~~[or] policy, or contract~~ is replaced by another similar policy **or contract** by the policy **or contract** owner, the insured, **the enrollee**, or the association.

3. When proceeding under subdivision (2) of subsection 2 of section 376.724 with respect to a policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with subdivision (3) of subsection 3 of section 376.717.

**376.726. NONPAYMENT OF PREMIUMS, EFFECT OF.** — 1. Nonpayment of premiums within thirty-one days after the date required under the terms of any guaranteed, assumed, alternative or reissued policy or contract or substitute coverage shall terminate the association's obligations under such policy, **contract**, or coverage under sections 376.715 to 376.758 with respect to such policy, **contract**, or coverage, except with respect to any claims incurred or any net cash surrender value which may be due in accordance with the provisions of sections 376.715 to 376.758.

2. Premiums due for coverage after entry of an order of liquidation of an insolvent insurer shall belong to and be payable at the direction of the association, and the association shall be liable for unearned premiums due to policy or contract owners arising after the entry of such order.

**376.733. ASSIGNMENT OF RIGHTS TO ASSOCIATION BY PERSONS RECEIVING BENEFITS, WHEN — SUBROGATION RIGHTS.** — 1. Any person receiving benefits under sections 376.715 to 376.758 shall be deemed to have assigned the rights under, and any causes of action against any person for losses arising under, resulting from, or otherwise relating to, the covered policy or contract to the association to the extent of the benefits received because of the provisions of sections 376.715 to 376.758, whether the benefits are payments of or on account of contractual obligations, continuation of coverage or provision of substitute or alternative **policies, contracts, or coverages**. The association may require an assignment to it of such rights and cause of action by any **enrollee**, payee, policy or contract owner, beneficiary, insured or annuitant as a condition

precedent to the receipt of any right or benefits conferred by sections 376.715 to 376.758 upon such person.

2. The subrogation rights of the association under this section have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under sections 376.715 to 376.758.

3. In addition to subsections 1 and 2 of this section, the association shall have all common law rights of subrogation and any other equitable or legal remedy which would have been available to the impaired or insolvent insurer or owner, beneficiary, **enrollee**, or payee of a policy or contract with respect to such policy or contracts, including, without limitation in the case of a structured settlement annuity, any rights of the owner, beneficiary, or payee of the annuity, to the extent of benefits received under sections 376.715 to 376.758, against a person, originally or by succession, responsible for the losses arising from the personal injury relating to the annuity or payment thereof, excepting any such person responsible solely by reason of serving as an assignee in respect of a qualified assignment under Section 130 of the Internal Revenue Code of 1986, as amended.

**376.734. ADDITIONAL POWERS OF ASSOCIATION.** — 1. In addition to any other rights and powers under sections 376.715 to 376.758, the association may:

(1) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of sections 376.715 to 376.758;

(2) Sue or be sued, including taking any legal actions necessary or proper for recovery of any unpaid assessments under subsections 1 and 2 of section 376.735 and to settle claims or potential claims against it;

(3) Borrow money to effect the purposes of sections 376.715 to 376.758. Any notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic **member** insurers and may be carried as admitted assets;

(4) Employ or retain such persons as are necessary to handle the financial transactions of the association, and to perform such other functions as become necessary or proper under sections 376.715 to 376.758;

(5) Take such legal action as may be necessary to avoid or recover payment of improper claims;

(6) Exercise, for the purposes of sections 376.715 to 376.758 and to the extent approved by the director, the powers of a domestic life ~~[or health]~~ insurer, **health insurer, or health maintenance organization** but in no case may the association issue ~~[insurance]~~ policies or ~~[annuity]~~ contracts other than those issued to perform its obligations under sections 376.715 to 376.758;

(7) Request information from a person seeking coverage from the association in order to aid the association in determining its obligations under sections 376.715 to 376.758 with respect to the person, and the person shall promptly comply with the request;

(8) **Unless prohibited by law, in accordance with the terms and conditions of the policy or contract, file an actuarially justified rate or premium increase for any policy or contract for which it provides coverage under sections 376.715 to 376.758;**

(9) Take other necessary or appropriate action to discharge its duties and obligations or to exercise its powers under sections 376.715 to 376.758; and

~~(9)~~ (10) With respect to covered policies for which the association becomes obligated after an entry of an order of liquidation or rehabilitation, elect to succeed to the rights of the insolvent insurer arising after the order of liquidation or rehabilitation under any contract of reinsurance to which the insolvent insurer was a party, to the extent that such contract provides coverage for losses

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occurring after the date of the order of liquidation or rehabilitation. As a condition to making this election, the association shall pay all unpaid premiums due under the contract for coverage relating to periods before and after the date of the order of liquidation or rehabilitation.

2. The board of directors of the association may exercise reasonable business judgment to determine the means by which the association is to provide the benefits of sections 376.715 to 376.758 in an economical and efficient manner.

3. Where the association has arranged for or offered to provide the benefits of sections 376.715 to 376.758 to a covered person under a plan or arrangement that fulfills the association's obligations under sections 376.715 to 376.758, the person shall not be entitled to benefits from the association in addition to or other than those provided under the plan or arrangement.

4. The association may join an organization of one or more other state associations of similar purposes, to further the purposes and administer the powers and duties of the association.

**376.735. ASSESSMENTS AGAINST MEMBERS, WHEN DUE, CLASSES — AMOUNTS, HOW DETERMINED.** — 1. For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such time and for such amounts as the board finds necessary. Assessments shall be due not less than thirty days after prior written notice to the member insurers and shall accrue interest at ten percent per annum on and after the due date.

2. There shall be two assessments, as follows:

(1) Class A assessments may be made for the purpose of meeting administrative and legal costs and other expenses. Class A assessments may be made whether or not related to a particular impaired or insolvent insurer;

(2) Class B assessments may be made to the extent necessary to carry out the powers and duties of the association under sections 376.715 to 376.758 with regard to an impaired or an insolvent insurer.

3. The amount of any class A assessment shall be determined by the board and may be made on a pro rata or nonpro rata basis. If pro rata, the board may provide that it be credited against future class B assessments. ~~[A nonpro rata assessment shall not exceed one hundred fifty dollars per member insurer in any one calendar year.]~~

4. **(1)** The amount of any class B assessment, **except for assessments related to long-term care insurance**, shall be allocated for assessment purposes ~~[among]~~ **between** the accounts pursuant to an allocation formula which may be based on the premiums or reserves of the impaired or insolvent insurer or any other standard deemed by the board in its sole discretion as being fair and reasonable under the circumstances.

**(2) The amount of the class B assessment for long-term care insurance written by the impaired or insolvent insurer shall be allocated according to methodology included in the plan of operation and approved by the director. The methodology shall provide for fifty percent of the assessment to be allocated to accident and health member insurers and fifty percent to be allocated to life and annuity member insurers.**

5. Class B assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account for the three most recent calendar years for which information is available preceding the year in which the **member** insurer became impaired or insolvent, as the case may be, bears to such premiums received on business in this state for such calendar years by all assessed member insurers.

~~[5-]~~ 6. Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall not be made until necessary to implement the purposes of sections 376.715 to 376.758. Classification of assessments under subdivisions (1) and (2) of subsection 2 of this section and computation of assessments under this section shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. In no case shall a member insurer be liable under class A or class B for assessments in any account enumerated in section 376.720, for which such insurer is not licensed by the department of insurance, financial institutions and professional registration to transact business.

**376.737. DEFERMENT OF ASSESSMENT, HOW, WHEN — MAXIMUM ASSESSMENT — REFUND OF, WHEN — MEMBERS MAY INCREASE PREMIUMS TO COVER ASSESSMENTS. — 1.** The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. Once the conditions that caused a deferral have been removed or rectified, the member insurer shall pay all assessments that were deferred under a repayment plan approved by the association.

2. (1) Subject to the provisions of subdivision (2) of this subsection, the total of all assessments upon a member insurer for each account shall not in any one calendar year exceed two percent of such insurer's average annual premiums received in this state on the policies and contracts covered by the account during the three calendar years preceding the year in which the **member** insurer became an impaired or insolvent insurer. If the maximum assessment, together with the other assets of the association in any account, does not provide in any one year in the account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as permitted by sections 376.715 to 376.758.

(2) If two or more assessments are made in one calendar year with respect to **member** insurers that become impaired or insolvent in different calendar years, the average annual premiums for purposes of the aggregate assessment percentage limitation referenced in subdivision (1) of this subsection shall be equal and limited to the higher of the three-year average annual premiums for the applicable account as calculated under this section.

3. The board may provide in the plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

4. The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each **member** insurer to that account, the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from assignment, subrogation net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses.

5. It shall be proper for any member insurer, in determining its premium rates and policy owner dividends as to any kind of insurance or **health maintenance organization business** within the scope of sections 376.715 to 376.758, to consider the amount reasonably necessary to meet its assessment obligations under the provisions of sections 376.715 to 376.758.

**376.738. CERTIFICATE OF CONTRIBUTION, WHEN ISSUED.** — The association shall issue to each **member** insurer paying an assessment under the provisions of sections 376.715 to 376.758, other than class A assessment, a certificate of contribution, in a form prescribed by the director, for the amount of the assessment so paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the **member** insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the director may approve.

**376.742. DIRECTOR, POWERS AND DUTIES.** — 1. In addition to the duties and powers enumerated elsewhere in sections 376.715 to 376.758, the director shall:

(1) Upon request of the board of directors, provide the association with a statement of the premiums in this and any other appropriate states for each member insurer;

(2) When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the **impaired** insurer to promptly comply with such demand shall not excuse the association from the performance of its powers and duties under the provisions of sections 376.715 to 376.758;

(3) In any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the liquidator or rehabilitator.

2. The director may suspend or revoke, after notice and hearing, the certificate of authority to transact **[insurance] business** in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative the director may levy a forfeiture on any member insurer which fails to pay an assessment when due. Such forfeiture shall not exceed five percent of the unpaid assessment per month, but no forfeiture shall be less than one hundred dollars per month.

3. Any action of the board of directors or the association may be appealed to the director by any member insurer if such appeal is taken within sixty days of the action being appealed. If a member company is appealing an assessment, the amount assessed shall be paid to the association and available to meet association obligations during the pendency of an appeal. If the appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member company. Any final action or order of the director shall be subject to judicial review in a court of competent jurisdiction.

4. The liquidator, rehabilitator, or conservator of any impaired insurer may notify all interested persons of the effect of sections 376.715 to 376.758.

5. To aid in the detection and prevention of **member** insurer insolvencies or impairments, the director shall:

(1) Notify the commissioners of all the other states, territories of the United States and the District of Columbia when he takes any of the following actions against a member insurer:

(a) Revocation of license;

(b) Suspension of license; or

(c) Makes any formal order that such **[company] member insurer** restricts its premium writing, obtain additional contributions to surplus, withdraw from the state, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of **[policyholders] policy owners, contract owners, certificate holders,** or creditors.

Such notice shall be mailed to all commissions within thirty days following the action taken or the date on which such action occurs;

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(2) Report to the board of directors when he has taken any of the actions set forth in subdivision (1) of this subsection or has received a report from any other commissioner indicating that any such action has been taken in another state. Such report to the board of directors shall contain all significant details of the action taken or the report received from another commissioner;

(3) Report to the board of directors when he has reasonable cause to believe from any examination, whether completed or in process, of any member company that such company may be an impaired or insolvent insurer;

(4) Furnish to the board of directors the NAIC Insurer Regulatory Information Service (IRIS) ratios and listings of companies not included in the ratios developed by the National Association of Insurance Commissioners, and the board may use the information contained therein in carrying out its duties and responsibilities under this section. Such report and the information contained therein shall be kept confidential by the board of directors until such time as made public by the director or other lawful authority.

6. The director may seek the advice and recommendations of the board of directors concerning any matter affecting his duties and responsibilities regarding the financial condition of member insurers and ~~[companies]~~ **health maintenance organizations** seeking admission to transact insurance business in this state.

**376.743. BOARD OF DIRECTORS, POWERS.** — 1. The board of directors may, upon majority vote, make reports and recommendations to the director upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer or germane to the solvency of any ~~[company]~~ **insurer or health maintenance organization** seeking to do ~~[an insurance]~~ business in this state. Such reports and recommendations shall not be considered public documents.

2. The board of directors shall, upon majority vote, notify the director of any information indicating any member insurer may be an impaired or insolvent insurer. The board of directors may, upon majority vote, make recommendations to the director for the detection and prevention of **member** insurer insolvencies.

**376.746. RECORDS OF ASSOCIATION MEETINGS TO BE KEPT — ASSOCIATION DEEMED CREDITOR OF INSOLVENT OR IMPAIRED INSURED.** — 1. Nothing in sections 376.715 to 376.758 shall be construed to reduce the liability for unpaid assessments of the insureds of an impaired or insolvent insurer operating under a plan with assessment liability.

2. Records shall be kept of all negotiations and meetings in which the association or its representatives are involved to discuss the activities of the association in carrying out its powers and duties under the provisions of sections 376.715 to 376.758. Records of such negotiations or meetings shall be made public only upon the termination of a liquidation, rehabilitation, or conservation proceeding involving the impaired or insolvent insurer, upon the termination of the impairment or insolvency of the insurer, or upon the order of a court of competent jurisdiction. Nothing in this subsection shall limit the duty of the association to render a report of its activities under subsection 1 of section 376.750.

3. For the purpose of carrying out its obligations under the provisions of sections 376.715 to 376.758, the association is deemed to be a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies reduced by any amounts to which the association is entitled as subrogee under the provisions of sections 376.715 to 376.758. Assets of the impaired or insolvent insurer attributable to covered policies shall be used to continue all covered policies and pay all contractual obligations of the impaired or insolvent insurer as required by sections

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376.715 to 376.758. Assets attributable to covered policies **or contracts**, as used in this subsection, are that proportion of the assets which the reserves that should have been established for such policies **or contracts** bear to the reserves that should have been established for all policies of insurance **or health benefit plans** written by the impaired or insolvent insurer.

**376.747. DISTRIBUTION OF MEMBER INSURER ASSETS UPON LIQUIDATION, PRIORITY OF ASSOCIATION.** — 1. Prior to the termination of any liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders, **contract owners, certificate holders, enrollees**, and policy owners of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of such insolvent insurer. In such a determination consideration shall be given to the welfare of the **policy owners, contract owners, certificate holders, enrollees, and** policyholders of the continuing or successor **member** insurer.

2. No distribution to stockholders, if any, of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the association with interest thereon for funds expended in carrying out its powers and duties under the provisions of sections 376.715 to 376.758 with respect to such **member** insurer have been fully recovered by the association.

**376.748. LIQUIDATION, RECOVERY OF DISTRIBUTIONS, WHEN, EXCEPTIONS, LIMITATIONS.** — 1. If an order for liquidation or rehabilitation of ~~[an]~~ **a member** insurer domiciled in this state has been entered, the receiver appointed under such order shall have a right to recover on behalf of the **member** insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the **member** insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation subject to the limitations of subsections 2 through 4 of this section.

2. No such distribution shall be recoverable if the **member** insurer shows that when paid the distribution was lawful and reasonable, and that the **member** insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the **member** insurer to fulfill its contractual obligations.

3. Any person who was an affiliate that controlled the **member** insurer at the time the distributions were paid shall be liable up to the amount of distributions he received. Any person who was an affiliate that controlled the **member** insurer at the time the distributions were declared shall be liable up to the amount of distributions he would have received if they had been paid immediately. If two or more persons are liable with respect to the same distributions, they shall be jointly and severally liable.

4. The maximum amount recoverable under this section shall be the amount needed in excess of all other available assets of the insolvent insurer to pay the contractual obligations of the insolvent insurer.

5. If any person liable under subsection 3 of this section is insolvent, all its affiliates that controlled it at the time the distribution was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

**376.755. ADVERTISING, USE OF GUARANTY ASSOCIATION PROHIBITED.** — No person, including ~~[an]~~ **a member** insurer, agent or affiliate of an insurer shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in any newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station

or television station, or in any other way, any advertisement, announcement or statement, written or oral, which uses the existence of the insurance guaranty association of this state for the purpose of sales, solicitation, or inducement to purchase any form of insurance **or other coverage** covered by sections 376.715 to 376.758. If a policy exceeds the limitations of coverage under sections 376.715 to 376.758, the insurer shall prominently inscribe on an endorsement to the insurance contract the limitations of coverage provided by the guaranty association. This section shall not apply to the Missouri Life and Health Insurance Guaranty Association or any other entity which does not sell or solicit insurance **or coverage by a health maintenance organization**.

**376.756. SUMMARY DOCUMENT, ASSOCIATION TO PREPARE, CONTENTS — POLICY NOT COVERED BY GUARANTY ASSOCIATION TO CONTAIN NOTICE, FORM DETERMINED BY DIRECTOR.** — 1. [~~Within one hundred eighty days of August 13, 1988,~~] The association shall prepare a summary document describing the general purposes and current limitations of the act and complying with subsection 2 of this section. This document should be submitted to the director for approval. Sixty days after receiving such approval, no insurer may deliver a policy or contract described in subsection 2 of section 376.717 to a policy ~~or~~ **owner contract holder, certificate holder, or enrollee** unless the document is delivered to the policy or contract holder prior to or at the time of delivery of the policy or contract except if subsection 3 of this section applies. The document should also be available upon request by a policyholder, **contract owner, certificate holder, or enrollee**. The distribution, delivery, or contents or interpretation of this document shall not mean that either the policy or the contract or the **policy owner, contract owner, certificate holder, or enrollee** thereof would be covered in the event of the impairment or insolvency of a member insurer. The description document shall be revised by the association as amendments to the act may require. Failure to receive this document does not give the policyholder, contract holder, certificate holder, **enrollee**, or insured any greater rights than those stated in sections 376.715 to 376.758.

2. The document prepared under subsection 1 of this section shall contain a clear and conspicuous disclaimer on its face. The director shall promulgate a rule establishing the form and content of the disclaimer. The disclaimer shall:

(1) State the name and address of the life and health insurance guaranty association and department of insurance, financial institutions and professional registration;

(2) Prominently warn the policy ~~or contract holder~~ **owner, contract owner, certificate holder, or enrollee** that the Missouri life and health insurance guaranty association may not cover the policy **or contract** or, if coverage is available, it will be subject to substantial limitations, exclusions and conditioned on continued residence in the state;

(3) State that the **member** insurer and its agents are prohibited by law from using the existence of the life and health insurance guaranty association for the purpose of sales, solicitation or inducement to purchase any form of insurance **or health maintenance organization coverage**;

(4) Emphasize that the policy ~~or contract holder~~ **owner, contract owner, certificate holder, or enrollee** should not rely on coverage under the Missouri life and health insurance guaranty association when selecting an insurer **or health maintenance organization**;

(5) Provide other information as directed by the director.

3. No insurer or agent may deliver a policy or contract described in subsection 2 of section 376.717 and excluded under subsection 3 of section 376.717 from coverage under the provisions of sections 376.715 to 376.758 unless the insurer or agent, prior to or at the time of delivery, gives the policy or contract holder a separate written notice which clearly and conspicuously discloses

that the policy or contract is not covered by the Missouri life and health insurance guaranty association. The director shall by rule specify the form and content of the notice.

**376.758. LAW INAPPLICABLE TO INSOLVENT INSURERS ON EFFECTIVE DATE OF LAW. —**

1. Sections 376.715 to 376.758 shall not apply to any insurer which is insolvent or unable to fulfill its contractual obligations on August 13, 1988.

2. Sections 376.715 to 376.758 shall be liberally construed to effect the purpose under subsection 2 of section 376.715 which shall constitute an aid and guide to interpretation.

3. The amendments to sections 376.715 to 376.758 which become effective on August 28, 2010, shall not apply to any member insurer that is an impaired or insolvent insurer prior to August 28, 2010.

**4. The amendments to sections 376.715 to 376.758, which become effective on August 28, 2018, shall not apply to any member insurer that is an impaired or insolvent insurer prior to August 28, 2018.**

Approved June 1, 2018

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SCS HCS HB 1713

**Enacts provisions relating to birth certificates.**

AN ACT to repeal section 193.128, RSMo, and to enact in lieu thereof one new section relating to birth certificates.

SECTION

A. Enacting clause.

193.128 Citation of law — original birth certificate, who may obtain, when — issuance, fee — contact preference form — medical history request — rulemaking authority.

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

**SECTION A. ENACTING CLAUSE.**— Section 193.128, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.128, to read as follows:

**193.128. CITATION OF LAW — ORIGINAL BIRTH CERTIFICATE, WHO MAY OBTAIN, WHEN — ISSUANCE, FEE — CONTACT PREFERENCE FORM — MEDICAL HISTORY REQUEST — RULEMAKING AUTHORITY.** — 1. The provisions of section 193.125 and this section shall be known and may be cited as the "Missouri Adoptee Rights Act".

2. Notwithstanding section 453.121 to the contrary, an adopted person or the adopted person's attorney **or birth parents** may obtain a copy of such adopted person's original certificate of birth from the state registrar in accordance with this section.

3. In order for an adopted person to receive a copy of his or her original certificate of birth, the adopted person shall:

(1) Be at least eighteen years of age;

(2) Have been born in this state; and

(3) File a written application with and provide appropriate proof of identification to the state registrar.

4. The state registrar may require a waiting period and impose a fee for issuance of the uncertified copy under subsection 5 of this section. The fees and waiting period imposed under this subsection shall be identical to the fees and waiting period generally imposed on nonadopted persons seeking their own certificates of birth.

5. Upon receipt of a written application and proof of identification under subsection 3 of this section and fulfillment of the requirements of subsection 4 of this section, the state registrar shall issue an uncertified copy of the unaltered original certificate of birth to the applicant. The copy of the certificate of birth shall have the following statement printed on it: "For genealogical purposes only - not to be used for establishing identity."

6. A birth parent **or adoptee** may, at any time, request from the state registrar a contact preference form that shall accompany the original birth certificate of an adopted person. **The birth parent shall provide appropriate proof of identification to the state registrar.** The contact preference form shall include the following options:

- (1) "I would like to be contacted";
- (2) "I prefer to be contacted by an intermediary"; and
- (3) "I prefer not to be contacted".

A contact preference form may be updated by a birth parent **or adoptee** at any time upon the request of the birth parent **or adoptee**. A contact preference form completed by a birth parent **or adoptee** at the time of the adoption and forwarded to the state registrar by the clerk of the court shall accompany the original birth certificate of the adopted person and may be updated by the birth parent **or adoptee** at any time upon the request of the birth parent **or adoptee**.

7. If both birth parents indicate on the contact preference form that they would prefer not to be contacted, a copy of the original birth certificate of the adopted person shall not be released. If only one birth parent indicates on the contact preference form that he or she would prefer not to be contacted, his or her identifying information, **as defined in section 453.121**, shall be redacted from a copy of the original birth certificate of the adopted person and the copy of the original birth certificate shall be released under the provisions of this section.

8. A birth parent may, at any time, request a medical history form from the state registrar and the state registrar shall provide a medical history form to any birth parent who requests a contact preference form. The medical history form shall include the following options:

- (1) "I am not aware of any medical history of any significance";
- (2) "I prefer not to provide any medical information at this time"; and
- (3) "I wish to give the following medical information".

A medical history form may be updated by a birth parent at any time upon the request of the birth parent.

9. A contact preference form or a medical history form received by the state registrar shall be placed in a sealed envelope upon receipt from the birth parent and shall be considered a confidential communication from the birth parent to the adopted person. The sealed envelope shall only be released to the adopted person requesting his or her own original birth certificate under the provisions of this section.

10. If a birth parent indicates on the contact preference form that he or she would prefer not to be contacted, the adopted person shall have access to a copy of the medical history form with the identifying information of such birth parent redacted.

11. **Upon proof that an adopted person is deceased, his or her lineal descendants, as defined in section 453.121, shall have the right to obtain a copy of the adopted person's original birth certificate and accompanying contact preference form and medical history**

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**form in accordance with the provisions of this section, including the provisions of subsection 7 of this section regarding birth parent contact preferences and subsection 10 of this section regarding birth parent medical histories.**

**12.** The cost of a contact preference form shall not exceed the cost of obtaining an original birth certificate. There shall be no charge for a medical history form.

~~[12-]~~ **13.** Beginning August 28, 2016, there shall be a public notification period to allow time for birth parents to file a contact preference form. Beginning January 1, 2018, original birth certificates shall be issued under the provisions of this section. An adopted person born prior to 1941 shall be given access to his or her original birth certificate beginning August 28, 2016.

~~[13-]~~ **14.** The state registrar shall develop by rule the application form required by this section and may adopt other rules for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

Approved June 29, 2018

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CCS SS SCS HB 1719

**Enacts provisions relating to professional registration.**

AN ACT to repeal sections 324.001, 324.200, 324.205, 324.210, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.920, 324.925, 324.1108, 327.221, 327.312, 327.313, 327.321, 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 329.130, 330.030, 331.030, 332.131, 332.321, 334.530, 334.655, 335.036, 335.066, 335.067, 336.030, 337.020, 337.025, 337.029, 337.033, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 338.315, 338.330, 338.333, 338.337, 338.340, 344.030, 374.715, 374.784, and 632.005, RSMo, and to enact in lieu thereof ninety-one new sections relating to professional registration, with existing penalty provisions and a contingent effective date for certain sections.

SECTION

- A. Enacting clause.
- 285.700 Citation of law — secretary of state to enforce.
- 285.705 Definitions.
- 285.710 Collective bargaining agreements, existing contracts, licensing requirements not impacted by act — government benefits, employees are employees of client only.
- 285.715 Registration required — application, contents — initial registration, renewal — reporting requirements, satisfied how — limited registration, when — list of organizations — electronic filing — confidentiality of records.
- 285.720 Fees.
- 285.725 Working capital or bond requirements.
- 285.730 Rights of client and PEO — employer agreements, contents — notice requirements — liability — PEO not engaged in sale of insurance — political subdivisions, taxes.
- 285.740 Workers' compensation requirements.
- 285.750 Prohibited acts — disciplinary action, when — sanctions.

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Matter in bold-face type is proposed language.

- 324.001 Division of professional registration established, duties — boards and commissions assigned to — reference to division in statutes — workforce data analysis, requirements.
- 324.013 Age, denial of licensure, prohibited, when.
- 324.046 Suicide assessment, referral, treatment and management training required for health care professional licensure.
- 324.047 Guidelines for regulation of certain occupations and professions — definitions — limitation on state regulation, requirements — reports.
- 324.200 Dietitian practice act — definitions.
- 324.205 Title of licensed dietitian, use permitted, when — penalty.
- 324.210 Qualifications of applicant for licensure — examination required, exception.
- 324.406 Interior design council created, members, terms, removal for cause.
- 324.409 Qualifications for registration.
- 324.412 Powers and duties of division — rulemaking.
- 324.415 Applications for registration, form — penalties.
- 324.421 Waiver of examination, when.
- 324.424 Fees — interior designer council fund, use.
- 324.427 Unlawful use of title of registered interior designer.
- 324.430 Designation as registered interior designer prohibited, when.
- 324.436 Refusal to issue, renew or reinstate certificate, when — complaint filed, procedure.
- 324.920 Application requirements — grandfather provision — employee licensing requirements.
- 324.925 Political subdivisions to recognize statewide licensure — permissible acts by political subdivisions.
- 324.1108 Application for licensure, contents — qualifications.
- 327.221 Applicant for license as professional engineer, qualifications.
- 327.312 Land surveyor-in-training applicant for enrollment, qualifications — certificate issued when.
- 327.313 Application for enrollment, form, content, false affidavit, penalty, fee.
- 327.321 Application — form — fee.
- 328.025 Duplicate license, issued when.
- 328.080 Application for licensure, fee, examination, qualifications — approval of schools.
- 329.010 Definitions.
- 329.032 Exemption from requirements, when.
- 329.033 Duplicate license, issued when.
- 329.040 Schools of cosmetology — license requirements, application, form — hours required for student cosmetologists, nail technicians and estheticians.
- 329.050 Applicants for examination or licensure — qualifications — denial, when.
- 329.060 Individual license, application, fee, temporary license.
- 329.070 Registration of apprentices and students, fee, qualifications, application.
- 329.080 Instructor trainee license, qualifications, application, fee.
- 329.085 Instructor license, qualifications, fees, exceptions.
- 329.130 Reciprocity with other states, fee.
- 329.275 Hair braiding, registration requirements, fee — duties of board.
- 330.030 Issuance of license — qualifications — examination — fees — reciprocity with other states.
- 331.030 Application for license, requirements, fees — reciprocity — rulemaking, procedure.
- 332.131 Applicant for registration as a dentist, qualifications of.
- 332.321 Refusal to issue or renew, revocation or suspension of license, grounds for, procedure — additional disciplinary actions.
- 334.530 Qualifications for license — examinations, scope.
- 334.655 Physical therapist assistant, evidence of character and education, educational requirements — board examination, applications — written examination — examination topics — examination not required, when.
- 335.036 Duties of board — fees set, how — fund, source, use, funds transferred from, when — rulemaking.
- 335.066 Denial, revocation, or suspension of license, grounds for, civil immunity for providing information — complaint procedures.
- 335.067 Intervention programs may be established by the board — purpose of program — screening — completion of program, effect of — disciplinary action for failure to complete — confidentiality.
- 336.030 Persons qualified to receive certificate of registration.
- 337.020 Temporary, provisional or permanent licenses, application, qualifications, examinations, fees.

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- 337.025 Educational and experience requirements for licensure, certain persons.
- 337.029 Licenses based on reciprocity to be issued, when — health service provider certification eligibility.
- 337.033 Limitations on areas of practice — relevant professional education and training, defined — criteria for program of graduate study — health service provider certification, requirements for certain persons — automatic certification for certain persons.
- 337.100 Citation of law — findings — purpose.
- 337.105 Definitions.
- 337.110 Home state licensure.
- 337.115 Compact privilege to practice telepsychology.
- 337.120 Compact temporary authorization to practice.
- 337.125 Conditions of telepsychology practice in a receiving state.
- 337.130 Adverse actions.
- 337.135 Additional authorities invested in a compact state's psychology regulatory authority.
- 337.140 Coordinated licensure information system.
- 337.145 Establishment of the psychology interjurisdictional compact commission.
- 337.150 Rulemaking.
- 337.155 Oversight, dispute resolution and enforcement.
- 337.160 Date of implementation of the psychology interjurisdictional compact commission and associated rules, withdrawal, and amendment.
- 337.165 Construction and severability.
- 337.315 Intervention requirements — licensure requirements — temporary licenses — provisional license — practice of applied behavior analysis — violation, penalty.
- 337.320 Renewal of licensure, procedure.
- 337.507 Applications, contents, fees — failure to renew, effect — replacement of certificates, when — fund established — examination, when, notice.
- 337.510 Requirements for licensure — reciprocity — provisional professional counselor license issued, when, requirements — renewal license fee.
- 337.612 Applications, contents, fee — fund established — renewal, fee — lost certificate, how replaced.
- 337.618 License expiration, renewal, fees, continuing education requirements.
- 337.662 Application for licensure, contents — renewal notices — replacement certificates provided, when — fees set by committee.
- 337.712 Licenses, application, oath, fee — lost certificates — fund.
- 337.718 License expiration, renewal fee — temporary permits.
- 338.315 Receipt of drugs from unlicensed source, unlawful — penalty — pharmacy-to-pharmacy transfers, limit — legend drugs, inventories and records — rulemaking authority.
- 338.330 Definitions.
- 338.333 License required, temporary licenses may be granted — out-of-state distributors, reciprocity allowed, when.
- 338.337 Out-of-state distributors, licenses required, exception.
- 338.340 Sale of drugs, out-of-state distributor, license required.
- 344.030 License, qualifications, fee, examination, term — emergency license.
- 374.715 Application, form, qualifications, fee — monetary assignment required, amount, effective when.
- 374.784 Application for licensure, contents, qualifications — refusal to issue license, when.
- 632.005 Definitions.
- 328.100 Medical examinations of registered barbers.
- B. Effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 324.001, 324.200, 324.205, 324.210, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.920, 324.925, 324.1108, 327.221, 327.312, 327.313, 327.321, 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 329.130, 330.030, 331.030, 332.131, 332.321, 334.530, 334.655, 335.036, 335.066, 335.067, 336.030, 337.020, 337.025, 337.029, 337.033, 337.315,

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337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 338.315, 338.330, 338.333, 338.337, 338.340, 344.030, 374.715, 374.784, and 632.005, RSMo, are repealed and ninety-one new sections enacted in lieu thereof, to be known as sections 285.700, 285.705, 285.710, 285.715, 285.720, 285.725, 285.730, 285.740, 285.750, 324.001, 324.013, 324.046, 324.047, 324.200, 324.205, 324.210, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.920, 324.925, 324.1108, 327.221, 327.312, 327.313, 327.321, 328.025, 328.080, 329.010, 329.032, 329.033, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 329.130, 329.275, 330.030, 331.030, 332.131, 332.321, 334.530, 334.655, 335.036, 335.066, 335.067, 336.030, 337.020, 337.025, 337.029, 337.033, 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, 337.165, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 338.315, 338.330, 338.333, 338.337, 338.340, 344.030, 374.715, 374.784, and 632.005, to read as follows:

**285.700. CITATION OF LAW — SECRETARY OF STATE TO ENFORCE. — 1. Sections 285.700 to 285.750 shall be known and may be cited as the "Professional Employer Organization Act".**

**2. The secretary of state or any person designated by the secretary of state may enforce the provisions of sections 285.700 to 285.750.**

**285.705. DEFINITIONS. — As used in sections 285.700 to 285.750, the following terms mean:**

- (1) "Client", any person who enters into a professional employer agreement with a PEO;
- (2) "Coemployer", either a PEO or a client;
- (3) "Coemployment relationship", a relationship that is intended to be an ongoing relationship rather than a temporary or project-specific relationship, wherein the rights, duties, and obligations of an employer that arise out of an employment relationship have been allocated between coemployers pursuant to a professional employer agreement and sections 285.700 to 285.750. In such a coemployment relationship:
  - (a) The PEO is entitled to enforce only such employer rights and is subject to only those obligations specifically allocated to the PEO by the professional employer agreement or sections 285.700 to 285.750;
  - (b) The client is entitled to enforce those rights and obligated to provide and perform those employer obligations allocated to such client by the professional employer agreement and sections 285.700 to 285.750; and
  - (c) The client is entitled to enforce any right and obligated to perform any obligation of an employer not specifically allocated to the PEO by the professional employer agreement or sections 285.700 to 285.750;
- (4) "Covered employee", an individual having a coemployment relationship with a PEO and a client who meets the following criteria:
  - (a) The individual has received written notice of coemployment with the PEO; and
  - (b) The individual's coemployment relationship is pursuant to a professional employer agreement subject to sections 285.700 to 285.750.

**Individuals who are officers, directors, shareholders, partners, and managers of the client will be covered employees, except to the extent the PEO and the client have expressly agreed in the professional employer agreement that such individuals would not be covered employees, provided such individuals meet the criteria of this subdivision and act as operational managers or perform day-to-day operational services for the client;**

- (5) "PEO group", any two or more PEOs that are majority owned or commonly controlled by the same entity, parent, or controlling person;
- (6) "Person", any individual, partnership, corporation, limited liability company, association, or any other form of legally recognized entity;
- (7) "Professional employer agreement", a written contract by and between a client and a PEO that provides:
- (a) For the coemployment of covered employees;
  - (b) For the allocation of employer rights and obligations between the client and the PEO with respect to the covered employees; and
  - (c) That the PEO and the client assume the responsibilities required under sections 285.700 to 285.750;
- (8) "Professional employer organization" or "PEO", any person engaged in the business of providing professional employer services. A person engaged in the business of providing professional employer services shall be subject to registration and regulation under sections 285.700 to 285.750 regardless of its use of the term or conducting business as a professional employer organization, staff leasing company, registered staff leasing company, employee leasing company, administrative employer, or any other name. The following shall not be deemed to be professional employer organizations or the providing of professional employment services for the purposes of sections 285.700 to 285.750:
- (a) Arrangements wherein a person, whose principal business activity is not entering into professional employer arrangements and does not hold itself out as a PEO, shares employees with a commonly owned company within the meaning of Section 414(b) and (c) of the Internal Revenue Code of 1986, as amended;
  - (b) Independent contractor arrangements by which a person assumes responsibility for the product produced or service performed by such person or his or her agents and retains and exercises primary direction and control over the work performed by the individuals whose services are supplied under such arrangements; and
  - (c) Providing temporary help services;
- (9) "Professional employer services", the service of entering into coemployment relationships under sections 285.700 to 285.750 in which all or a majority of the employees providing services to a client or to a division or work unit of a client are covered employees;
- (10) "Registrant", a PEO registered under sections 285.700 to 285.750;
- (11) "Temporary help services", services consisting of a person:
- (a) Recruiting and hiring its own employees;
  - (b) Finding other organizations that need the services of those employees;
  - (c) Assigning those employees to perform work at or services for the other organizations to support or supplement the other organizations' workforces, or to provide assistance in special work situations including, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects; and
  - (d) Customarily attempting to reassign the employees to other organizations when they finish each assignment.

**285.710. COLLECTIVE BARGAINING AGREEMENTS, EXISTING CONTRACTS, LICENSING REQUIREMENTS NOT IMPACTED BY ACT — GOVERNMENT BENEFITS, EMPLOYEES ARE EMPLOYEES OF CLIENT ONLY. — 1. Nothing contained in sections 285.700 to 285.750 or in any professional employer agreement shall affect, modify, or amend any collective bargaining agreement or the rights or obligations of any client, PEO, or covered employee**

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under the federal National Labor Relations Act, the federal Railway Labor Act, or sections 105.500 to 105.530.

2. Nothing in sections 285.700 to 285.750 or in any professional employer agreement shall:

(1) Diminish, abolish, or remove rights of covered employees to a client or obligations of such client to a covered employee existing prior to the effective date of a professional employer agreement;

(2) Affect, modify, or amend any contractual relationship or restrictive covenant between a covered employee and any client in effect at the time a professional employer agreement becomes effective. A professional employer agreement shall also not prohibit or amend any contractual relationship or restrictive covenant that is entered into subsequently between a client or a covered employee. A PEO shall have no responsibility or liability in connection with, or arising out of, any such existing or new contractual relationship or restrictive covenant unless the PEO has specifically agreed otherwise in writing; or

(3) Create any new or additional enforceable right of a covered employee against a PEO that is not specifically provided by the professional employer agreement or sections 285.700 to 285.750.

3. Nothing contained in sections 285.700 to 285.750 or any professional employer agreement shall affect, modify, or amend any state, local, or federal licensing, registration, or certification requirement applicable to any client or covered employee.

4. A covered employee who shall be licensed, registered, or certified according to law or regulation is deemed solely an employee of the client for purposes of any such license, registration, or certification requirement.

5. A PEO shall not be deemed to engage in any occupation, trade, profession, or other activity that is subject to licensing, registration, or certification requirements, or is otherwise regulated by a governmental entity solely by entering into and maintaining a coemployment relationship with a covered employee who is subject to such requirements or regulation.

6. A client shall have the sole right of direction and control of the professional or licensed activities of covered employees and of the client's business. Such covered employees and clients shall remain subject to regulation by the regulatory or governmental entity responsible for licensing, registration, or certification of such covered employees or clients.

7. For purposes of the determination of tax credits, economic incentives, or other benefits provided by this state or any other government entity and based on employment, covered employees shall be deemed employees solely of the client. A client shall be entitled to the benefit of any tax credit, economic incentive, or other benefit arising as the result of the employment of covered employees of such client. Notwithstanding that the PEO is the W-2 reporting employer, the client shall continue to qualify for such benefit, incentive, or credit. If the grant or amount of any such benefit, incentive, or credit is based on the number of employees, then each client shall be treated as employing only those covered employees coemployed by the client. Covered employees working for other clients of the PEO shall not be counted. Each PEO shall provide, upon request by a client or an agency or department of this state, employment information reasonably required by any agency or department of this state responsible for administration of any such tax credit, economic incentive, or other benefit that is necessary to support any request, claim, application, or other action by a client seeking any such tax credit, economic incentive, or other benefit.

8. With respect to a bid, contract, purchase order, or agreement entered into with the state or a political subdivision of the state, a client company's status or certification as a minority business enterprise or a women's business enterprise, as those terms are defined in

section 37.020, shall not be affected because the client company has entered into an agreement with a PEO or uses the services of a PEO.

**285.715. REGISTRATION REQUIRED — APPLICATION, CONTENTS — INITIAL REGISTRATION, RENEWAL — REPORTING REQUIREMENTS, SATISFIED HOW — LIMITED REGISTRATION, WHEN — LIST OF ORGANIZATIONS — ELECTRONIC FILING — CONFIDENTIALITY OF RECORDS. — 1.** Except as otherwise provided in sections 285.700 to 285.750, no person shall provide, advertise, or otherwise hold itself out as providing professional employer services in this state, unless such person is registered under sections 285.700 to 285.750.

2. Each applicant for registration under sections 285.700 to 285.750 shall provide the secretary of state with the following information:

- (1) The name or names under which the PEO conducts business;
- (2) The address of the principal place of business of the PEO and the address of each office it maintains in this state;
- (3) The PEO's taxpayer or employer identification number;
- (4) A list by jurisdiction of each name under which the PEO has operated in the preceding five years, including any alternative names, names of predecessors, and, if known, successor business entities;
- (5) A statement of ownership, which shall include the name and evidence of the business experience of any person that, individually or acting in concert with one or more other persons, owns or controls, directly or indirectly, twenty-five percent or more of the equity interests of the PEO;
- (6) A statement of management, which shall include the name and evidence of the business experience of any person who serves as president, chief executive officer, or otherwise has the authority to act as senior executive officer of the PEO; and
- (7) A financial statement setting forth the financial condition of the PEO or PEO group.

At the time of application for a new license, the applicant shall submit the most recent audit of the applicant, which shall not be older than thirteen months. Thereafter, a PEO or PEO group shall file on an annual basis, within one hundred eighty days after the end of the PEO's or PEO group's fiscal year, a succeeding audit. An applicant may apply for an extension with the secretary of state, but any such request shall be accompanied by a letter from the auditors stating the reasons for the delay and the anticipated audit completion date. The financial statement shall be prepared in accordance with generally accepted accounting principles and audited by an independent certified public accountant licensed to practice in the jurisdiction in which such accountant is located and shall be without qualification as to the going concern status of the PEO. A PEO or PEO group may submit combined or consolidated audited financial statements to meet the requirements of this section. A PEO that has not had sufficient operating history to have audited financials based upon at least twelve months of operating history shall meet the financial capacity requirements of sections 285.700 to 285.750 and present financial statements reviewed by a certified public accountant.

3. (1) Each PEO operating within this state as of the effective date of sections 285.700 to 285.750 shall complete its initial registration not later than one hundred eighty days after the effective date of sections 285.700 to 285.750. Such initial registration shall be valid until one hundred eighty days from the end of the PEO's first fiscal year that is more than one year after the effective date of sections 285.700 to 285.750.

(2) Each PEO not operating within this state as of the effective date of sections 285.700 to 285.750 shall complete its initial registration prior to initiating operations within this state. In the event a PEO not registered in this state becomes aware that an existing client not based in this state has employees and operations in this state, the PEO shall either decline to provide PEO services for those employees or notify the secretary of state within five business days of its knowledge of this fact and file a limited registration application under subsection 6 of this section or a full business registration if there are more than fifty covered employees. The secretary of state may issue an interim operating permit for the period the registration applications are pending if the PEO is currently registered or licensed by another state and the secretary of state determines it to be in the best interest of the potential covered employees.

4. Within one hundred eighty days after the end of a registrant's fiscal year, such registrant shall renew its registration by notifying the secretary of state of any changes in the information provided in such registrant's most recent registration or renewal. A registrant's existing registration shall remain in effect during the pendency of a renewal application.

5. PEOs in a PEO group may satisfy the reporting and financial requirements of sections 285.700 to 285.750 on a combined or consolidated basis, provided that each member of the PEO group guarantees the financial capacity obligations under sections 285.700 to 285.750 of each other member of the PEO group. In the case of a PEO or PEO group that submits a combined or consolidated audited financial statement including entities that are not PEOs or that are not in the PEO group, the controlling entity of the PEO group under the consolidated or combined statement shall guarantee the obligations of the PEOs in the PEO group.

6. (1) A PEO is eligible for a limited registration under sections 285.700 to 285.750 if such PEO:

(a) Submits a properly executed request for limited registration on a form provided by the secretary of state;

(b) Is domiciled outside this state and is licensed or registered as a professional employer organization in another state;

(c) Does not maintain an office in this state or directly solicit clients located or domiciled within this state; and

(d) Does not have more than fifty covered employees employed or domiciled in this state on any given day.

(2) A limited registration is valid for one year, and may be renewed.

(3) A PEO seeking limited registration under this section shall provide the secretary of state with information and documentation necessary to show that the PEO qualifies for a limited registration.

(4) The provisions of section 285.725 shall not apply to applicants for limited registration.

7. The secretary of state shall maintain a list of professional employer organizations registered under sections 285.700 to 285.750 that is readily available to the public by electronic or other means.

8. The secretary of state may produce forms necessary to promote the efficient administration of this section.

9. The secretary of state shall, to the extent practical, permit the acceptance of electronic filings in conformance with sections 432.200 to 432.295, including applications, documents, reports, and other filings required by sections 285.700 to 285.750. The secretary of state may provide for the acceptance of electronic filings and other assurance by an independent and qualified assurance organization approved by the secretary of state that provides satisfactory assurance of compliance acceptable to the secretary of state consistent with or in lieu of the requirements of sections 285.715 and 285.725 and other requirements of sections 285.700 to

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285.750. The secretary of state shall permit a PEO to authorize such an approved assurance organization to act on the PEO's behalf in complying with the registration requirements of sections 285.700 to 285.750, including electronic filings of information and payment of registration fees. Use of such an approved assurance organization shall be optional and not mandatory for a registrant. Nothing in this subsection shall limit or change the secretary of state's authority to register or terminate registration of a professional employer organization or to investigate or enforce any provision of sections 285.700 to 285.750.

10. All records, reports, and other information obtained from a PEO under sections 285.700 to 285.750, except to the extent necessary for the proper administration of sections 285.700 to 285.750 by the secretary of state, shall be confidential and shall not be considered a "public record" as that term is defined in section 610.010.

285.720. FEES. — 1. Upon filing an initial registration statement under sections 285.700 to 285.750, a PEO shall pay an initial registration fee not to exceed five hundred dollars.

2. Upon each annual renewal of a registration statement filed under sections 285.700 to 285.750, a PEO shall pay a renewal fee not to exceed two hundred fifty dollars.

3. The secretary of state shall determine any fee to be charged for a group registration.

4. Each PEO seeking limited registration shall pay a fee in the amount not to exceed two hundred fifty dollars upon initial application for limited registration and upon each renewal of such limited registration.

5. No fee charged under sections 285.700 to 285.750 shall exceed the amount reasonably necessary for the administration of sections 285.700 to 285.750.

285.725. WORKING CAPITAL OR BOND REQUIREMENTS. — Except as provided by 285.715, each PEO or collectively each PEO group shall maintain either:

(1) Positive working capital as defined by generally accepted accounting principles at registration as reflected in the financial statements submitted to the secretary of state with the initial registration and each annual renewal; or

(2) A PEO or PEO group that does not have positive working capital may provide a bond, irrevocable letter of credit, or securities with a minimum market value equaling the deficiency plus one hundred thousand dollars to the secretary of state. Such bond is to be held by a depository designated by the secretary of state securing payment by the PEO of all taxes, wages, benefits, or other entitlement due to or with respect to covered employees if the PEO does not make such payments when due.

285.730. RIGHTS OF CLIENT AND PEO — EMPLOYER AGREEMENTS, CONTENTS — NOTICE REQUIREMENTS — LIABILITY — PEO NOT ENGAGED IN SALE OF INSURANCE — POLITICAL SUBDIVISIONS, TAXES. — 1. Except as specifically provided in sections 285.700 to 285.750 or in the professional employer agreement, in each coemployment relationship:

(1) The client shall be entitled to exercise all rights, and shall be obligated to perform all duties and responsibilities otherwise applicable to an employer in an employment relationship;

(2) The PEO shall be entitled to exercise only those rights and obligated to perform only those duties and responsibilities specifically required under sections 285.700 to 285.750 or set forth in the professional employer agreement. The rights, duties, and obligations of the PEO as coemployer with respect to any covered employee shall be limited to those arising pursuant to the professional employer agreement and sections 285.700 to 285.750 during the term of coemployment by the PEO of such covered employee; and

(3) Unless otherwise expressly agreed by the PEO and the client in a professional employer agreement, the client retains the exclusive right to direct and control the covered employees as is necessary to conduct the client's business, to discharge any of the client's fiduciary responsibilities, or to comply with any licensure requirements applicable to the client or to the covered employees.

2. Except as specifically provided under sections 285.700 to 285.750, the coemployment relationship between the client and the PEO and between each coemployer and each covered employee shall be governed by the professional employer agreement. Each professional employer agreement shall include the following:

- (1) The allocation of rights, duties, and obligations as described in subsection 1 of this section;
- (2) A requirement that the PEO shall have responsibility to:
  - (a) Pay wages to covered employees;
  - (b) Withhold, collect, report, and remit payroll-related and unemployment taxes; and
  - (c) To the extent the PEO has assumed responsibility in the professional employer agreement, to make payments for employee benefits for covered employees.

As used in this section, the term "wages" does not include any obligation between a client and a covered employee for payments beyond or in addition to the covered employee's salary, draw, or regular rate of pay, such as bonuses, commissions, severance pay, deferred compensation, profit sharing, vacation, sick, or other paid-time off pay, unless the PEO has expressly agreed to assume liability for such payments in the professional employer agreement; and

(3) A requirement that the PEO shall have a right to hire, discipline, and terminate a covered employee as may be necessary to fulfill the PEO's responsibilities under sections 285.700 to 285.750 and the professional employer agreement. The client shall have a right to hire, discipline, and terminate a covered employee.

3. With respect to each professional employer agreement entered into by a PEO, such PEO shall provide written notice to each covered employee affected by such agreement of the general nature of the coemployment relationship between and among the PEO, the client, and such covered employee.

4. Except to the extent otherwise expressly provided by the applicable professional employer agreement:

(1) A client shall be solely responsible for the quality, adequacy, or safety of the goods or services produced or sold in the client's business;

(2) A client shall be solely responsible for directing, supervising, training, and controlling the work of the covered employees with respect to the business activities of the client and solely responsible for the acts, errors, or omissions of the covered employees with regard to such activities;

(3) A client shall not be liable for the acts, errors, or omissions of a PEO or of any covered employee of the client and a PEO if such covered employee is acting under the express direction and control of the PEO;

(4) A PEO shall not be liable for the acts, errors, or omissions of a client or of any covered employee of the client if such covered employee is acting under the express direction and control of the client;

(5) Nothing in this subsection shall serve to limit any contractual liability or obligation specifically provided in the written professional employer agreement; and

(6) A covered employee is not, solely as the result of being a covered employee of a PEO, an employee of the PEO for purposes of general liability insurance, fidelity bonds, surety bonds, employer's liability that is not covered by workers' compensation, or liquor liability insurance carried by the PEO unless the covered employees are included by specific reference in the professional employer agreement and applicable prearranged employment contract, insurance contract, or bond.

5. A PEO under sections 285.700 to 285.750 is not engaged in the sale of insurance or in acting as a third party administrator by offering, marketing, selling, administering, or providing professional employer services that include services and employee benefit plans for covered employees. The provisions of this section shall not supersede or preempt any requirements under section 375.014.

6. For purposes of this state or any county, municipality, or other political subdivision thereof:

(1) Any tax or assessment imposed upon professional employer services or any business license or other fee that is based upon "gross receipts" shall allow a deduction from the gross income or receipts of the business derived from performing professional employer services that is equal to that portion of the fee charged to a client that represents the actual cost of wages and salaries, benefits, payroll taxes, withholding, or other assessments paid to or on behalf of a covered employee by the professional employer organization under a professional employer agreement;

(2) Any tax assessed or assessment or mandated expenditure on a per capita or per employee basis shall be assessed against the client for covered employees and against the professional employer organization for its employees who are not covered employees coemployed with a client. Benefits or monetary consideration that meet the requirements of mandates imposed on a client and that are received by covered employees through the PEO either through payroll or through benefit plans sponsored by the PEO shall be credited against the client's obligation to fulfill such mandates; and

(3) In the case of a tax or an assessment imposed or calculated upon the basis of total payroll, the professional employer organization shall be eligible to apply any small business allowance or exemption available to the client for the covered employees for purposes of computing the tax.

**285.740. WORKERS' COMPENSATION REQUIREMENTS.** — 1. The responsibility to obtain workers' compensation coverage for covered employees in compliance with all applicable laws shall be specifically allocated in the professional employer agreement to either the client or the PEO.

2. (1) Coverage for both the directly employed workers of a client and the covered employees of that client shall be all in the residual or all in the voluntary market with the same carrier.

(2) Workers' compensation coverage for covered employees in the voluntary market may be obtained by either:

(a) The client through a standard workers' compensation policy or through duly authorized self-insurance under section 287.280; or

(b) The PEO through duly authorized self insurance under section 287.280, through the type of policy referenced under the provisions of 20 CSR 500-6.800(5)(c)2 issued to the PEO by a carrier authorized to do business in this state, or through a multiple coordinated

workers' compensation policy issued by a carrier authorized to do business in this state in the name of the PEO or the client.

A PEO authorized to self-insure under section 287.280 shall report to the insurer or the appropriate state and rating authorities such client-based information as is necessary to maintain the client's experience rating.

(3) Workers' compensation for covered employees in the residual market may be obtained by the client through a residual market policy or by the PEO through a multiple coordinated policy in either the name of the PEO or the client that provides to the appropriate state and rating authorities the client-based information satisfactory to maintain the client's experience rating.

3. A PEO that applies for coverage or is covered through the voluntary market shall also maintain and furnish to the insurer sufficient information to permit the calculation of an experience modification factor for each client upon termination of the coemployment relationship. Information reported during the term of the coemployment relationship which is used to calculate an experience modification factor for a client prior to and upon termination of the professional employer agreement shall continue to be used in the future experience ratings of the PEO. Such information shall include:

- (1) The client's corporate name;
- (2) The client's taxpayer or employer identification number;
- (3) Payroll summaries and class codes applicable to each client, and, if requested by the insurer, a listing of all covered employees associated with a given client; and
- (4) Claims information grouped by client, and any other information maintained by or readily available to the PEO that is necessary for the calculation of an experience modification factor for each client.

4. In addition to any other provision of chapter 287, any material violations of this section by a PEO is grounds for cancellation or nonrenewal of the PEO's insurance policy by the insurer. If a PEO has received notice that its workers' compensation insurance policy will be canceled or nonrenewed, the PEO shall notify by certified mail, within ten days after the receipt of the notice, all of the clients for which there is a coemployment relationship covered under the policy to be canceled, provided that notice shall not be required if the PEO has obtained another insurance policy from a carrier authorized to do business in this state, with an effective date that is the same as the date of cancellation or nonrenewal.

5. If the coemployment relationship with a client is terminated, the client shall utilize an experience modification factor which reflects its individual experience, including, if applicable, experience incurred for covered employees under the professional employer agreement. The PEO shall provide to the client the client's information that is maintained under subsection 3 of this section within five business days of receiving notice from the client or within five business days of providing notice to the client that the coemployment relationship will terminate. The PEO shall also provide such information to any future client insurer, if requested by such client. The PEO shall notify the insurer of its intent to terminate any client relationship prior to termination when feasible. When prior notice is not feasible, the PEO shall notify its insurer within five business days following actual termination.

6. Both the client and the PEO shall be considered the employer for purposes of coverage under chapter 287. The protection of the exclusive remedy provision under section 287.120 shall apply to the PEO, the client, and to all covered employees and other employees of the client irrespective of which coemployer obtains such workers' compensation coverage.

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Nothing in this section shall be construed to exempt either the client or the PEO from compliance with the provisions of chapter 287.

7. A client may request the information maintained under subsection 3 of this section at any time and every PEO shall provide that information to such client within five business days of receiving such a request.

8. In the case of a request for information by a third party requesting verification of a client's experience modification factor for a client in the type of policy referenced under the provisions of 20 CSR 500-6.800(5)(c)2, the PEO shall, within five business days of receipt of receiving the client's consent, provide such third party with only the information maintained by the PEO under subsection 3 of this section. If a client refuses to grant consent to a request for information under this subsection, the PEO shall notify the requesting third party that the client has refused to consent to the disclosure of the information maintained by the PEO under subsection 3 of this section.

9. A client shall provide any prospective insurer with the information maintained by the PEO under subsection 3 of this section upon receiving such information from the PEO. Failure to provide a future insurer with such information shall be considered a violation of subsection 6 of section 287.128.

10. (1) A client shall notify any prospective insurer of the client's previous or current relationship with a PEO. Failure to provide a future insurer with such information shall be considered a violation of subsection 6 of section 287.128.

(2) This subsection shall not apply if the PEO did not provide workers' compensation coverage to a client during the coemployment relationship.

11. For purposes of chapter 288, a PEO registered under sections 285.700 to 285.750 shall be treated as a "lesser employing unit" under section 288.032.

**285.750. PROHIBITED ACTS — DISCIPLINARY ACTION, WHEN — SANCTIONS. — 1. A person shall not knowingly:**

(1) Offer or provide professional employer services or use the names PEO, professional employer organization, staff leasing, employee leasing, administrative employer, or other title representing professional employer services without first becoming registered under sections 285.700 to 285.750; or

(2) Provide false or fraudulent information to the secretary of state in conjunction with any registration, renewal, or in any report required under sections 285.700 to 285.750.

2. Disciplinary action shall be taken by the secretary of state for violation of this section for:

(1) The conviction of a professional employer organization or a controlling person of a PEO of a crime that relates to the operation of a PEO or the ability of the licensee or a controlling person of a licensee to operate a PEO;

(2) Knowingly making a material misrepresentation to the secretary of state or other governmental agency; or

(3) A willful violation of sections 285.700 to 285.750 or any order issued by the secretary of state under sections 285.700 to 285.750.

3. Upon finding, after notice and opportunity for hearing, that a PEO, a controlling person of a PEO, or a person offering PEO services has violated one or more provisions of this section and subject to appeal, the secretary of state may:

(1) Deny an application for a license;

(2) Revoke, restrict, or refuse to renew a license;

- (3) **Impose an administrative penalty in an amount not to exceed one thousand dollars for each material violation;**
- (4) **Place the licensee on probation for the period and subject to conditions that the secretary of state specifies; or**
- (5) **Issue a cease and desist order.**

**324.001. DIVISION OF PROFESSIONAL REGISTRATION ESTABLISHED, DUTIES — BOARDS AND COMMISSIONS ASSIGNED TO — REFERENCE TO DIVISION IN STATUTES — WORKFORCE DATA ANALYSIS, REQUIREMENTS.** — 1. For the purposes of this section, the following terms mean:

- (1) "Department", the department of insurance, financial institutions and professional registration;
- (2) "Director", the director of the division of professional registration; and
- (3) "Division", the division of professional registration.

2. There is hereby established a "Division of Professional Registration" assigned to the department of insurance, financial institutions and professional registration as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its divisions, agencies, and personnel.

3. The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current. Each board or commission shall have the authority to collect and analyze information required to support workforce planning and policy development. Such information shall not be publicly disclosed so as to identify a specific health care provider, as defined in section 376.1350. Each board or commission shall issue the original license or certificate.

4. The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof **to include verifying if the applicant has submitted all required documentation and that the documentation is legible.** It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder.

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The division may develop and implement microfilming systems and automated or manual management information systems.

5. The director of the division shall maintain a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and other state agencies from each board's funds moneys sufficient to reimburse the division and other state agencies for all services rendered and all facilities and supplies furnished to that board.

6. For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subsection 5 of this section. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.

7. The director of the division shall be responsible for collecting and accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the department of revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

8. All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names and addresses, registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names and addresses of applicants for such licenses is not confidential information.

9. Any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public. Once a final decision is rendered, that decision shall be made available to the parties and the public.

10. A compelling governmental interest shall be deemed to exist for the purposes of section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance of any

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agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.

11. (1) The following boards and commissions are assigned by specific type transfers to the division of professional registration: Missouri state board of accountancy, chapter 326; board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects, professional engineers, professional land surveyors and landscape architects, chapter 327; Missouri state board of chiropractic examiners, chapter 331; state board of registration for the healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340. The governor shall appoint members of these boards by and with the advice and consent of the senate.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions and responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration, and a description of their responsibilities.

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of insurance, financial institutions and professional registration. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

12. All the powers, duties, and functions of the division of athletics, chapter 317, and others, are assigned by type I transfer to the division of professional registration.

13. Wherever the laws, rules, or regulations of this state make reference to the division of professional registration of the department of economic development, such references shall be deemed to refer to the division of professional registration.

14. (1) The state board of nursing, board of pharmacy, Missouri dental board, state committee of psychologists, state board of chiropractic examiners, state board of optometry, Missouri board of occupational therapy, or state board of registration for the healing arts may individually or collectively enter into a contractual agreement with the department of health and senior services, a public institution of higher education, or a nonprofit entity for the purpose of collecting and analyzing workforce data from its licensees, registrants, or permit holders for future workforce planning and to assess the accessibility and availability of qualified health care services and practitioners in Missouri. The boards shall work collaboratively with other state governmental entities to ensure coordination and avoid duplication of efforts.

(2) The boards may expend appropriated funds necessary for operational expenses of the program formed under this subsection. Each board is authorized to accept grants to fund the collection or analysis authorized in this subsection. Any such funds shall be deposited in the respective board's fund.

(3) Data collection shall be controlled and approved by the applicable state board conducting or requesting the collection. Notwithstanding the provisions of sections 324.010 and 334.001, the boards may release identifying data to the contractor to facilitate data analysis of the health care workforce including, but not limited to, geographic, demographic, and practice or professional characteristics of licensees. The state board shall not request or be authorized to collect income or other financial earnings data.

(4) Data collected under this subsection shall be deemed the property of the state board requesting the data. Data shall be maintained by the state board in accordance with chapter 610, provided that any information deemed closed or confidential under subsection 8 of this section or any other provision of state law shall not be disclosed without consent of the applicable licensee or entity or as otherwise authorized by law. Data shall only be released in an aggregate form by geography, profession or professional specialization, or population characteristic in a manner that cannot be used to identify a specific individual or entity. Data suppression standards shall be addressed and established in the contractual agreement.

(5) Contractors shall maintain the security and confidentiality of data received or collected under this subsection and shall not use, disclose, or release any data without approval of the applicable state board. The contractual agreement between the applicable state board and contractor shall establish a data release and research review policy to include legal and institutional review board, or agency-equivalent, approval.

(6) Each board may promulgate rules subject to the provisions of this subsection and chapter 536 to effectuate and implement the workforce data collection and analysis authorized by this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

**324.013. AGE, DENIAL OF LICENSURE, PROHIBITED, WHEN. — 1.** For purposes of this section, the following terms mean:

- (1) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation, profession, or activity in the state;
- (2) "Oversight body", any board, department, agency, or office of the state that issues licenses. The term "oversight body" shall not include any political subdivision.

2. An oversight body shall not deny any person eighteen years of age or older a license on the basis of age unless the license enables a person to operate a school bus owned by or under contract with a public school or the state board of education, transport hazardous material, use explosives, or engage in any activity associated with gaming.

**324.046. SUICIDE ASSESSMENT, REFERRAL, TREATMENT AND MANAGEMENT TRAINING REQUIRED FOR HEALTH CARE PROFESSIONAL LICENSURE. — 1.** For the purposes of this section, the term "health care professional" shall mean a physician, other health care practitioner, or mental health professional licensed, accredited, or certified by the state of Missouri to perform specified health services.

2. Any health care professional in the state of Missouri may annually complete training in the areas of suicide assessment, referral, treatment, and management, which may qualify as part of the continuing education requirements for his or her licensure.

**324.047. GUIDELINES FOR REGULATION OF CERTAIN OCCUPATIONS AND PROFESSIONS — DEFINITIONS — LIMITATION ON STATE REGULATION, REQUIREMENTS — REPORTS. — 1.** The purpose of this section is to promote general welfare by establishing guidelines for the regulation of occupations and professions not regulated prior to January 1, 2019, and guidelines for combining any additional occupations or professions under a single license regulated by the state prior to January 1, 2019.

2. For purposes of this section, the following terms mean:

- (1) "Applicant group", any occupational or professional group or organization, any individual, or any other interested party that seeks to be licensed or further regulated or supports any bill that proposes to combine any additional occupations or professions under a single license regulated by the state prior to January 1, 2019;
- (2) "Certification", a program in which the government grants nontransferable recognition to an individual who meets personal qualifications established by a regulatory entity. Upon approval, the individual may use "certified" as a designated title. This term shall not be synonymous with an occupational license;
- (3) "Department", the department of insurance, financial institutions and professional registration;
- (4) "Director", the director of the division of professional registration;
- (5) "Division", the division of professional registration;
- (6) "General welfare", the concern of the government for the health, peace, morality, and safety of its residents;
- (7) "Lawful occupation", a course of conduct, pursuit, or profession that includes the sale of goods or services that are not themselves illegal to sell irrespective of whether the individual selling them is subject to an occupational regulation;
- (8) "Least restrictive type of occupational regulation", the regulation that is least restrictive, in which the following list of regulations in order from least to most restrictive is used to make such determination:

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- (a) Bonding or insurance;
- (b) Registration;
- (c) Certification;
- (d) Occupational license;
- (9) "Occupational license", a nontransferable authorization in law for an individual to perform a lawful occupation for compensation based on meeting personal qualifications established by a regulatory entity and that, if not possessed, prohibits the individual from performing the occupation for compensation;
- (10) "Occupational regulation", a statute, ordinance, rule, practice, policy, or other law requiring an individual to possess certain personal qualifications to work in a lawful occupation;
- (11) "Personal qualifications", criteria related to an individual's personal background, including completion of an approved educational program, satisfactory performance on an examination, work experience, criminal history, and completion of continuing education;
- (12) "Practitioner", an individual who has achieved knowledge and skill by practice and is actively engaged in a specified occupation or profession;
- (13) "Registration", a requirement established by the general assembly in which an individual:
  - (a) Submits notification to a state agency; and
  - (b) May use "registered" as a designated title.

Notification may include the individual's name and address, the individual's agent for service of process, the location of the activity to be performed, and a description of the service the individual provides. Registration may include a requirement to post a bond but does not include education or experience requirements. If the requirement of registration is not met, the individual is prohibited from performing the occupation for compensation or using "registered" as a designated title. The term "registration" shall not be synonymous with an occupational license;

(14) "Regulatory entity", any board, commission, agency, division, or other unit or subunit of state government that regulates one or more professions, occupations, industries, businesses, or other endeavors in this state;

(15) "State agency", every state office, department, board, commission, regulatory entity, and agency of the state. The term "state agency" includes, if provided by law, programs and activities involving less than the full responsibility of a state agency;

(16) "Substantial burden", a requirement in an occupational regulation that imposes significant difficulty or cost on an individual seeking to enter into or continue in a lawful occupation and is more than an incidental burden.

3. All individuals may engage in the occupation of their choice, free from unreasonable government regulation. The state shall not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a reasonable interest for the state to protect the general welfare. If such an interest exists, the regulation adopted by the state shall be the least restrictive type of occupational regulation consistent with the public interest to be protected.

4. All bills introduced in the general assembly to regulate, pursuant to subsection 6 of this section, an occupation or profession shall be reviewed according to the following criteria. An occupation or profession shall be regulated by the state if:

(1) Unregulated practice could cause harm and endanger the general welfare, and the potential for further harm and endangerment is recognizable;

(2) The public can reasonably be expected to benefit from an assurance of personal qualifications; and

(3) The general welfare cannot be sufficiently protected by other means.

5. After evaluating the criteria in subdivision (3) of this subsection and considering governmental, economic, and societal costs and benefits, if the general assembly finds that the state has a reasonable interest in regulating, pursuant to subsection 6 of this section, an occupation or profession not previously regulated by law, the most efficient form of regulation shall be implemented, consistent with this section and with the need to protect the general welfare, as follows:

(1) If the threat to the general welfare resulting from the practitioner's services is easily predictable, the regulation shall implement a system of insurance, bonding, or registration;

(2) If the consumer has challenges accessing credentialing information or possesses significantly less information on how to report abuses such that the practitioner puts the consumer in a disadvantageous position relative to the practitioner to judge the quality of the practitioner's services, the regulation shall implement a system of certification; and

(3) If other regulatory structures, such as bonding, insurance, registration, and certification, insufficiently protect the general welfare from recognizable harm, the regulation shall implement a system of licensing.

6. After January 1, 2019, any relevant regulatory entity shall report, and the department shall make available to the general assembly, upon the filing of a bill that proposes additional regulation of a profession or occupation currently regulated by the regulatory entity, the following factors to the department:

(1) A description of the professional or occupational group proposed for expansion of regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) Whether practice of the profession or occupation proposed for expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met;

(3) The nature and extent of potential harm to the public if the profession or occupation is not regulated as described in the bill, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the relevant regulatory entity shall provide, and the department shall make available to the general assembly, the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the regulatory entity and the department shall redact names and other personally identifiable information from the information released;

(4) A description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership

in professional or occupational associations, or academic credentials and a statement of why these efforts are inadequate to protect the public;

(5) The extent to which expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the direct cost to the government and the indirect costs to consumers;

(6) The extent to which expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public;

(7) The extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from the lack of the requirements outlined in the bill;

(8) Why bonding and insurance, registration, certification, occupational license to practice, or another type of regulation is being proposed, why that regulatory alternative was chosen, and whether the proposed method of regulation is appropriate;

(9) A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws, and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

(10) The details of any previous efforts in this state to implement regulation of the profession or occupation;

(11) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist; and

(12) The method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

7. If no existing regulatory entity regulates the occupation or profession to be regulated in the bill, the department shall report and make available to the general assembly, upon the filing of a bill after January 1, 2019, that proposes new regulation of a profession or occupation, the following factors:

(1) A description of the professional or occupational group proposed for regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) The nature and extent of potential harm to the public if the profession or occupation is not regulated, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the department shall release the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the department shall redact names and other personally identifiable information from the information released;

(3) A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws, and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

(4) The details of any previous efforts in this state to implement regulation of the profession or occupation; and

(5) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist.

8. After January 1, 2019, applicant groups may report to the department, and the department shall make available to the general assembly, any of the information required in subsection 6 or 7 of this section and whether the profession or occupation plans to apply for mandated benefits.

**324.200. DIETITIAN PRACTICE ACT — DEFINITIONS.** — 1. Sections 324.200 to 324.225 shall be known and may be cited as the "Dietitian Practice Act".

2. As used in sections 324.200 to 324.225, the following terms shall mean:

(1) "~~Commission on Accreditation for Dietetics Education (CADE)~~", **the American Dietetic Association's Accreditation Council for Education in Nutrition and Dietetics" or "ACEND", the Academy of Nutrition and Dietetics** accrediting agency for education programs preparing students for professions as registered dietitians;

(2) "Committee", the state committee of dietitians established in section 324.203;

(3) "Dietetics practice", the application of principles derived from integrating knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and social science to achieve and maintain the health of people by providing nutrition assessment and nutrition care services. The primary function of dietetic practice is the provision of nutrition care services that shall include, but not be limited to:

(a) Assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;

(b) Establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources and constraints;

(c) Providing nutrition counseling or education in health and disease;

(d) Developing, implementing, and managing nutrition care systems;

(e) Evaluating, making changes in, and maintaining appropriate standards of quality and safety in food and in nutrition services;

(f) Engaged in medical nutritional therapy as defined in subdivision (8) of this section;

(4) "Dietitian", one engaged in dietetic practice as defined in subdivision (3) of this section;

(5) "Director", the director of the division of professional registration;

(6) "Division", the division of professional registration;

(7) "Licensed dietitian", a person who is licensed pursuant to the provisions of sections 324.200 to 324.225 to engage in the practice of dietetics or medical nutrition therapy;

(8) "Medical nutrition therapy", nutritional diagnostic, therapy, and counseling services which are furnished by a registered dietitian **or registered dietitian nutritionist**;

(9) "Registered dietitian" **or "registered dietitian nutritionist"**, a person who:

(a) Has completed a minimum of a baccalaureate degree granted by a United States regionally accredited college or university or foreign equivalent;

(b) Completed the academic requirements of a didactic program in dietetics, as approved by ~~CADE~~ **ACEND**;

(c) Successfully completed the registration examination for dietitians; and

(d) Accrued seventy-five hours of approved continuing professional units every five years; as determined by the committee on dietetic registration.

**324.205. TITLE OF LICENSED DIETITIAN, USE PERMITTED, WHEN — PENALTY.** — 1. Any person who holds a license to practice dietetics in this state may use the title "Dietitian" or the abbreviation "L.D." or "**L.D.N.**". No other person may use the title "Dietitian" or the abbreviation "L.D." or "**L.D.N.**". No other person shall assume any title or use any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed dietitian.

2. No person shall practice or offer to practice dietetics in this state for compensation or use any title, sign, abbreviation, card, or device to indicate that such person is practicing dietetics unless he or she has been duly licensed pursuant to the provisions of sections 324.200 to 324.225.

3. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor.

**324.210. QUALIFICATIONS OF APPLICANT FOR LICENSURE — EXAMINATION REQUIRED, EXCEPTION.** — 1. An applicant for licensure as a dietitian shall be at least twenty-one years of age.

2. Each applicant shall furnish evidence to the committee that:

(1) The applicant has completed a didactic program in dietetics which is approved or accredited by the ~~[commission on accreditation for dietetics education]~~ **Accreditation Council for Education in Nutrition and Dietetics** and a minimum of a baccalaureate degree from an acceptable educational institution accredited by a regional accrediting body or accredited by an accrediting body which has been approved by the United States Department of Education. Applicants who have obtained their education outside of the United States and its territories must have their academic degrees validated as equivalent to the baccalaureate or master's degree conferred by a regionally accredited college or university in the United States. Validation of a foreign degree does not eliminate the need for a verification statement of completion of a didactic program in dietetics;

(2) The applicant has completed a supervised practice requirement from an institution that is certified by a nationally recognized professional organization as having a dietetics specialty or who meets criteria for dietetics education established by the committee. The committee may specify those professional organization certifications which are to be recognized and may set standards for education training and experience required for those without such specialty certification to become dietitians.

3. The applicant shall successfully pass an examination as determined by the committee and possess a current registration with the Commission on Dietetic Registration. The committee may waive the examination requirement and grant licensure to an applicant for a license as a dietitian who presents satisfactory evidence to the committee of current registration as a dietitian with the commission on dietetic registration.

4. Prior to July 1, 2000, a person may apply for licensure without examination and shall be exempt from the academic requirements of this section if the committee is satisfied that the applicant has a bachelor's degree in a program approved by the committee and has work experience approved by the committee.

5. The committee may determine the type of documentation needed to verify that an applicant meets the qualifications provided in subsection 3 of this section.

**324.406. INTERIOR DESIGN COUNCIL CREATED, MEMBERS, TERMS, REMOVAL FOR CAUSE.** — 1. There is hereby created within the division of professional registration a council to be known as the "Interior Design Council". The council shall consist of four interior designers and one public member appointed by the ~~[governor with the advice and consent of the senate]~~ **director of the division**. The ~~[governor]~~ **director** shall give due consideration to the recommendations by state organizations of the interior design profession for the appointment of the interior design members

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to the council. Council members shall be appointed to serve a term of four years; except that of the members first appointed, one interior design member and the public member shall be appointed for terms of four years, one member shall be appointed for a term of three years, one member shall be appointed for a term of two years and one member shall be appointed for a term of one year. No member of the council shall serve more than two terms.

2. Each council member, other than the public member, shall be a citizen of the United States, a resident of the state of Missouri for at least one year, meet the qualifications for professional registration, practice interior design as the person's principal livelihood and, except for the first members appointed, be registered pursuant to sections 324.400 to 324.439 as an interior designer.

3. The public member shall be, at the time of such person's appointment, a citizen of the United States, a registered voter, a person who is not and never was a member of the profession regulated by sections 324.400 to 324.439 or the spouse of such a person and a person who does not have and never has had a material financial interest in the providing of the professional services regulated by sections 324.400 to 324.439. The duties of the public member shall not include the determination of the technical requirements for the registration of persons as interior designers.

4. The provisions of section 324.028 pertaining to ~~[public]~~ members of certain state boards and commissions shall apply to ~~[the public member]~~ **all members** of the council.

~~[4-]~~ 5. Members of the council may be removed from office for cause. Upon the death, resignation or removal from office of any member of the council, the appointment to fill the vacancy shall be for the unexpired portion of the term so vacated and shall be filled in the same manner as the first appointment and due notice be given to the state organizations of the interior design profession prior to the appointment.

~~[5-]~~ 6. Each member of the council may receive as compensation an amount set by the division not to exceed fifty dollars per day and shall be reimbursed for the member's reasonable and necessary expenses incurred in the official performance of the member's duties as a member of the council. The director shall establish by rule guidelines for payment.

~~[6-]~~ 7. The council shall meet at least twice each year and **guide, advise, and make recommendations** to the division on matters within the scope of sections 324.400 to 324.439. The organization of the council shall be established by the members of the council.

~~[7- The council may sue and be sued as the interior design council and the council members need not be named as parties. Members of the council shall not be personally liable either jointly or severally for any act committed in the performance of their official duties as council members. No council member shall be personally liable for any costs which accrue in any action by or against the council.]~~

**324.409. QUALIFICATIONS FOR REGISTRATION.** — 1. To be a registered interior designer, a person:

(1) Shall take and pass or have passed the examination administered by the National Council for Interior Design Qualification or an equivalent examination approved by the ~~[council]~~ **division**. In addition to proof of passage of the examination, the application shall provide substantial evidence to the ~~[council]~~ **division** that the applicant:

(a) Is a graduate of a five-year or four-year interior design program from an accredited institution and has completed at least two years of diversified and appropriate interior design experience; or

(b) Has completed at least three years of an interior design curriculum from an accredited institution and has completed at least three years of diversified and appropriate interior design experience; or

(c) Is a graduate of a two-year interior design program from an accredited institution and has completed at least four years of diversified and appropriate interior design experience; or

(2) May qualify who is currently registered pursuant to sections 327.091 to 327.171, and section 327.401 pertaining to the practice of architecture and registered with the ~~[council]~~ **division**. Such applicant shall give authorization to the ~~[council]~~ **division** in order to verify current registration with sections 327.091 to 327.171 and section 327.401 pertaining to the practice of architecture.

~~2. [Verification of experience required pursuant to this section shall be based on a minimum of two client references, business or employment verification and three industry references, submitted to the council.]~~

~~3.]~~ The ~~[council]~~ **division** shall verify if an applicant has complied with the provisions of this section and has paid the required fees, then the ~~[council]~~ **division** shall recommend such applicant be registered as a registered interior designer by the ~~[council]~~ **division**.

**324.412. POWERS AND DUTIES OF DIVISION — RULEMAKING.** — ~~[1.]~~ The division shall:

(1) Employ, within the limits of the appropriations for that purpose, such employees as are necessary to carry out the provisions of sections 324.400 to 324.439;

(2) Exercise all budgeting, purchasing, reporting and other related management functions~~[-~~  
~~2. The council shall:]~~ ;

~~[(1)]~~ (3) Recommend prosecution for violations of sections 324.400 to 324.439 to the appropriate prosecuting or circuit attorney;

~~[(2)]~~ (4) Promulgate such rules and regulations as are necessary to administer the provisions of sections 324.400 to 324.439. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated to administer and enforce sections 324.400 to 324.439, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, including but not limited to, section 536.028, if applicable, after August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

**324.415. APPLICATIONS FOR REGISTRATION, FORM — PENALTIES.** — Applications for registration as a registered interior designer shall be typewritten on forms prescribed by the ~~[council]~~ **division** and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous interior design certification, registration or licensing examinations, if any, and such other pertinent information as the ~~[council]~~ **division** may require, or architect's registration number and such other pertinent information as the ~~[council]~~ **division** may require. Each application shall contain a statement that is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the person signing the application. The person shall be subject to the penalties for making a false affidavit or declaration and shall be accompanied by the required fee.

**324.421. WAIVER OF EXAMINATION, WHEN.** — The ~~[council]~~ **division** shall register without examination any interior designer certified, licensed or registered in another state or territory of the United States or foreign country if the applicant has qualifications which are at least equivalent to

the requirements for registration as a registered interior designer in this state and such applicant pays the required fees.

**324.424. FEES — INTERIOR DESIGNER COUNCIL FUND, USE.** — 1. The [council] division shall set the amount of the fees authorized by sections 324.400 to 324.439 by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 324.400 to 324.439. All fees required pursuant to sections 324.400 to 324.439 shall be paid to and collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the "Interior Designer Council Fund", which is hereby created.

2. Notwithstanding the provisions of section 33.080 to the contrary, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation to the council for the preceding fiscal year. The amount, if any, in the fund which shall lapse is the amount in the fund which exceeds the appropriate multiple of the appropriations to the council for the preceding fiscal year.

**324.427. UNLAWFUL USE OF TITLE OF REGISTERED INTERIOR DESIGNER.** — It is unlawful for any person to advertise or indicate to the public that the person is a registered interior designer in this state, unless such person is registered as a registered interior designer by the [council] division and is in good standing pursuant to sections 324.400 to 324.439.

**324.430. DESIGNATION AS REGISTERED INTERIOR DESIGNER PROHIBITED, WHEN.** — No person may use the designation registered interior designer in Missouri, unless the [council] division has issued a current certificate of registration certifying that the person has been duly registered as a registered interior designer in Missouri and unless such registration has been renewed or reinstated as provided in section 324.418.

**324.436. REFUSAL TO ISSUE, RENEW OR REINSTATE CERTIFICATE, WHEN — COMPLAINT FILED, PROCEDURE.** — 1. The [council] division may refuse to issue any certificate required pursuant to sections 324.400 to 324.439, or renew or reinstate any such certificate, for any one or any combination of the reasons stated in subsection 2 of this section. The [council] division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the person's right to file a complaint with the administrative hearing commission as provided in chapter 621.

2. The [council] division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a certificate of registration required by sections 324.400 to 324.439 or any person who has failed to renew or has surrendered the person's certificate of registration for any one or combination of the following reasons:

(1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of the profession regulated by sections 324.400 to 324.439; for any offense for which an essential element is fraud, dishonesty or an act of violence; or for a felony, whether or not sentence is imposed;

(2) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration issued pursuant to sections 324.400 to 324.439 or in obtaining permission to take any examination given or required pursuant to sections 324.400 to 324.439;

(3) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

- (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession regulated by sections 324.400 to 324.439;
- (5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.400 to 324.439, or of any lawful rule or regulation adopted pursuant to such sections;
- (6) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use the person's certificate or diploma from any school;
- (7) Disciplinary action against the holder of a certificate of registration or other right to perform the profession regulated by sections 324.400 to 324.439 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- (8) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;
- (9) Issuance of a certificate of registration based upon a material mistake of fact;
- (10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed, as it relates to the interior design profession.

3. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 536 and chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the ~~board~~ **division** shall censure or place the person named in the complaint on probation for a period not to exceed five years or may suspend the person's certificate for a period not to exceed three years or may revoke the person's certificate of registration.

**324.920. APPLICATION REQUIREMENTS — GRANDFATHER PROVISION — EMPLOYEE LICENSING REQUIREMENTS.** — 1. The applicant for a statewide electrical contractor's license shall satisfy the following requirements:

- (1) ~~Be at least twenty-one years of age;~~
- ~~(2)~~ Provide proof of liability insurance in the amount of five hundred thousand dollars, and post a bond with each political subdivision in which he or she will perform work, as required by that political subdivision;
- ~~(3)~~ **(2)** Pass a standardized and nationally accredited electrical assessment examination that has been created and administered by a third party and that meets current national industry standards, as determined by the division;
- ~~(4)~~ **(3)** Pay for the costs of such examination; and
- ~~(5)~~ **(4)** Have completed one of the following:
  - (a) Twelve thousand verifiable practical hours installing equipment and associated wiring;
  - (b) Ten thousand verifiable practical hours installing equipment and associated wiring and have received an electrical journeyman certificate from a United States Department of Labor-approved electrical apprenticeship program;
  - (c) Eight thousand verifiable practical hours installing equipment and associated wiring and have received an associate's degree from a state-accredited program; or
  - (d) Four thousand verifiable practical hours supervising the installation of equipment and associated wiring and have received a four-year electrical engineering degree.

2. Electrical contractors who hold an electrical contractor **or master electrician occupational or business** license ~~[in good standing that was]~~ issued by any ~~[authority]~~ **political subdivision** in this state ~~[that required prior to January 1, 2018, the passing of a]~~ **shall be eligible for a statewide license if the applicant:**

- (1) Provides evidence of having passed a** standardized ~~[and nationally accredited]~~ written electrical assessment examination that is based upon the National Electrical Code **and**

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administered by an independent competent professional testing agency not affiliated with a political subdivision or the state of Missouri; ~~and who have completed~~

(2) Provides evidence of twelve thousand hours of verifiable practical experience ~~shall be issued a statewide license~~ or evidence of having been licensed by any Missouri political subdivision that requires examination as specified in subdivision (1) of this subsection as an electrical contractor or master electrician for six of the previous eight calendar years;

(3) Provides proof of insurance as required by this chapter; and

(4) Provides proof that the local license was current and active and not subject to discipline on the date the applicant applied for a statewide license.

The provisions of this subsection shall apply only to electrical contractor licenses issued by a political subdivision with the legal authority to issue such licenses.

3. ~~Each~~ **If a corporation, firm, institution, organization, company, or representative thereof [engaging] desires to engage** in electrical contracting **licensed under this chapter, then it** shall have in its employ, at a supervisory level, at least one electrical contractor who possesses a statewide license in accordance with sections 324.900 to 324.945. A statewide licensed electrical contractor shall represent only one firm, company, corporation, institution, or organization at one time.

4. Any person operating as an electrical contractor in a political subdivision that does not require the contractor to hold a local license, **or that operates as an electrical contractor in a political subdivision that requires a local license possessed by that person**, shall not be required to possess a statewide license under sections 324.900 to 324.945 to continue to operate as an electrical contractor in such political subdivision.

5. The division may negotiate reciprocal agreements with other states, the District of Columbia, or territories of the United States which require standards for licensure, registration, or certification considered to be equivalent or more stringent than the requirements for licensure under sections 324.900 to 324.945.

**324.925. POLITICAL SUBDIVISIONS TO RECOGNIZE STATEWIDE LICENSURE — PERMISSIBLE ACTS BY POLITICAL SUBDIVISIONS. — 1. Political subdivisions shall not be prohibited from establishing their own local electrical contractor's license, but shall recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within such political subdivision. No political subdivision shall require the holder of a statewide license to obtain a local business or occupation license that requires passing of any examination or any special requirements to assess proficiency or mastery of the electrical trades. The holder of a statewide license shall be deemed eligible to perform electrical contracting work and to obtain permits to perform said work from any political subdivision within the state of Missouri.**

2. If a political subdivision does not recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within the political subdivision, then a statewide licensee may file a complaint with the division. The division shall perform an investigation into the complaint, and if the division finds that the political subdivision failed to recognize a statewide license in accordance with this section, then the division shall notify the political subdivision that the political subdivision has violated the provisions of this section and has thirty days to comply with the law. If after thirty days the political subdivision still does not recognize a statewide license, then the division shall notify the director of the department of revenue who shall withhold any moneys the noncompliant political subdivision would otherwise be entitled to from local sales tax as defined in section 32.085 until the director has received notice

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from the division that the political subdivision is in compliance with this section. Upon the political subdivision coming into compliance with the provisions of this section, the division shall notify the director of the department of revenue who shall disburse all funds held under this subsection. Moneys held by the director of the department of revenue under this subsection shall not be deemed to be state funds and shall not be commingled with any funds of the state.

3. The provisions of this section shall not prohibit any political subdivision in this state from:

- (1) Enforcing any code or law contained in this section;
- (2) Implementing an electrical code based upon the National Electrical Code;
- (3) Issuing an electrical contractor license or communication contractor license valid for that political subdivision;
- (4) Requiring a business license to perform electrical contracting work;
- (5) Issuing electrical contracting permits;
- (6) Enforcing codes of the political subdivision;
- (7) Inspecting the work of a statewide license holder; and
- (8) Licensing electricians provided that such licenses are based upon professional experience and passage of a nationally accredited Electrical Assessment Examination that is administered on a routine and accessible schedule.

4. Political subdivisions that do not have the authority to issue or require electrical licenses prior to August 28, 2017, shall not be granted such authority under the provisions of this section.

**324.1108. APPLICATION FOR LICENSURE, CONTENTS — QUALIFICATIONS.** — 1. Every person desiring to be licensed in this state as a private investigator, private investigator agency, private fire investigator, or private fire investigator agency shall make application therefor to the board. An application for a license under the provisions of sections 324.1100 to 324.1148 shall be on a form prescribed by the board and accompanied by the required application fee. An application shall be verified and shall include:

- (1) The full name and business address of the applicant;
- (2) The name under which the applicant intends to conduct business;
- (3) A statement as to the general nature of the business in which the applicant intends to engage;
- (4) A statement as to the classification or classifications under which the applicant desires to be qualified;
- (5) Two recent photographs of the applicant, of a type prescribed by the board, and two classifiable sets of the applicant's fingerprints processed in a manner approved by the Missouri state highway patrol, central repository, under section 43.543;
- (6) A verified statement of the applicant's experience qualifications; and
- (7) Such other information, evidence, statements, or documents as may be required by the board.

2. Before an application for a license may be granted, the applicant shall:

- (1) ~~Be at least twenty-one years of age;~~
- ~~(2)~~ Be a citizen of the United States;
- ~~[(3)]~~ (2) Provide proof of liability insurance with amount to be no less than two hundred fifty thousand dollars in coverage and proof of workers' compensation insurance if required under chapter 287. The board shall have the authority to raise the requirements as deemed necessary; and
- ~~[(4)]~~ (3) Comply with such other qualifications as the board adopts by rules and regulations.

**327.221. APPLICANT FOR LICENSE AS PROFESSIONAL ENGINEER, QUALIFICATIONS.** — Any person may apply to the board for licensure as a professional engineer ~~[who is over the age of twenty-one,]~~ who is of good moral character, and who is a graduate of and holds a degree in

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engineering from an accredited school of engineering, or who possesses an education which includes at the minimum a baccalaureate degree in engineering, and which in the opinion of the board, equals or exceeds the education received by a graduate of an accredited school, and has acquired at least four years of satisfactory engineering experience, after such person has graduated and has received a degree or education as provided in this section; provided that the board shall by rule provide what shall constitute satisfactory engineering experience based upon recognized education and training equivalents, but in any event such rule shall provide that no more than one year of satisfactory postgraduate work in engineering subjects and that each year of satisfactory teaching of engineering subjects accomplished after a person has graduated from and has received a degree from an accredited school of engineering or after receiving an education as provided in this section shall count as equivalent years of satisfactory engineering experience.

**327.312. LAND SURVEYOR-IN-TRAINING APPLICANT FOR ENROLLMENT, QUALIFICATIONS — CERTIFICATE ISSUED WHEN.** — 1. Any person may apply to the board for enrollment as a land surveyor-in-training ~~[who is over the age of twenty-one,]~~ who is of good moral character, who is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED), and either:

(1) Has graduated and received a baccalaureate degree in an approved curriculum as defined by board regulation which shall include at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in the legal aspects of boundary surveying; or

(2) Has passed at least sixty hours of college credit which shall include credit for at least twenty semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in legal aspects of boundary surveying and present evidence satisfactory to the board that in addition thereto such person has at least one year of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor; or

(3) Has passed at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in legal aspects of land surveying and in addition thereto has at least two years of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor. Pursuant to this provision, not more than one year of satisfactory postsecondary education work shall count as equivalent years of satisfactory land surveying work as aforementioned.

2. The board shall issue a certificate of completion to each applicant who satisfies the requirements of the aforementioned land surveyor-in-training program and passes such examination or examinations as shall be required by the board.

**327.313. APPLICATION FOR ENROLLMENT, FORM, CONTENT, FALSE AFFIDAVIT, PENALTY, FEE.** — Applications for enrollment as a land surveyor-in-training shall be typewritten on prescribed forms furnished to the applicant. The application shall contain applicant's statements showing the applicant's education, experience, and such other pertinent information as the board may require, ~~including but not limited to three letters of reference, one of which shall be from a professional land surveyor who has personal knowledge of the applicant's land surveying education or experience].~~ Each application shall contain a statement that it is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

**327.321. APPLICATION — FORM — FEE.** — Applications for licensure as a professional land surveyor shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of prior land surveying examinations, if any, and such other pertinent information as the board may require~~], including but not limited to three letters of reference from professional land surveyors with personal knowledge of the experience of the applicant's land surveying education or experience].~~ Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

**328.025. DUPLICATE LICENSE, ISSUED WHEN.** — ~~If a license issued under this chapter has been destroyed, lost, mutilated beyond practical usage, or was never received, the licensee shall obtain a duplicate license from the board by appearing in person at the board's office or mailing, by certified mail, return receipt requested, a notarized affidavit stating that the license has been destroyed, lost, mutilated beyond practical usage, or was never received.~~

**328.080. APPLICATION FOR LICENSURE, FEE, EXAMINATION, QUALIFICATIONS — APPROVAL OF SCHOOLS.** — 1. Any person desiring to practice barbering in this state shall make application for a license to the board and shall pay the required barber examination fee.

2. The board shall examine each qualified applicant and, upon successful completion of the examination and payment of the required license fee, shall issue the applicant a license authorizing him or her to practice the occupation of barber in this state. The board shall admit an applicant to the examination, if it finds that he or she:

- (1) Is seventeen years of age or older ~~[and of good moral character];~~
- (2) Is free of contagious or infectious diseases **that are capable of being transmitted during the ordinary course of business for a person licensed under this chapter;**
- (3) Has studied for at least one thousand hours in a period of not less than six months in a properly appointed and conducted barber school under the direct supervision of a licensed instructor; or, if the applicant is an apprentice, the applicant shall have served and completed no less than two thousand hours under the direct supervision of a licensed barber apprentice supervisor;
- (4) Is possessed of requisite skill in the trade of barbering to properly perform the duties thereof, including the preparation of tools, shaving, haircutting and all the duties and services incident thereto; and
- (5) Has sufficient knowledge of the common diseases of the face and skin to avoid the aggravation and spread thereof in the practice of barbering.

3. The board shall be the judge of whether the barber school, the barber apprenticeship, or college is properly appointed and conducted under proper instruction to give sufficient training in the trade.

4. The sufficiency of the qualifications of applicants shall be determined by the board.

~~[5. For the purposes of meeting the minimum requirements for examination, the apprentice training shall be recognized by the board for a period not to exceed five years.]~~

**329.010. DEFINITIONS.** — As used in this chapter, unless the context clearly indicates otherwise, the following words and terms mean:

- (1) "Accredited school of cosmetology or school of manicuring", an establishment operated for the purpose of teaching cosmetology as defined in this section and meeting the criteria set forth under 34 C.F.R. Part 600, sections 600.1 and 600.2;

(2) "Apprentice" or "student", a person who is engaged in training within a cosmetology establishment or school, and while so training performs any of the practices of the classified occupations within this chapter under the immediate direction and supervision of a licensed cosmetologist or instructor;

(3) "Board", the state board of cosmetology and barber examiners;

(4) "Cosmetologist", any person who, for compensation, engages in the practice of cosmetology, as defined in subdivision (5) of this section;

(5) "Cosmetology" includes performing or offering to engage in any acts of the classified occupations of cosmetology for compensation, which shall include:

(a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair of any person by any means; or removing superfluous hair from the body of any person by means other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes. Class CH - hairdresser also includes any person who either with the person's hands or with mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams engages for compensation in any one or any combination of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, arms or bust;

(b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails, massaging, cleaning a person's hands and arms; pedicuring, which includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying artificial toenails, massaging and cleaning a person's legs and feet;

(c) "Class CA - hairdressing and manicuring" includes all practices of cosmetology, as defined in paragraphs (a) and (b) of this subdivision;

(d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one, or any combination, of the following practices: massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso, legs or feet and removing superfluous hair by means other than electric needle or any other means of arching or tinting eyebrows or tinting eyelashes, of any person;

(6) "Cosmetology establishment", that part of any building wherein or whereupon any of the classified occupations are practiced including any space rented within a licensed establishment by a person licensed under this chapter, for the purpose of rendering cosmetology services;

(7) "Cross-over license", a license that is issued to any person who has met the licensure and examination requirements for both barbering and cosmetology;

(8) **"Hair braider", any person who, for compensation, engages in the practice of hair braiding;**

(9) **"Hair braiding", in accordance with the requirements of section 329.275, the use of techniques that result in tension on hair strands or roots by twisting, wrapping, waving, extending, locking, or braiding of the hair by hand or mechanical device, but does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair;**

(10) "Hairdresser", any person who, for compensation, engages in the practice of cosmetology as defined in paragraph (a) of subdivision (5) of this section;

~~[(9)]~~ (11) "Instructor", any person who is licensed to teach cosmetology or any practices of cosmetology pursuant to this chapter;

~~[(10)]~~ (12) "Manicurist", any person who, for compensation, engages in any or all of the practices in paragraph (b) of subdivision (5) of this section;

~~[(11)]~~ (13) "Parental consent", the written informed consent of a minor's parent or legal guardian that must be obtained prior to providing body waxing on or near the genitalia;

~~[(12)]~~ (14) "School of cosmetology" or "school of manicuring", an establishment operated for the purpose of teaching cosmetology as defined in subdivision (5) of this section.

**329.032. EXEMPTION FROM REQUIREMENTS, WHEN. — 1. Nothing in this chapter shall apply to hairdressing, manicuring, or facial treatments given in the home to members of a person's family or friends for which no charge is made.**

**2. Nothing in this chapter or chapter 328, except for the provisions of sections 329.010 and 329.275, shall apply to persons engaged in the practice of hair braiding who have met the requirements in section 329.275.**

**329.033. DUPLICATE LICENSE, ISSUED WHEN. — If a license issued under this chapter has been destroyed, lost, mutilated beyond practical usage, or was never received, the licensee shall obtain a duplicate license from the board by appearing in person at the board's office or mailing, by certified mail, return receipt requested, a notarized affidavit stating that the license has been destroyed, lost, mutilated beyond practical usage, or was never received.**

**329.040. SCHOOLS OF COSMETOLOGY — LICENSE REQUIREMENTS, APPLICATION, FORM — HOURS REQUIRED FOR STUDENT COSMETOLOGISTS, NAIL TECHNICIANS AND ESTHETICIANS. — 1. Any person [of] in good [moral-character] standing with the board may make application to the board for a license to own a school of cosmetology on a form provided upon request by the board. Every school of cosmetology in which any of the classified occupations of cosmetology are taught shall be required to obtain a license from the board prior to opening. The license shall be issued upon approval of the application by the board, the payment of the required fees, and the applicant meets other requirements provided in this chapter. The license shall be kept posted in plain view within the school at all times.**

**2. A school license renewal fee shall be due on or before the renewal date of any school license issued pursuant to this section. If the school license renewal fee is not paid on or before the renewal date, a late fee shall be added to the regular school license fee.**

**3. No school of cosmetology shall be granted a license pursuant to this chapter unless it:**

**(1) Employs and has present in the school a competent licensed instructor for every twenty-five students in attendance for a given class period and one to ten additional students may be in attendance with the assistance of an instructor trainee. One instructor is authorized to teach up to three instructor trainees immediately after being granted an instructor's license;**

**(2) Requires all students to be enrolled in a course of study of no less than three hours per day and no more than twelve hours per day with a weekly total that is no less than fifteen hours and no more than seventy-two hours;**

**(3) Requires for the classified occupation of cosmetologist, the course of study shall be no less than one thousand five hundred hours or, for a student in public vocational/technical school no less than one thousand two hundred twenty hours; provided that, a school may elect to base the course of study on credit hours by applying the credit hour formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a**

minimum of one hundred and sixty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of cosmetology on any patron or customer of the school of cosmetology;

(4) Requires for the classified occupation of manicurist, the course of study shall be no less than four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of fifty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of manicurist on any patron or customer of the school of cosmetology;

(5) Requires for the classified occupation of esthetician, the course of study shall be no less than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student shall earn a minimum of seventy-five hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of esthetics on any patron or customer of the school of cosmetology or an esthetics school.

4. The subjects to be taught for the classified occupation of cosmetology shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Shampooing of all kinds, forty hours;
- (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- (3) Hair cutting and shaping, one hundred thirty hours;
- (4) Permanent waving and relaxing, one hundred twenty-five hours;
- (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
- (6) Combouts and hair styling techniques, one hundred five hours;
- (7) Scalp treatments and scalp diseases, thirty hours;
- (8) Facials, eyebrows and arches, forty hours;
- (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
- (10) Cosmetic chemistry, twenty-five hours;
- (11) Salesmanship and shop management, ten hours;
- (12) Sanitation and sterilization, thirty hours;
- (13) Anatomy, twenty hours;
- (14) State law, ten hours;
- (15) Curriculum to be defined by school, not less than four hundred seventy hours.

5. The subjects to be taught for the classified occupation of manicurist shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty hours;
- (2) Salesmanship and shop management, twenty hours;
- (3) Sanitation and sterilization, twenty hours;
- (4) Anatomy, ten hours;
- (5) State law, ten hours;
- (6) Study of the use and application of certain chemicals, forty hours; and
- (7) Curriculum to be defined by school, not less than eighty hours.

6. The subjects to be taught for the classified occupation of esthetician shall be as follows, and the hours required for each subject shall not be less than those contained in this subsection or the

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credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
- (2) Makeup application, all phases, one hundred hours;
- (3) Hair removal, thirty hours;
- (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
- (5) Reflexology, thirty-five hours;
- (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
- (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
- (8) Salon management and salesmanship, fifty-five hours;
- (9) Sanitation and sterilization, safety, forty-five hours;
- (10) State law, ten hours; and
- (11) Curriculum to be defined by school, not less than seventy-five hours.

7. Training for all classified occupations shall include practical demonstrations, written and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this chapter.

8. No school of cosmetology shall operate within this state unless a proper license pursuant to this chapter has first been obtained.

9. Nothing contained in this chapter shall prohibit a licensee within a cosmetology establishment from teaching any of the practices of the classified occupations for which the licensee has been licensed for not less than two years in the licensee's regular course of business, if the owner or manager of the business does not hold himself or herself out as a school and does not hire or employ or personally teach regularly at any one and the same time, more than one apprentice to each licensee regularly employed within the owner's business, not to exceed one apprentice per establishment, and the owner, manager, or trainer does not accept any fee for instruction.

10. Each licensed school of cosmetology shall provide a minimum of two thousand square feet of floor space, adequate rooms and equipment, including lecture and demonstration rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet sterilizers, and adequate working facilities for twenty students.

11. Each licensed school of cosmetology for manicuring only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement proportionately increases with student enrollment of over ten students.

12. Each licensed school of cosmetology for esthetics only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement increases fifty square feet per student with student enrollment of over ten.

13. No school of cosmetology may have a greater number of students enrolled and scheduled to be in attendance for a given class period than the total floor space of that school will accommodate. Floor space required per student shall be no less than fifty square feet per additional student beyond twenty students for a school of cosmetology, beyond ten students for a school of manicuring and beyond ten students for a school of esthetics.

14. Each applicant for a new school shall file a written application with the board upon a form approved and furnished upon request by the board. The applicant shall include a list of equipment, the proposed curriculum, and the name and qualifications of any and all of the instructors.

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15. Each school shall display in a conspicuous place, visible upon entry to the school, a sign stating that all cosmetology services in this school are performed by students who are in training.

16. Any student who wishes to remain in school longer than the required training period may make application for an additional training license and remain in school. A fee is required for such additional training license.

17. All contractual fees that a student owes to any cosmetology school shall be paid before such student may be allowed to apply for any examination required to be taken by an applicant applying for a license pursuant to the provisions of this chapter.

**329.050. APPLICANTS FOR EXAMINATION OR LICENSURE — QUALIFICATIONS — DENIAL, WHEN.** — 1. Applicants for examination or licensure pursuant to this chapter shall possess the following qualifications:

(1) They ~~[must be persons of good moral character,]~~ **shall provide documentation of successful completion of courses approved by the board,** have an education equivalent to the successful completion of the tenth grade, and be at least seventeen years of age;

(2) If the applicants are apprentices, they shall have served and completed, as an apprentice under the supervision of a licensed cosmetologist, the time and studies required by the board which shall be no less than three thousand hours for cosmetologists, and no less than eight hundred hours for manicurists and no less than fifteen hundred hours for esthetics. However, when the classified occupation of manicurist is apprenticed in conjunction with the classified occupation of cosmetologist, the apprentice shall be required to successfully complete an apprenticeship of no less than a total of three thousand hours;

(3) If the applicants are students, they shall have had the required time in a licensed school of no less than one thousand five hundred hours training or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of cosmetologist, with the exception of public vocational technical schools in which a student shall complete no less than one thousand two hundred twenty hours training. All students shall complete no less than four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of manicurist. All students shall complete no less than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of esthetician. However, when the classified occupation of manicurist is taken in conjunction with the classified occupation of cosmetologist, the student shall not be required to serve the extra four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, otherwise required to include manicuring of nails; and

(4) They shall have passed an examination to the satisfaction of the board.

2. A person may apply to take the examination required by subsection 1 of this section if the person is a graduate of a school of cosmetology or apprentice program in another state or territory of the United States which has substantially the same requirements as an educational establishment licensed pursuant to this chapter. A person may apply to take the examination required by subsection 1 of this section if the person is a graduate of an educational establishment in a foreign country that provides training for a classified occupation of cosmetology, as defined by section 329.010, and has educational requirements that are substantially the same requirements as an educational establishment licensed under this chapter. The board has sole discretion to determine the substantial equivalency of such educational requirements. The board may require that

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transcripts from foreign schools be submitted for its review, and the board may require that the applicant provide an approved English translation of such transcripts.

3. Each application shall contain a statement that, subject to the penalties of making a false affidavit or declaration, the application is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application.

4. The sufficiency of the qualifications of applicants shall be determined by the board, but the board may delegate this authority to its executive director subject to such provisions as the board may adopt.

5. ~~For the purpose of meeting the minimum requirements for examination, training completed by a student or apprentice shall be recognized by the board for a period of no more than five years from the date it is received.~~ **Applications for examination or licensure may be denied if the applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this state, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:**

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material.

**329.060. INDIVIDUAL LICENSE, APPLICATION, FEE, TEMPORARY LICENSE.** — 1. Every person desiring to sit for the examination for any of the occupations provided for in this chapter shall file with the board a written application on a form supplied to the applicant, and shall submit proof of the required age~~]~~ **and** educational qualifications, ~~[and of good moral character]~~ together with the required cosmetology examination fee. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

2. Upon the filing of the application and the payment of the fee, the board shall, upon request, issue to the applicant, if the applicant is qualified to sit for the examination, a temporary license for

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the practicing of the occupations as provided in this chapter. Any person receiving a temporary license shall be entitled to practice the occupations designated on the temporary license, under the supervision of a person licensed in ~~[cosmetology]~~ **the occupation**, until the expiration of the temporary license. Any person continuing to practice the occupation beyond the expiration of the temporary license without being licensed in ~~[cosmetology]~~ **that occupation** as provided in this chapter is guilty of an infraction.

**329.070. REGISTRATION OF APPRENTICES AND STUDENTS, FEE, QUALIFICATIONS, APPLICATION.** — 1. Apprentices or students shall be ~~[licensed]~~ **registered** with the board and shall pay a student fee or an apprentice fee prior to beginning their course, and shall ~~[be of good moral character and]~~ have an education equivalent to the successful completion of the tenth grade.

2. An apprentice or student shall not be enrolled in a course of study that shall exceed twelve hours per day or that is less than three hours per day. The course of study shall be no more than seventy-two hours per week and no less than fifteen hours per week.

3. Every person desiring to act as an apprentice in any of the classified occupations within this chapter shall file with the board a written application on a form supplied to the applicant, together with the required apprentice fee.

**329.080. INSTRUCTOR TRAINEE LICENSE, QUALIFICATIONS, APPLICATION, FEE.** — 1. An instructor trainee shall be a licensed cosmetologist, esthetician or manicurist and shall hold a license as an instructor trainee in cosmetology, esthetics or manicuring. An applicant for a license to practice as an instructor trainee shall submit to the board the required fee and a written application on a form supplied by the board upon request that the applicant ~~[is of good moral character, in good physical and mental health,]~~ has successfully completed at least a four-year high school course of study or the equivalent, and holds a Missouri license to practice as a cosmetologist, esthetician or manicurist. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration.

2. An applicant approved by the board shall be issued an instructor trainee license. The license shall be issued for a definite period needed to complete training requirements to become eligible for taking the examinations. An applicant shall be approved for an instructor trainee license only for those classified occupations ~~[of cosmetology]~~ for which the applicant is licensed at the time the instructor trainee application is submitted to the board.

3. The instructor trainee shall be required to complete six hundred hours of instructor training within a Missouri licensed school of cosmetology consisting of a curriculum including both theory and practical training to include the following:

(1) Two hundred hours to be devoted to basic principles of student teaching to include teaching principles, lesson planning, curriculum planning and class outlines, teaching methods, teaching aids, testing and evaluation;

(2) Fifty hours of psychology as applied to cosmetology, personality and teaching, teacher evaluation, counseling, theories of learning, and speech;

(3) Fifty hours of business experience or management including classroom management, record keeping, buying and inventorying supplies, and state law; and

(4) Three hundred hours of practice teaching in both theory and practical application.

4. ~~[For the purpose of meeting the minimum requirements for examination, training completed within a school of cosmetology by an instructor trainee shall be recognized by the board for a period of no more than five years from the date it is received.]~~

~~5.]~~ The six hundred hours required pursuant to subsection 3 of this section may be reduced as follows:

(1) Three years of experience as a ~~[practicing]~~ **licensed cosmetologist, esthetician, or manicurist** may be substituted for three hundred hours of training. The three hundred hours will be partially reduced in proportion to experience **as a licensee** greater than six months but less than three; or

(2) Four and one-half college credit hours in teaching methodology, as defined by rule, may be substituted for three hundred hours of training. Applicants requesting credit shall submit to the board a certified transcript together with a course description certified by the administering education institution as being primarily directed to teaching methodology. The three hundred hours will be partially reduced in proportion to college credit hours in teaching methodology of less than four and one-half hours; or

(3) Applicants who apply from states where the requirements are not substantially equal to those in force in Missouri at the time of application, may be eligible for the examination if they provide:

~~(a)]~~ an affidavit verifying a current, valid instructor license in another state, territory of the United States, District of Columbia, or foreign country, state or province]; ~~and~~

~~(b) Proof of full-time work experience of not less than one year as a cosmetology instructor within the three-year period immediately preceding the application for examination].~~

**329.085. INSTRUCTOR LICENSE, QUALIFICATIONS, FEES, EXCEPTIONS.** — 1. Any person desiring an instructor license shall submit to the board a written application on a form supplied by the board showing that the applicant has met the requirements set forth in section 329.080. An applicant who has met all requirements as determined by the board shall be allowed to take the instructor examination, including any person who has been licensed three or more years as a cosmetologist, manicurist or esthetician. If the applicant passes the examination to the satisfaction of the board, the board shall issue to the applicant an instructor license.

2. The instructor examination fee and the instructor license fee for an instructor license shall be nonrefundable.

3. The instructor license renewal fee shall be in addition to the regular cosmetologist, esthetician or manicurist license renewal fee. For each renewal the instructor shall submit proof of having attended a teacher training seminar or workshop at least once every two years, sponsored by any university, or Missouri vocational association, or bona fide state cosmetology association specifically approved by the board to satisfy the requirement for continued training of this subsection. Renewal fees shall be due and payable on or before the renewal date and, if the fee remains unpaid thereafter in such license period, there shall be a late fee in addition to the regular fee.

4. Instructors duly licensed as physicians or attorneys or lecturers on subjects not directly pertaining to the practice pursuant to this chapter need not be holders of licenses provided for in this chapter.

5. The board shall grant instructor licensure upon application and payment of a fee equivalent to the sum of the instructor examination fee and the instructor license fee, provided the applicant establishes compliance with the ~~[cosmetology]~~ instructor requirements of another state, territory of the United States, or District of Columbia ~~[wherein the requirements are substantially equal or superior to those in force in Missouri at the time the application for licensure is filed]~~ and the applicant holds a current instructor license in the other jurisdiction at the time of making application.

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6. Any person licensed as a cosmetology instructor prior to the training requirements which became effective January 1, 1979, may continue to be licensed as such, provided such license is maintained and the licensee complies with the continued training requirements as provided in subsection 3 of this section. Any person with an expired instructor license that is not restored to current status within two years of the date of expiration shall be required to meet the training and examination requirements as provided in this section and section 329.080.

**329.130. RECIPROCITY WITH OTHER STATES, FEE.** — ~~[1.]~~ The board shall grant without examination a license to practice cosmetology to any applicant who holds a current license that is issued by another state, territory of the United States, or the District of Columbia whose requirements for licensure are ~~[substantially equal]~~ **similar** to the licensing requirements in Missouri at the time the application is filed or who has practiced cosmetology for at least two consecutive years in another state, territory of the United States, or the District of Columbia. The applicant under this ~~[subsection]~~ **section** shall pay the appropriate application and licensure fees at the time of making application. A licensee who is currently under disciplinary action with another board of cosmetology shall not be licensed by reciprocity under the provisions of this chapter.

~~[2. Any person who lawfully practiced or received training in another state who does not qualify for licensure without examination may apply to the board for licensure by examination. Upon application to the board, the board shall evaluate the applicant's experience and training to determine the extent to which the applicant's training and experience satisfies current Missouri licensing requirements and shall notify the applicant regarding his or her deficiencies and inform the applicant of the action that he or she must take to qualify to take the examination. The applicant for licensure under this subsection shall pay the appropriate examination and licensure fees.]~~

**329.275. HAIR BRAIDING, REGISTRATION REQUIREMENTS, FEE — DUTIES OF BOARD.** —

**1.** The practices of cosmetology and barbering shall not include hair braiding, except that, nothing in this section shall be construed as prohibiting a licensed cosmetologist or barber from performing the service of hair braiding.

**2.** No person shall engage in hair braiding for compensation in the state of Missouri without first registering with the board. Applicants for a certificate of registration to engage in hair braiding shall submit to the board an application and a required fee, as set by the board. Such fee shall not exceed twenty dollars. Prior to receiving a certificate, each applicant shall also watch an instructional video prepared by the board in accordance with subsection 4 of this section. An applicant for a certificate of registration may be denied such certificate if the applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the offenses set forth in subsection 6 of section 329.050.

**3.** Registered hair braiders shall keep their information that the board requires for initial registration current and up to date with the board.

**4.** The board shall develop and prepare an instructional video, at least four hours but no more than six hours in length, that contains information about infection control techniques and diseases of the scalp that are appropriate for hair braiding in or outside of a salon setting and any other information to be determined by the board. The instructional video shall be made available to applicants through the division of professional registration's website. The board shall also develop and prepare a brochure that contains a summary of the information contained in the instructional video. The brochure shall be made available through the division of professional registration's website, or by mail, upon request, for a fee to cover the board's mailing costs.

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5. Any person who registers as a hair braider under this section shall post a copy of his or her certificate of registration in a conspicuous place at his or her place of business. If the person is operating outside his or her place of business he or she shall provide to the client or customer a copy of his or her certificate of registration upon the client's or customer's request.

6. (1) The board may inspect hair braiding establishments or facilities where hair braiding occurs one time per year during business hours to ensure:

(a) Persons registered as hair braiders are not operating outside the scope of practice of hair braiding; and

(b) Compliance with this section and rules promulgated thereunder.

(2) Additionally, if a customer or client submits a complaint to the board about a hair braider, the board may inspect such hair braider's establishment during regular business hours. This inspection shall not count toward the one time inspection limit set forth in subdivision (1) of this subsection.

(3) In addition to the causes listed in section 329.140, the board may also suspend or revoke a certificate of registration if a person registered as a hair braider is found to be operating outside the scope of practice of hair braiding.

7. Nothing in this section shall apply to any cosmetologists licensed to practice in this state in their respective classifications.

**330.030. ISSUANCE OF LICENSE — QUALIFICATIONS — EXAMINATION — FEES — RECIPROCITY WITH OTHER STATES.** — Any person desiring to practice podiatric medicine in this state shall furnish the board with satisfactory proof, including a statement under oath or affirmation that all representations are true and correct to the best knowledge and belief of the person submitting and signing same, subject to the penalties of making a false affidavit or declaration, that he or she is ~~[twenty-one years of age or over, and]~~ of good moral character, and that he or she has received at least four years of high school training, or the equivalent thereof, and has received a diploma or certificate of graduation from an approved college of podiatric medicine, recognized and approved by the board, having a minimum requirement of two years in an accredited college and four years in a recognized college of podiatric medicine. Upon payment of the examination fee, and making satisfactory proof as aforesaid, the applicant shall be examined by the board, or a committee thereof, under such rules and regulations as said board may determine, and if found qualified, shall be licensed, upon payment of the license fee, to practice podiatric medicine as licensed; provided, that the board shall, under regulations established by the board, admit without examination legally qualified practitioners of podiatric medicine who hold licenses to practice podiatric medicine in any state or territory of the United States or the District of Columbia or any foreign country with equal educational requirements to the state of Missouri upon the applicant paying a fee equivalent to the license and examination fees required above.

**331.030. APPLICATION FOR LICENSE, REQUIREMENTS, FEES — RECIPROCITY — RULEMAKING, PROCEDURE.** — 1. No person shall engage in the practice of chiropractic without having first secured a chiropractic license as provided in this chapter.

2. Any person desiring to procure a license authorizing the person to practice chiropractic in this state shall ~~[be at least twenty-one years of age and shall]~~ make application on the form prescribed by the board. The application shall contain a statement that it is made under oath or affirmation and that representations contained thereon are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration, and shall give the applicant's name, address, age, sex, name of chiropractic schools

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or colleges which the person attended or of which the person is a graduate, and such other reasonable information as the board may require. The applicant shall give evidence satisfactory to the board of the successful completion of the educational requirements of this chapter, that the applicant is of good moral character, and that the chiropractic school or college of which the applicant is a graduate is teaching chiropractic in accordance with the requirements of this chapter. The board may make a final determination as to whether or not the school from which the applicant graduated is so teaching.

3. Before an applicant shall be eligible for licensure, the applicant shall furnish evidence satisfactory to the board that the applicant has received the minimum number of semester credit hours, as required by the Council on Chiropractic Education, or its successor, prior to beginning the doctoral course of study in chiropractic. The minimum number of semester credit hours applicable at the time of enrollment in a doctoral course of study must be in those subjects, hours and course content as may be provided for by the Council on Chiropractic Education or, in the absence of the Council on Chiropractic Education or its provision for such subjects, such hours and course content as adopted by rule of the board; however in no event shall fewer than ninety semester credit hours be accepted as the minimum number of hours required prior to beginning the doctoral course of study in chiropractic. The examination applicant shall also provide evidence satisfactory to the board of having graduated from a chiropractic college having status with the Commission on Accreditation of the Council on Chiropractic Education or its successor. Any senior student in a chiropractic college having status with the Commission on Accreditation on the Council on Chiropractic Education or its successor may take a practical examination administered or approved by the board under such requirements and conditions as are adopted by the board by rule, but no license shall be issued until all of the requirements for licensure have been met.

4. Each applicant shall pay upon application an application or examination fee. All moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be collected by the director of the division of professional registration who shall transmit it to the department of revenue for deposit in the state treasury to the credit of the chiropractic board fund. Any person failing to pass a practical examination administered or approved by the board may be reexamined upon fulfilling such requirements, including the payment of a reexamination fee, as the board may by rule prescribe.

5. Every applicant for licensure by examination shall have taken and successfully passed all required and optional parts of the written examination given by the National Board of Chiropractic Examiners, including the written clinical competency examination, under such conditions as established by rule of the board, and all applicants for licensure by examination shall successfully pass a practical examination administered or approved by the board and a written examination testing the applicant's knowledge and understanding of the laws and regulations regarding the practice of chiropractic in this state. The board shall issue to each applicant who meets the standards and successful completion of the examinations, as established by rule of the board, a license to practice chiropractic. The board shall not recognize any correspondence work in any chiropractic school or college as credit for meeting the requirements of this chapter.

6. The board shall issue a license without examination to persons who have been regularly licensed to practice chiropractic in any other state, territory, or the District of Columbia, or in any foreign country, provided that the regulations for securing a license in the other jurisdiction are equivalent to those required for licensure in the state of Missouri, when the applicant furnishes satisfactory evidence that the applicant has continuously practiced chiropractic for at least one year immediately preceding the applicant's application to the board and that the applicant is of good moral character, and upon the payment of the reciprocity license fee as established by rule of the

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board. The board may require an applicant to successfully complete the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners if the requirements for securing a license in the other jurisdiction are not equivalent to those required for licensure in the state of Missouri at the time application is made for licensure under this subsection.

7. Any applicant who has failed any portion of the practical examination administered or approved by the board three times shall be required to return to an accredited chiropractic college for a semester of additional study in the subjects failed, as provided by rule of the board.

8. A chiropractic physician currently licensed in Missouri shall apply to the board for certification prior to engaging in the practice of meridian therapy/acupressure/acupuncture. Each such application shall be accompanied by the required fee. The board shall establish by rule the minimum requirements for the specialty certification under this subsection. "Meridian therapy/acupressure/acupuncture" shall mean methods of diagnosing and the treatment of a patient by stimulating specific points on or within the body by various methods including but not limited to manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent, and short-needle insertion for the purpose of obtaining a biopositive reflex response by nerve stimulation.

9. The board may through its rulemaking process authorize chiropractic physicians holding a current Missouri license to apply for certification in a specialty as the board may deem appropriate and charge a fee for application for certification, provided that:

(1) The board establishes minimum initial and continuing educational requirements sufficient to ensure the competence of applicants seeking certification in the particular specialty; and

(2) The board shall not establish any provision for certification of licensees in a particular specialty which is not encompassed within the practice of chiropractic as defined in section 331.010.

**332.131. APPLICANT FOR REGISTRATION AS A DENTIST, QUALIFICATIONS OF.** — Any person who is ~~at least twenty-one years of age,~~ of good moral character and reputation, and who is a graduate of and has a degree in dentistry from an accredited dental school may apply to the board for examination and registration as a dentist in Missouri.

**332.321. REFUSAL TO ISSUE OR RENEW, REVOCATION OR SUSPENSION OF LICENSE, GROUNDS FOR, PROCEDURE — ADDITIONAL DISCIPLINARY ACTIONS.** — 1. The board may refuse to issue or renew a permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or the board may, as a condition to issuing or renewing any such permit or license, require a person to submit himself or herself for identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any permit or license required by this chapter or any person who has failed to renew or has surrendered his or her permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States,

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for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; or increasing charges when a patient utilizes a third-party payment program; or for repeated irregularities in billing a third party for services rendered to a patient. For the purposes of this subdivision, irregularities in billing shall include:

(a) Reporting charges for the purpose of obtaining a total payment in excess of that usually received by the dentist for the services rendered;

(b) Reporting incorrect treatment dates for the purpose of obtaining payment;

(c) Reporting charges for services not rendered;

(d) Incorrectly reporting services rendered for the purpose of obtaining payment that is greater than that to which the person is entitled;

(e) Abrogating the co-payment or deductible provisions of a third-party payment contract. Provided, however, that this paragraph shall not prohibit a discount, credit or reduction of charges provided under an agreement between the licensee and an insurance company, health service corporation or health maintenance organization licensed pursuant to the laws of this state; or governmental third-party payment program; or self-insurance program organized, managed or funded by a business entity for its own employees or labor organization for its members;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of, or relating to one's ability to perform, the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a permit or license or allowing any person to use his or her permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter imposed by another state, province, territory, federal agency or country upon grounds for which discipline is authorized in this state;

(9) A person is finally adjudicated incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice, by lack of supervision or in any other manner, any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter;

(11) Issuance of a permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate, permit or license if so required by this chapter or by any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation that is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. **For purposes of this section, the term "advertisement" shall mean any announcement as described in subdivision (9) of section 332.071.** False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:

(a) Promises of cure, relief from pain or other physical or mental condition, or improved physical or mental health;

(b) Any misleading or deceptive statement offering or promising a free service. Nothing herein shall be construed to make it unlawful to offer a service for no charge if the offer is announced as part of a full disclosure of routine fees including consultation fees;

(c) Any misleading or deceptive claims of patient cure, relief or improved **health** condition; superiority in service, treatment or materials; new or improved service, treatment or material; or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim that exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;

(d) Any announced fee for a specified service where that fee does not include the charges for necessary related or incidental services, or where the actual fee charged for that specified service may exceed the announced fee, but it shall not be unlawful to announce only the maximum fee that can be charged for the specified service, including all related or incidental services, modified by the term "up to" if desired;

(e) Any announcement in any form including the term "specialist" or the phrase "limited to the specialty of" unless each person named in conjunction with the term or phrase, or responsible for the announcement, holds a valid Missouri certificate and license evidencing that the person is a specialist in that area;

(f) Any announcement containing any of the terms denoting recognized specialties, or other descriptive terms carrying the same meaning, unless the announcement clearly designates by list each dentist not licensed as a specialist in Missouri who is sponsoring or named in the announcement, or employed by the entity sponsoring the announcement, after the following clearly legible or audible statement: "Notice: the following dentist(s) in this practice is (are) not licensed in Missouri as specialists in the advertised dental specialty(s) of \_\_\_\_\_". **For purposes of this paragraph, a statement that is "clearly legible" shall have print that is equal or larger in size than the announcement of services, and a statement that is "clearly audible" shall have speech volume and pace equal to the announcement of services;**

(g) Any announcement containing any terms denoting or implying specialty areas that are not recognized by the American Dental Association;

**(h) Any advertisement that does not contain the name of one or more of the duly registered and currently licensed dentists regularly employed in and responsible for the management, supervision, and operation of each office location listed in the advertisement; or**

**(i) Any advertisement denoting the use of sedation services permitted by the board in accordance with section 332.362 using any term other than deep sedation, general anesthesia, or moderate sedation. Such terms shall only be used in the announcement or advertisement of sedation services with the possession of a deep sedation, general anesthesia, or moderate sedation permit or license;**

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof;

(17) Failing to maintain his or her office or offices, laboratory, equipment and instruments in a safe and sanitary condition;

(18) Accepting, tendering or paying "rebates" to or "splitting fees" with any other person; provided, however, that nothing herein shall be so construed as to make it unlawful for a dentist

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practicing in a partnership or as a corporation organized pursuant to the provisions of chapter 356 to distribute profits in accordance with his or her stated agreement;

(19) Administering, or causing or permitting to be administered, nitrous oxide gas in any amount to himself or herself, or to another unless as an adjunctive measure to patient management;

(20) Being unable to practice as a dentist, specialist or hygienist with reasonable skill and safety to patients by reasons of professional incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the dentist or specialist or hygienist to submit to a reexamination for the purpose of establishing his or her competency to practice as a dentist, specialist or hygienist, which reexamination shall be conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the dentist's, specialist's or hygienist's professional competence by at least three dentists or fellow specialists, or to submit to a mental or physical examination or combination thereof by at least three physicians. One examiner shall be selected by the dentist, specialist or hygienist compelled to take examination, one selected by the board, and one shall be selected by the two examiners so selected. Notice of the physical or mental examination shall be given by personal service or registered mail. Failure of the dentist, specialist or hygienist to submit to the examination when directed shall constitute an admission of the allegations against him or her, unless the failure was due to circumstances beyond his or her control. A dentist, specialist or hygienist whose right to practice has been affected pursuant to this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume competent practice with reasonable skill and safety to patients.

(a) In any proceeding pursuant to this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a dentist, specialist or hygienist in any other proceeding. Proceedings pursuant to this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(b) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the following: denying his or her application for a license; permanently withholding issuance of a license; administering a public or private reprimand; placing on probation, suspending or limiting or restricting his or her license to practice as a dentist, specialist or hygienist for a period of not more than five years; revoking his or her license to practice as a dentist, specialist or hygienist; requiring him or her to submit to the care, counseling or treatment of physicians designated by the dentist, specialist or hygienist compelled to be treated; or requiring such person to submit to identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327. For the purpose of this subdivision, "license" includes the certificate of registration, or license, or both, issued by the board.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination:

(1) Censure or place the person or firm named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years; or

(2) Suspend the license, certificate or permit for a period not to exceed three years; or

(3) Revoke the license, certificate, or permit. In any order of revocation, the board may provide that the person shall not apply for licensure for a period of not less than one year following the date of the order of revocation; or

(4) Cause the person or firm named in the complaint to make restitution to any patient, or any insurer or third-party payer who shall have paid in whole or in part a claim or payment for which

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they should be reimbursed, where restitution would be an appropriate remedy, including the reasonable cost of follow-up care to correct or complete a procedure performed or one that was to be performed by the person or firm named in the complaint; or

(5) Request the attorney general to bring an action in the circuit court of competent jurisdiction to recover a civil penalty on behalf of the state in an amount to be assessed by the court.

4. If the board concludes that a dentist or dental hygienist has committed an act or is engaging in a course of conduct that would be grounds for disciplinary action and constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the conduct that gives rise to the danger and the nature of the proposed restriction or suspension of the dentist's or dental hygienist's license. Within fifteen days after service of the complaint on the dentist or dental hygienist, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged conduct of the dentist or dental hygienist appears to constitute a clear and present danger to the public health and safety that justifies that the dentist's or dental hygienist's license be immediately restricted or suspended. The burden of proving that a dentist or dental hygienist is a clear and present danger to the public health and safety shall be upon the Missouri dental board. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.

5. If the administrative hearing commission grants temporary authority to the board to restrict or suspend a dentist's or dental hygienist's license, the dentist or dental hygienist named in the complaint may request a full hearing before the administrative hearing commission. A request for a full hearing shall be made within thirty days after the administrative hearing commission issues a decision. The administrative hearing commission shall, if requested by a dentist or dental hygienist named in the complaint, set a date to hold a full hearing under chapter 621 regarding the activities alleged in the initial complaint filed by the board. The administrative hearing commission shall set the date for full hearing within ninety days from the date its decision was issued. Either party may request continuances, which shall be granted by the administrative hearing commission upon a showing of good cause by either party or consent of both parties. If a request for a full hearing is not made within thirty days, the authority to impose discipline becomes final and the board shall set the matter for hearing in accordance with section 621.110.

6. If the administrative hearing commission dismisses without prejudice the complaint filed by the board under subsection 4 of this section or dismisses the action based on a finding that the board did not meet its burden of proof establishing a clear and present danger, such dismissal shall not bar the board from initiating a subsequent action on the same grounds in accordance with this chapter and chapters 536 and 621.

7. Notwithstanding any other provisions of section 332.071 or of this section, a currently licensed dentist in Missouri may enter into an agreement with individuals and organizations to provide dental health care, provided such agreement does not permit or compel practices that violate any provision of this chapter.

8. At all proceedings for the enforcement of these or any other provisions of this chapter the board shall, as it deems necessary, select, in its discretion, either the attorney general or one of the attorney general's assistants designated by the attorney general or other legal counsel to appear and represent the board at each stage of such proceeding or trial until its conclusion.

9. If at any time when any discipline has been imposed pursuant to this section or pursuant to any provision of this chapter, the licensee removes himself or herself from the state of Missouri, ceases to be currently licensed pursuant to the provisions of this chapter, or fails to keep the

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Missouri dental board advised of his or her current place of business and residence, the time of his or her absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

**334.530. QUALIFICATIONS FOR LICENSE — EXAMINATIONS, SCOPE.** — 1. A candidate for license to practice as a physical therapist shall ~~[be at least twenty-one years of age. A candidate shall]~~ furnish evidence of such person's good moral character and the person's educational qualifications by submitting satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board. A candidate who presents satisfactory evidence of the person's graduation from a school of physical therapy approved as reputable by the American Medical Association or, if graduated before 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission on Accreditation for Physical Therapy Education or its successor, is deemed to have complied with the educational qualifications of this subsection.

2. Persons desiring to practice as physical therapists in this state shall appear before the board at such time and place as the board may direct and be examined as to their fitness to engage in such practice. Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications set forth in subsection 1 of this section. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licenses to practice physical therapy shall test entry-level competence as related to physical therapy theory, examination and evaluation, physical therapy diagnosis, prognosis, treatment, intervention, prevention, and consultation.

4. The examination shall embrace, in relation to the human being, the subjects of anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy theory and procedures as related to medicine, surgery and psychiatry, and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice physical therapy.

5. The applicant shall pass a test administered by the board on the laws and rules related to the practice of physical therapy in Missouri.

**334.655. PHYSICAL THERAPIST ASSISTANT, EVIDENCE OF CHARACTER AND EDUCATION, EDUCATIONAL REQUIREMENTS — BOARD EXAMINATION, APPLICATIONS — WRITTEN EXAMINATION — EXAMINATION TOPICS — EXAMINATION NOT REQUIRED, WHEN.** — 1. A candidate for licensure to practice as a physical therapist assistant shall ~~[be at least nineteen years of age. A candidate shall]~~ furnish evidence of the person's good moral character and of the person's educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

- (1) A certificate of graduation from an accredited high school or its equivalent; and
- (2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of physical therapy education.

2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person's fitness to engage in such practice. Applications for examination shall be on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section. Each application shall contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.

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3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace an examination which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners.

4. The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.

5. The applicant shall pass a test administered by the board on the laws and rules related to the practice as a physical therapist assistant in this state.

6. The board shall license without examination any legally qualified person who is a resident of this state and who was actively engaged in practice as a physical therapist assistant on August 28, 1993. The board may license such person pursuant to this subsection until ninety days after the effective date of this section.

7. A candidate to practice as a physical therapist assistant who does not meet the educational qualifications may submit to the board an application for examination if such person can furnish written evidence to the board that the person has been employed in this state for at least three of the last five years under the supervision of a licensed physical therapist and such person possesses the knowledge and training equivalent to that obtained in an accredited school. The board may license such persons pursuant to this subsection until ninety days after rules developed by the state board of healing arts regarding physical therapist assistant licensing become effective.

**335.036. DUTIES OF BOARD — FEES SET, HOW — FUND, SOURCE, USE, FUNDS TRANSFERRED FROM, WHEN — RULEMAKING. — 1.** The board shall:

(1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection 10 of section 324.001 as are necessary to administer the provisions of sections 335.011 to 335.096;

(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to 335.096;

(3) Prescribe minimum standards for educational programs preparing persons for licensure pursuant to the provisions of sections 335.011 to 335.096;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as "approved" such programs as meet the requirements of sections 335.011 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

(7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

(8) Cause the prosecution of all persons violating provisions of sections 335.011 to 335.096, and may incur such necessary expenses therefor;

(9) Keep a record of all the proceedings; and make an annual report to the governor and to the director of the department of insurance, financial institutions and professional registration;

~~(10) Establish an impaired nurse program.~~

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. All fees received by the board pursuant to the provisions of sections 335.011 to 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All administrative costs and expenses of the board shall be paid from appropriations made for those purposes. The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.

4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

**335.066. DENIAL, REVOCATION, OR SUSPENSION OF LICENSE, GROUNDS FOR, CIVIL IMMUNITY FOR PROVIDING INFORMATION — COMPLAINT PROCEDURES.** — 1. The board may refuse to issue or reinstate any certificate of registration or authority, permit or license required pursuant to chapter 335 for one or any combination of causes stated in subsection 2 of this section or the board may, as a condition to issuing or reinstating any such permit or license, require a person to submit himself or herself for identification, intervention, treatment, or ~~rehabilitation~~ **monitoring** by the ~~impaired nurse~~ **intervention program and alternative program** as provided in section 335.067. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 335.011 to 335.096 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, **by the federal government, or by the department of health and senior services by regulation, regardless of impairment,** or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 335.011 to 335.096. **A blood alcohol content of .08 shall create a presumption of impairment;**

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to sections 335.011 to 335.096, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 335.011 to 335.096 or in obtaining permission to take any examination given or required pursuant to sections 335.011 to 335.096;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by chapter 335. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Willfully and continually overcharging or overtreating patients; or charging for visits which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests, or nursing services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;

(e) Performing nursing services beyond the authorized scope of practice for which the individual is licensed in this state;

(f) Exercising influence within a nurse-patient relationship for purposes of engaging a patient in sexual activity;

(g) Being listed on any state or federal sexual offender registry;

(h) Failure of any applicant or licensee to cooperate with the board during any investigation;

(i) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(j) Failure to timely pay license renewal fees specified in this chapter;

(k) Violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency;

(l) Failing to inform the board of the nurse's current residence **within thirty days of changing residence**;

(m) Any other conduct that is unethical or unprofessional involving a minor;

**(n) A departure from or failure to conform to nursing standards;**

**(o) Failure to establish, maintain, or communicate professional boundaries with the patient. A nurse may provide health care services to a person with whom the nurse has a personal relationship as long as the nurse otherwise meets the standards of the profession;**

**(p) Violating the confidentiality or privacy rights of the patient, resident, or client;**

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(q) **Failing to assess, accurately document, or report the status of a patient, resident, or client, or falsely assessing, documenting, or reporting the status of a patient, resident, or client;**

(r) **Intentionally or negligently causing physical or emotional harm to a patient, resident, or client;**

(s) **Failing to furnish appropriate details of a patient's, client's, or resident's nursing needs to succeeding nurses legally qualified to provide continuing nursing services to a patient, client, or resident;**

(7) Violation of, or assisting or enabling any person to violate, any provision of sections 335.011 to 335.096, or of any lawful rule or regulation adopted pursuant to sections 335.011 to 335.096;

(8) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(9) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 335.011 to 335.096 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(10) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(11) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 335.011 to 335.096 who is not registered and currently eligible to practice pursuant to sections 335.011 to 335.096;

(12) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) Placement on an employee disqualification list or other related restriction or finding pertaining to employment within a health-related profession issued by any state or federal government or agency following final disposition by such state or federal government or agency;

(17) Failure to successfully complete the ~~[impaired nurse program]~~ **intervention or alternative program for substance use disorder;**

(18) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630, or for payment from Title XVIII or Title XIX of the federal Medicare program;

(19) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

(20) A pattern of personal use or consumption of any controlled substance **or any substance which requires a prescription** unless it is prescribed, dispensed, or administered by a provider who is authorized by law to do so **or a pattern of abuse of any prescription medication;**

(21) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;

(22) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement, or licensee's professional health program;

**(23) Failure to submit to a drug or alcohol screening when requested by an employer or by the board. Failure to submit to a drug or alcohol screening shall create the presumption that the test would have been positive for a drug for which the individual did not have a prescription in a drug screening or positive for alcohol in an alcohol screening;**

**(24) Adjudged by a court in need of a guardian or conservator, or both, obtaining a guardian or conservator, or both, and who has not been restored to capacity;**

**(25) Diversion or attempting to divert any medication, controlled substance, or medical supplies;**

**(26) Failure to answer, failure to disclose, or failure to fully provide all information requested on any application or renewal for a license. This includes disclosing all pleas of guilt or findings of guilt in a case where the imposition of sentence was suspended, whether or not the case is now confidential;**

**(27) Physical or mental illness, including but not limited to deterioration through the aging process or loss of motor skill, or disability that impairs the licensee's ability to practice the profession with reasonable judgment, skill, or safety. This does not include temporary illness which is expected to resolve within a short period of time;**

**(28) Any conduct that constitutes a serious danger to the health, safety, or welfare of a patient or the public.**

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

4. For any hearing before the full board, the board shall cause the notice of the hearing to be served upon such licensee in person or by certified mail to the licensee at the licensee's last known address. If service cannot be accomplished in person or by certified mail, notice by publication as described in subsection 3 of section 506.160 shall be allowed; any representative of the board is authorized to act as a court or judge would in that section; any employee of the board is authorized to act as a clerk would in that section.

5. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the board after compliance with all the requirements of sections 335.011 to 335.096 relative to the licensing of an applicant for the first time.

6. The board may notify the proper licensing authority of any other state concerning the final disciplinary action determined by the board on a license in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

7. Any person, organization, association or corporation who reports or provides information to the board of nursing pursuant to the provisions of sections 335.011 to 335.259 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

8. The board may apply to the administrative hearing commission for an emergency suspension or restriction of a license for the following causes:

(1) Engaging in sexual conduct as defined in section 566.010, with a patient who is not the licensee's spouse, regardless of whether the patient consented;

(2) Engaging in sexual misconduct with a minor or person the licensee believes to be a minor. "Sexual misconduct" means any conduct of a sexual nature which would be illegal under state or federal law;

(3) Possession of a controlled substance in violation of chapter 195 or any state or federal law, rule, or regulation, excluding record-keeping violations;

(4) Use of a controlled substance without a valid prescription;

(5) The licensee is adjudicated incapacitated or disabled by a court of competent jurisdiction;

(6) Habitual intoxication or dependence upon alcohol or controlled substances or failure to comply with a treatment or aftercare program entered into pursuant to a board order, settlement agreement, or as part of the licensee's professional health program;

(7) A report from a board-approved facility or a professional health program stating the licensee is not fit to practice. For purposes of this section, a licensee is deemed to have waived all objections to the admissibility of testimony from the provider of the examination and admissibility of the examination reports. The licensee shall sign all necessary releases for the board to obtain and use the examination during a hearing; or

(8) Any conduct for which the board may discipline that constitutes a serious danger to the health, safety, or welfare of a patient or the public.

9. The board shall submit existing affidavits and existing certified court records together with a complaint alleging the facts in support of the board's request for an emergency suspension or restriction to the administrative hearing commission and shall supply the administrative hearing commission with the last home or business addresses on file with the board for the licensee. Within one business day of the filing of the complaint, the administrative hearing commission shall return a service packet to the board. The service packet shall include the board's complaint and any affidavits or records the board intends to rely on that have been filed with the administrative hearing commission. The service packet may contain other information in the discretion of the administrative hearing commission. Within twenty-four hours of receiving the packet, the board shall either personally serve the licensee or leave a copy of the service packet at all of the licensee's current addresses on file with the board. Prior to the hearing, the licensee may file affidavits and certified court records for consideration by the administrative hearing commission.

10. Within five days of the board's filing of the complaint, the administrative hearing commission shall review the information submitted by the board and the licensee and shall determine based on that information if probable cause exists pursuant to subsection 8 of this section and shall issue its findings of fact and conclusions of law. If the administrative hearing commission finds that there is probable cause, the administrative hearing commission shall enter the order requested by the board. The order shall be effective upon personal service or by leaving a copy at all of the licensee's current addresses on file with the board.

11. (1) The administrative hearing commission shall hold a hearing within forty-five days of the board's filing of the complaint to determine if cause for discipline exists. The administrative hearing commission may grant a request for a continuance, but shall in any event hold the hearing within one hundred twenty days of the board's initial filing. The board shall be granted leave to amend its complaint if it is more than thirty days prior to the hearing. If less than thirty days, the board may be granted leave to amend if public safety requires.

(2) If no cause for discipline exists, the administrative hearing commission shall issue findings of fact, conclusions of law, and an order terminating the emergency suspension or restriction.

(3) If cause for discipline exists, the administrative hearing commission shall issue findings of fact and conclusions of law and order the emergency suspension or restriction to remain in full force and effect pending a disciplinary hearing before the board. The board shall hold a hearing following the certification of the record by the administrative hearing commission and may impose any discipline otherwise authorized by state law.

12. Any action under this section shall be in addition to and not in lieu of any discipline otherwise in the board's power to impose and may be brought concurrently with other actions.

13. If the administrative hearing commission does not find probable cause and does not grant the emergency suspension or restriction, the board shall remove all reference to such emergency suspension or restriction from its public records. Records relating to the suspension or restriction shall be maintained in the board's files. The board or licensee may use such records in the course of any litigation to which they are both parties. Additionally, such records may be released upon a specific, written request of the licensee.

14. If the administrative hearing commission grants temporary authority to the board to restrict or suspend the nurse's license, such temporary authority of the board shall become final authority if there is no request by the nurse for a full hearing within thirty days of the preliminary hearing. The administrative hearing commission shall, if requested by the nurse named in the complaint, set a date to hold a full hearing under the provisions of chapter 621 regarding the activities alleged in the initial complaint filed by the board.

15. If the administrative hearing commission refuses to grant temporary authority to the board or restrict or suspend the nurse's license under subsection 8 of this section, such dismissal shall not bar the board from initiating a subsequent disciplinary action on the same grounds.

16. (1) The board may initiate a hearing before the board for discipline of any licensee's license or certificate upon receipt of one of the following:

(a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or of the United States for any offense involving the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense involving fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(b) Evidence of final disciplinary action against the licensee's license, certification, or registration issued by any other state, by any other agency or entity of this state or any other state, or the United States or its territories, or any other country;

(c) Evidence of certified court records finding the licensee has been judged incapacitated or disabled under Missouri law or under the laws of any other state or of the United States or its territories.

(2) The board shall provide the licensee not less than ten days' notice of any hearing held pursuant to chapter 536.

(3) Upon a finding that cause exists to discipline a licensee's license, the board may impose any discipline otherwise available.

**335.067. INTERVENTION PROGRAMS MAY BE ESTABLISHED BY THE BOARD — PURPOSE OF PROGRAM — SCREENING — COMPLETION OF PROGRAM, EFFECT OF — DISCIPLINARY ACTION FOR FAILURE TO COMPLETE — CONFIDENTIALITY. — 1.** The state board of nursing may establish an ~~[impaired nurse]~~ **intervention program and an alternative program** to promote the ~~[early]~~ identification, intervention, treatment, and ~~[rehabilitation]~~ **monitoring of nurses or applicants for a nursing license** who may be impaired by ~~[reasons of illness,]~~ **reason of substance abuse**, ~~or as a result of any mental condition. This program shall be available to anyone holding a current license and may be entered voluntarily, as part of an agreement with the board of nursing, or as a condition of a disciplinary order entered by the board of nursing]~~ **or the potential for substance abuse.**

2. ~~[The board may enter into a contractual agreement with a nonprofit corporation or a nursing association for the purpose of creating, supporting, and maintaining a program to be designated as the impaired nurse program.]~~ **The intervention program is available, upon board discretion, to**

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licensees and applicants for licensure who self-refer, test positive in a pre-employment or for-cause drug or alcohol screen, individuals who have pled guilty to or been found guilty of any drug offense, whether felony or misdemeanor, or individuals who have pled guilty to or been found guilty of three or more criminal offenses resulting from or related to the use of drugs or alcohol, whether a felony or misdemeanor. The program shall be a minimum of one year in duration and require random drug and alcohol testing at the participant's expense.

3. The alternative program is available, upon board discretion, to licensees and applicants for licensure who admit to having a substance use disorder. The program shall be from three to five years in duration and at a minimum require random drug and alcohol testing at the participant's expense.

4. Upon receiving a complaint or an application, the board shall screen the information submitted to determine whether the individual may be eligible for the intervention or alternative program. If eligible for one of the programs, the board may contact the individual and offer the program. If accepted, the board and individual may enter into a written agreement setting forth the requirements of the program. If declined, the board may proceed with its regular process of investigating a complaint or application as set forth in this chapter and chapter 324. The board shall retain sole discretion to offer the program at any time.

5. Upon successful completion of the intervention or alternative program, the licensee shall be deemed to have no disciplinary action against his or her license and shall not be required to disclose participation in the program. All records shall be deemed confidential and not public records under chapter 610 and not subject to court or administration subpoena or subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings.

6. If a licensee or applicant violates any term of the intervention program and the licensee or applicant denies the violation, the board may convene a hearing, after due notice to the licensee or applicant to determine whether such violation has occurred. The hearing shall be confidential and not open to the public under chapter 610. Records from the program shall be deemed admissible in the hearing. If the licensee or applicant admits to the violation, no hearing is required. If a violation is found by the board or admitted to by the licensee or applicant, the licensee's license shall be indefinitely suspended or the applicant's application shall not be acted upon until the licensee or applicant continues to fully participate in the program, has one year with no positive drug or alcohol screens, and completes a sobriety notebook. The licensee may then request that his or her license be reinstated or the applicant may then request the board act upon his or her application.

7. If a licensee does not successfully complete the intervention program, the board may pursue disciplinary action as set forth in section 335.066 and chapter 621. If an applicant does not successfully complete the intervention program, the board may issue an order pursuant to the provisions of chapters 324, 335, 536, and 621. Records from the program may be used as evidence in any such proceedings initiated under chapters 324, 335, 536, and 621. Any such licensee disciplined by the board pursuant to this section or applicant subject to an order pursuant to this section shall not be eligible to participate in the alternative program.

8. If a licensee or applicant violates any term of the alternative program and the licensee or applicant denies the violation, the board may convene a hearing, after due notice to the licensee or applicant to determine whether such violation has occurred. The hearing shall be confidential and not open to the public under chapter 610. Records from the program shall be deemed admissible in the hearing. If the licensee or applicant admits to the violation, **no hearing is required. If a violation is found by the board or admitted to by the licensee or**

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applicant, the licensee's license shall be indefinitely suspended or the applicant's application shall not be acted upon until the licensee or applicant continues to fully participate in the program, has one year with no positive drug or alcohol screens, and completes a sobriety notebook. The licensee may then request that his or her license be reinstated or the applicant may then request the board act upon his or her application.

9. If a licensee does not successfully complete the alternative program, the board may pursue disciplinary action as set forth in section 335.066 and chapter 621. If an applicant does not successfully complete the alternative program, the board may issue an order pursuant to the provisions of chapters 324, 335, and 621. Records from the program may be used as evidence in any such proceedings conducted pursuant to the provisions of chapters 324, 335, and 621.

10. The board may promulgate administrative rules subject to the provisions of this section and chapter 536 to effectuate and implement any [program] programs formed pursuant to this section.

~~3-~~ 11. The board may expend appropriated funds necessary to provide for operational expenses of the [program] programs formed pursuant to this section.

~~4-~~ 12. Any board member, board staff member, members of the [program] programs, as well as any administrator, staff member, consultant, agent, or employee of the [program] programs, acting within the scope of his or her duties and without actual malice, and all other persons who furnish information to the [program] programs in good faith and without actual malice, shall not be liable for any claim of damages as a result of any statement, decision, opinion, investigation, or action taken by the [program] programs, or by any individual member of the [program] programs, by any board member, or by any board staff member.

~~5-~~ 13. All information, interviews, reports, statements, memoranda, drug or alcohol testing results, or other documents furnished to or produced by the [program] programs, as well as communications to or from the [program] programs, any findings, conclusions, interventions, treatment, rehabilitation, or other proceedings of the [program] programs which in any way pertain to a licensee who may be, or who actually is, impaired shall be privileged and confidential, except that the board may share information with the licensee's employer or potential employer upon verification with the licensee that he or she is employed with the employer or actively seeking employment with the potential employer. Any records produced in conjunction with either program shall not be considered public records under chapter 610 and shall not be subject to court subpoena or subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except as set forth in subsections 14 and 15 of this section.

~~6-~~ All records and proceedings of the program which pertain or refer to a licensee who may be, or who actually is, impaired shall be privileged and confidential and shall be used by the program and its members only in the exercise of the proper function of the program and shall not be considered public records under chapter 610 and shall not be subject to court subpoena or subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except as provided in subsection 7 of this section.

~~7-~~ The program shall disclose]

14. Information may be disclosed relative to [an impaired] a licensee or applicant in either program only when:

(1) It is essential to disclose the information to further the intervention, treatment, or rehabilitation needs of the [impaired] licensee or applicant and only to those persons or organizations with a need to know;

(2) Its release is authorized in writing by the [impaired] licensee or applicant;

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(3) A licensee has breached his or her contract with the program [~~In this instance, the breach may be reported only to the board of nursing];~~ or

(4) The information is subject to a court order.

~~8. When pursuing discipline against a licensed practical nurse, registered nurse, or advanced practice registered nurse for violating one or more causes stated in subsection 2 of section 335.066, the board may, if the violation is related to chemical dependency or mental health, require that the licensed practical nurse, registered nurse, or advanced practice registered nurse complete the impaired nurse program under such terms and conditions as are agreed to by the board and the licensee for a period not to exceed five years. If the licensee violates a term or condition of an impaired nurse program agreement entered into under this section, the board may elect to pursue discipline against the licensee pursuant to chapter 621 for the original conduct that resulted in the impaired nurse program agreement, or for any subsequent violation of subsection 2 of section 335.066. While the licensee participates in the impaired nurse program, the time limitations of section 620.154 shall toll under subsection 7 of section 620.154. All records pertaining to the impaired nurse program agreements are confidential and may only be released under subdivision (7) of subsection 14 of section 620.010.~~

~~9. The board may disclose information and records to the impaired nurse program to assist the program in the identification, intervention, treatment, and rehabilitation of licensed practical nurses, registered nurses, or advanced practice registered nurses who may be impaired by reason of illness, substance abuse, or as the result of any physical or mental condition. The program shall keep all information and records provided by the board confidential to the extent the board is required to treat the information and records closed to the public under chapter 620.~~

**15. The statute of limitations set forth in section 324.043 shall be tolled while a licensee or applicant is participating in either the intervention program or the alternative program.**

**336.030. PERSONS QUALIFIED TO RECEIVE CERTIFICATE OF REGISTRATION. — 1.** A person is qualified to receive a license as an optometrist:

(1) ~~Who is at least twenty-one years of age;~~

~~(2) Who is of good moral character;~~

~~(3) (2) Who has graduated from a college or school of optometry approved by the board; and~~

~~(4) (3) Who has met either of the following conditions:~~

(a) Has passed an examination satisfactory to, conducted by, or approved by the board to determine his or her fitness to receive a license as an optometrist with pharmaceutical certification and met the requirements of licensure as may be required by rule and regulation; or

(b) Has been licensed and has practiced for at least three years in the five years immediately preceding the date of application with pharmaceutical certification in another state, territory, country, or province in which the requirements are substantially equivalent to the requirements in this state and has satisfactorily completed any practical examination or any examination on Missouri laws as may be required by rule and regulation.

2. The board may adopt reasonable rules and regulations providing for the examination and certification of optometrists who apply to the board for the authority to practice optometry in this state.

**337.020. TEMPORARY, PROVISIONAL OR PERMANENT LICENSES, APPLICATION, QUALIFICATIONS, EXAMINATIONS, FEES. — 1.** Each person desiring to obtain a license, whether temporary, provisional or permanent, as a psychologist shall make application to the committee upon such forms and in such manner as may be prescribed by the committee and shall pay the required application fee. **The form shall include a statement that the applicant has completed**

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**two hours of suicide assessment, referral, treatment, and management training that meets the guidelines developed by the committee. The committee shall not charge an application fee until such time that the application has been approved. In the event that an application is denied or rejected, no application fee shall be charged.** The application fee shall not be refundable. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration.

2. Each applicant, whether for temporary, provisional or permanent licensure, shall submit evidence satisfactory to the committee that the applicant is at least twenty-one years of age, is of good moral character, and meets the appropriate educational requirements as set forth in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant to section 337.029. In determining the acceptability of the applicant's qualifications, the committee may require evidence that it deems reasonable and proper, in accordance with law, and the applicant shall furnish the evidence in the manner required by the committee.

3. The committee with assistance from the division shall issue a permanent license to and register as a psychologist any applicant who, in addition to having fulfilled the other requirements of sections 337.010 to 337.090, passes the examination for professional practice in psychology and such other examinations in psychology which may be adopted by the committee, except that an applicant fulfilling the requirement of section 337.029 shall upon successful completion of the jurisprudence examination and completion of the oral examination be permanently licensed without having to retake the examination for professional practice in psychology.

4. The committee, with assistance from the division, shall issue a provisional license to, and register as being a provisionally licensed psychologist, any applicant who is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, and who otherwise meets all requirements to become a licensed psychologist, except for passage of the national and state licensing exams, oral examination and completion of the required period of postdegree supervised experience as specified in subsection 2 of section 337.025.

5. A provisional license issued pursuant to subsection 4 of this section shall only authorize and permit the applicant to render those psychological services which are under the supervision and the full professional responsibility and control of such person's postdoctoral degree licensed supervisor. A provisional license shall automatically terminate upon issuance of a permanent license, upon a finding of cause to discipline after notice and hearing pursuant to section 337.035, upon the expiration of one year from the date of issuance whichever event first occurs, or upon termination of supervision by the licensed supervisor. The provisional license may be renewed after one year with a maximum issuance of two years total per provisional licensee. The committee by rule shall provide procedures for exceptions and variances from the requirement of a maximum issuance of two years due to vacations, illness, pregnancy and other good causes.

6. The committee, with assistance from the division, shall immediately issue a temporary license to any applicant for licensure either by reciprocity pursuant to section 337.029, or by endorsement of the score from the examination for professional practice in psychology upon receipt of an application for such licensure and upon proof that the applicant is either licensed as a psychologist in another jurisdiction, is a diplomate of the American Board of Professional Psychology, or is a member of the National Register of Health Services Providers in Psychology.

7. A temporary license issued pursuant to subsection 6 of this section shall authorize the applicant to practice psychology in this state, the same as if a permanent license had been issued. Such temporary license shall be issued without payment of an additional fee and shall remain in full force and effect until the earlier of the following events:

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(1) A permanent license has been issued to the applicant following successful completion of the jurisprudence examination and the oral interview examination;

(2) In cases where the committee has found the applicant ineligible for licensure and no appeal has been taken to the administrative hearing commission, then at the expiration of such appeal time; or

(3) In cases where the committee has found the applicant ineligible for licensure and the applicant has taken an appeal to the administrative hearing commission and the administrative hearing commission has also found the applicant ineligible, then upon the rendition by the administrative hearing commission of its findings of fact and conclusions of law to such effect.

8. Written and oral examinations pursuant to sections 337.010 to 337.090 shall be administered by the committee at least twice each year to any applicant who meets the educational requirements set forth in either section 337.021 or 337.025 or to any applicant who is seeking licensure either by reciprocity pursuant to section 337.029, or by endorsement of the score from the examination of professional practice in psychology. The committee shall examine in the areas of professional knowledge, techniques and applications, research and its interpretation, professional affairs, ethics, and Missouri law and regulations governing the practice of psychology. The committee may use, in whole or in part, the examination for professional practice in psychology national examination in psychology or such other national examination in psychology which may be available.

9. If an applicant fails any examination, the applicant shall be permitted to take a subsequent examination, upon the payment of an additional reexamination fee. This reexamination fee shall not be refundable.

**337.025. EDUCATIONAL AND EXPERIENCE REQUIREMENTS FOR LICENSURE, CERTAIN PERSONS.** — 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association ~~[or]~~ (APA), the Canadian Psychological Association, **or the Psychological Clinical Science Accreditation System (PCSAS) provided that such program includes a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;** or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

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(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours shall consist of:

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

(2) A minimum of two thousand hours of experience consisting of any combination of the following:

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;

(b) Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or

(c) Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers and other applicants shall involve and relate to the delivery of psychological services in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of

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a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

6. For postinternship and postdoctoral hours, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

**337.029. LICENSES BASED ON RECIPROCITY TO BE ISSUED, WHEN — HEALTH SERVICE PROVIDER CERTIFICATION ELIGIBILITY.** — 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the psychologist passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology;
- (2) Is a member of the National Register of Health Service Providers in Psychology;
- (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- (4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia and:
  - (a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, by the American Psychological Association **or the Psychological Clinical Science Accreditation System**, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;
  - (b) Has been licensed for the preceding five years; and
  - (c) Has had no disciplinary action taken against the license for the preceding five years; or
- (5) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement of the score from the examination of professional practice in psychology score will also be eligible for and

shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;

(2) Is a member of the National Register of Health Service Providers in Psychology; or

(3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

**337.033. LIMITATIONS ON AREAS OF PRACTICE — RELEVANT PROFESSIONAL EDUCATION AND TRAINING, DEFINED — CRITERIA FOR PROGRAM OF GRADUATE STUDY — HEALTH SERVICE PROVIDER CERTIFICATION, REQUIREMENTS FOR CERTAIN PERSONS — AUTOMATIC CERTIFICATION FOR CERTAIN PERSONS.** — 1. A licensed psychologist shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself or herself out as a state certified or registered psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, whether temporary, provisional or permanent, psychologist who does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. "Relevant professional education and training" for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, **either by the American Psychological Association or the Psychological Clinical Science Accreditation System;** or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

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(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery; or

(2) Is a member of the National Register of Health Service Providers in Psychology.

**337.100. CITATION OF LAW — FINDINGS — PURPOSE. — 1. Sections 337.100 to 337.165 shall be known as the "Psychology Interjurisdictional Compact". The party states find that:**

**(1) States license psychologists, in order to protect the public through verification of education, training, and experience and ensure accountability for professional practice;**

**(2) This compact is intended to regulate the day-to-day practice of telepsychology, the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;**

**(3) This compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;**

**(4) This compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state;**

**(5) This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;**

**(6) This compact does not apply when a psychologist is licensed in both the home and receiving states; and**

**(7) This compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.**

**2. The general purposes of this compact are to:**

**(1) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;**

**(2) Enhance the states' ability to protect the public's health and safety, especially client/patient safety;**

- (3) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;
- (4) Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions, and disciplinary history;
- (5) Promote compliance with the laws governing psychological practice in each compact state; and
- (6) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

337.105. DEFINITIONS. — As used in this compact, the following terms shall mean:

- (1) "Adverse action", any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record;
- (2) "Association of State and Provincial Psychology Boards (ASPPB)", the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada;
- (3) "Authority to practice interjurisdictional telepsychology", a licensed psychologist's authority to practice telepsychology, within the limits authorized under this compact, in another compact state;
- (4) "Bylaws", those bylaws established by the psychology interjurisdictional compact commission pursuant to section 337.145 for its governance, or for directing and controlling its actions and conduct;
- (5) "Client/patient", the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, or consulting services;
- (6) "Commissioner", the voting representative appointed by each state psychology regulatory authority pursuant to section 337.145;
- (7) "Compact state", a state, the District of Columbia, or United States territory that has enacted this compact legislation and which has not withdrawn pursuant to subsection 3 of section 337.160 or been terminated pursuant to subsection 2 of section 337.155;
- (8) "Coordinated licensure information system" also referred to as "coordinated database", an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities;
- (9) "Confidentiality", the principle that data or information is not made available or disclosed to unauthorized persons or processes;
- (10) "Day", any part of a day in which psychological work is performed;
- (11) "Distant state", the compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services;
- (12) "E.Passport", a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;
- (13) "Executive board", a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;

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(14) "Home state", a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed;

(15) "Identity history summary", a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service;

(16) "In-person, face-to-face", interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies;

(17) "Interjurisdictional practice certificate (IPC)", a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one's qualifications for such practice;

(18) "License", authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization;

(19) "Noncompact state", any state which is not at the time a compact state;

(20) "Psychologist", an individual licensed for the independent practice of psychology;

(21) "Psychology interjurisdictional compact commission" also referred to as "commission", the national administration of which all compact states are members;

(22) "Receiving state", a compact state where the client/patient is physically located when the telepsychological services are delivered;

(23) "Rule", a written statement by the psychology interjurisdictional compact commission promulgated pursuant to section 337.150 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule;

(24) "Significant investigatory information":

(a) Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

(b) Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and had an opportunity to respond;

(25) "State", a state, commonwealth, territory, or possession of the United States, the District of Columbia;

(26) "State psychology regulatory authority", the board, office or other agency with the legislative mandate to license and regulate the practice of psychology;

(27) "Telepsychology", the provision of psychological services using telecommunication technologies;

(28) "Temporary authorization to practice", a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state;

(29) "Temporary in-person, face-to-face practice", where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for thirty days within a calendar year and based on notification to the distant state.

**337.110. HOME STATE LICENSURE. — 1. The home state shall be a compact state where a psychologist is licensed to practice psychology.**

**2. A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.**

**3. Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.**

**4. Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.**

**5. A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:**

**(1) Currently requires the psychologist to hold an active E.Passport;**

**(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;**

**(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;**

**(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and**

**(5) Complies with the bylaws and rules of the commission.**

**6. A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:**

**(1) Currently requires the psychologist to hold an active IPC;**

**(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;**

**(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;**

**(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and**

**(5) Complies with the bylaws and rules of the commission.**

**337.115. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY. —1. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice telepsychology in receiving states in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.**

**2. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:**

**(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:**

**(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or**

**(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;**

**(2) Hold a graduate degree in psychology that meets the following criteria:**

**(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;**

**(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;**

**(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;**

**(d) The program shall consist of an integrated, organized sequence of study;**

**(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;**

**(f) The designated director of the program shall be a psychologist and a member of the core faculty;**

**(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;**

**(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;**

**(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;**

**(j) The program includes an acceptable residency as defined by the rules of the commission;**

**(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;**

**(4) Have no history of adverse action that violate the rules of the commission;**

**(5) Have no criminal record history reported on an identity history summary that violates the rules of the commission;**

**(6) Possess a current, active E.Passport;**

**(7) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and**

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(8) Meet other criteria as defined by the rules of the commission.

3. The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

4. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

**337.120. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE. — 1. Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice temporarily in distant states in which the psychologist is not licensed, as provided in the compact.**

**2. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:**

**(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:**

**(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or**

**(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;**

**(2) Hold a graduate degree in psychology that meets the following criteria:**

**(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;**

**(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;**

**(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;**

**(d) The program shall consist of an integrated, organized sequence of study;**

**(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;**

**(f) The designated director of the program shall be a psychologist and a member of the core faculty;**

**(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;**

(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;

(j) The program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(4) No history of adverse action that violate the rules of the commission;

(5) No criminal record history that violates the rules of the commission;

(6) Possess a current, active IPC;

(7) Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules of the commission.

3. A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

4. A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

**337.125. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE.** — A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

(1) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;

(2) Other conditions regarding telepsychology as determined by rules promulgated by the commission.

**337.130. ADVERSE ACTIONS.** — 1. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

2. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse

action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

3. (1) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

(2) All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

(3) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

(4) Other actions may be imposed as determined by the rules promulgated by the commission.

4. A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

5. A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

6. Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states shall require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

7. No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection 3 of this section.

**337.135. ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY. — 1. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:**

**(1) Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and**

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Matter in bold-face type is proposed language.

(2) Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice.

2. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

**337.140. COORDINATED LICENSURE INFORMATION SYSTEM.** — 1. The commission shall provide for the development and maintenance of a coordinated licensure information system "coordinated database" and reporting system containing licensure and disciplinary action information on all psychologist individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

2. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

- (1) Identifying information;
- (2) Licensure data;
- (3) Significant investigatory information;
- (4) Adverse actions against a psychologist's license;
- (5) An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;
- (6) Nonconfidential information related to alternative program participation information;
- (7) Any denial of application for licensure, and the reasons for such denial; and
- (8) Other information which may facilitate the administration of this compact, as determined by the rules of the commission.

3. The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

4. Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

5. Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

**337.145. ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION.** — 1. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

- (1) The commission is a body politic and an instrumentality of the compact states.

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(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

2. The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

(1) Executive director, executive secretary or similar executive;

(2) Current member of the state psychology regulatory authority of a compact state; or

(3) Designee empowered with the appropriate delegate authority to act on behalf of the compact state.

3. (1) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

(2) Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 337.150.

(5) The commission may convene in a closed, nonpublic meeting if the commission shall discuss:

(a) Noncompliance of a compact state with its obligations under the compact;

(b) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(c) Current, threatened, or reasonably anticipated litigation against the commission;

(d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

(e) Accusation against any person of a crime or formally censuring any person;

(f) Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(h) Disclosure of investigatory records compiled for law enforcement purposes;

(i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact;

(j) Matters specifically exempted from disclosure by federal and state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of subsection 3 of this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The

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commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

4. The commission shall, by a majority vote of the commissioners, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

- (1) Establishing the fiscal year of the commission;
- (2) Providing reasonable standards and procedures:
  - (a) For the establishment and meetings of other committees; and
  - (b) Governing any general or specific delegation of any authority or function of the commission;
- (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;
- (4) Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;
- (5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;
- (6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;
- (7) Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations.

5. (1) The commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states;

(2) The commission shall maintain its financial records in accordance with the bylaws; and

(3) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

6. The commission shall have the following powers:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule shall have the force and effect of law and shall be binding in all compact states;

(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;

(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;

(9) To establish a budget and make expenditures;

(10) To borrow money;

(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(12) To provide and receive information from, and to cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

7. (1) The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.

(2) The executive board shall be comprised of six members:

(a) Five voting members who are elected from the current membership of the commission by the commission;

(b) One ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.

(3) The ex officio member shall have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

(4) The commission may remove any member of the executive board as provided in bylaws.

(5) The executive board shall meet at least annually.

(6) The executive board shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;

(b) Ensure compact administration services are appropriately provided, contractual or otherwise;

(c) Prepare and recommend the budget;

(d) Maintain financial records on behalf of the commission;

(e) Monitor compact compliance of member states and provide compliance reports to the commission;

(f) Establish additional committees as necessary; and

(g) Other duties as provided in rules or bylaws.

8. (1) The commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

(3) The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall promulgate a rule binding upon all compact states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

9. (1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or

alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

**337.150. RULEMAKING. — 1.** The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

**2.** If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

**3.** Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

**4.** Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

(2) On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

**5.** The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) The text of the proposed rule or amendment and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person;

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

**6.** Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

**7.** The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least twenty-five persons who submit comments independently of each other;

(2) A governmental subdivision or agency; or

(3) A duly appointed person in an association that has at least twenty-five members.

**8. (1)** If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

(2) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(3) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(4) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(5) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of commission or compact state funds;
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (4) Protect public health and safety.

13. (1) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule.

(2) A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

**337.155. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT. — 1. (1) The executive, legislative, and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.**

**(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.**

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(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

2. (1) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the commission; and

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges, and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

(4) A compact state which has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

(5) The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. (1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and noncompact states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

**337.160. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT. — 1.** The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

2. Any state which joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

3. (1) Any compact state may withdraw from this compact by enacting a statute repealing the same.

(2) A compact state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(3) Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

4. Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a noncompact state which does not conflict with the provisions of this compact.

5. This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

**337.165. CONSTRUCTION AND SEVERABILITY. — This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.**

**337.315. INTERVENTION REQUIREMENTS — LICENSURE REQUIREMENTS — TEMPORARY LICENSES — PROVISIONAL LICENSE — PRACTICE OF APPLIED BEHAVIOR ANALYSIS — VIOLATION, PENALTY. — 1.** An applied behavior analysis intervention shall produce socially significant improvements in human behavior through skill acquisition, increase or decrease in behaviors under specific environmental conditions and the reduction of problematic behavior. An applied behavior analysis intervention shall:

(1) Be based on empirical research and the identification of functional relations between behavior and environment, contextual factors, antecedent stimuli and reinforcement operations through the direct observation and measurement of behavior, arrangement of events and observation of effects on behavior, as well as other information gathering methods such as record review and interviews; and

(2) Utilize changes and arrangements of contextual factors, antecedent stimuli, positive reinforcement, and other consequences to produce behavior change.

2. Each person wishing to practice as a licensed behavior analyst shall:

(1) Submit a complete application on a form approved by the committee, **which shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training;**

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- (2) Pay all necessary fees as set by the committee;
  - (3) Submit a two-inch or three-inch photograph or passport photograph taken no more than six months prior to the application date;
  - (4) Provide two classified sets of fingerprints for processing by the Missouri state highway patrol under section 43.543. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files;
  - (5) Have passed an examination and been certified as a board-certified behavior analyst by a certifying entity, as defined in section 337.300;
  - (6) Provide evidence of active status as a board-certified behavior analyst; and
  - (7) If the applicant holds a license as a behavior analyst in another state, a statement from all issuing states verifying licensure and identifying any disciplinary action taken against the license holder by that state.
3. Each person wishing to practice as a licensed assistant behavior analyst shall:
    - (1) Submit a complete application on a form approved by the committee;
    - (2) Pay all necessary fees as set by the committee;
    - (3) Submit a two-inch or three-inch photograph or passport photograph taken no more than six months prior to the application date;
    - (4) Provide two classified sets of fingerprints for processing by the Missouri state highway patrol under section 43.543. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files;
    - (5) Have passed an examination and been certified as a board-certified assistant behavior analyst by a certifying entity, as defined in section 337.300;
    - (6) Provide evidence of active status as a board-certified assistant behavior analyst;
    - (7) If the applicant holds a license as an assistant behavior analyst in another state, a statement from all issuing states verifying licensure and identifying any disciplinary action taken against the license holder by that state; and
    - (8) Submit documentation satisfactory to the committee that the applicant will be directly supervised by a licensed behavior analyst in a manner consistent with the certifying entity.
  4. The committee shall be authorized to issue a temporary license to an applicant for a behavior analyst license or assistant behavior analyst license upon receipt of a complete application, submission of a fee as set by the committee by rule for behavior analyst or assistant behavior analyst, and a showing of valid licensure as a behavior analyst or assistant behavior analyst in another state, only if the applicant has submitted fingerprints and no disqualifying criminal history appears on the family care safety registry. The temporary license shall expire upon issuance of a license or denial of the application but no later than ninety days from issuance of the temporary license. Upon written request to the committee, the holder of a temporary license shall be entitled to one extension of ninety days of the temporary license.
  5. (1) The committee shall, in accordance with rules promulgated by the committee, issue a provisional behavior analyst license or a provisional assistant behavior analyst license upon receipt by the committee of a complete application, appropriate fee as set by the committee by rule, and proof of satisfaction of requirements under subsections 2 and 3 of this section, respectively, and other requirements established by the committee by rule, except that applicants for a provisional license as either a behavior analyst or assistant behavior analyst need not have passed an examination and been certified as a board-certified behavior analyst or a board-certified assistant behavior analyst to obtain a provisional behavior analyst or provisional assistant behavior analyst license.

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(2) A provisional license issued under this subsection shall only authorize and permit the licensee to render behavior analysis under the supervision and the full professional responsibility and control of such licensee's licensed supervisor.

(3) A provisional license shall automatically terminate upon issuance of a permanent license, upon a finding of cause to discipline after notice and hearing under section 337.330, upon termination of supervision by a licensed supervisor, or upon the expiration of one year from the date of issuance of the provisional license, whichever first occurs. The provisional license may be renewed after one year, with a maximum issuance of two years. Upon a showing of good cause, the committee by rule shall provide procedures for exceptions and variances from the requirement of a maximum issuance of two years.

6. No person shall hold himself or herself out to be licensed behavior analysts or LBA, provisionally licensed behavior analyst or PLBA, provisionally licensed assistant behavior analyst or PLABA, temporary licensed behavior analyst or TLBA, or temporary licensed assistant behavior analyst or TLaBA, licensed assistant behavior analysts or LaBA in the state of Missouri unless they meet the applicable requirements.

7. No persons shall practice applied behavior analysis unless they are:

(1) Licensed behavior analysts;

(2) Licensed assistant behavior analysts working under the supervision of a licensed behavior analyst;

(3) An individual who has a bachelor's or graduate degree and completed course work for licensure as a behavior analyst and is obtaining supervised field experience under a licensed behavior analyst pursuant to required supervised work experience for licensure at the behavior analyst or assistant behavior analyst level;

(4) Licensed psychologists practicing within the rules and standards of practice for psychologists in the state of Missouri and whose practice is commensurate with their level of training and experience;

(5) Provisionally licensed behavior analysts;

(6) Provisionally licensed assistant behavior analysts;

(7) Temporary licensed behavior analysts; or

(8) Temporary licensed assistant behavior analysts.

8. Notwithstanding the provisions in subsection 6 of this section, any licensed or certified professional may practice components of applied behavior analysis, as defined in section 337.300 if he or she is acting within his or her applicable scope of practice and ethical guidelines.

9. All licensed behavior analysts and licensed assistant behavior analysts shall be bound by the code of conduct adopted by the committee by rule.

10. Licensed assistant behavior analysts shall work under the direct supervision of a licensed behavior analyst as established by committee rule.

11. Persons who provide services under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq., or Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, or are enrolled in a course of study at a recognized educational institution through which the person provides applied behavior analysis as part of supervised clinical experience shall be exempt from the requirements of this section.

12. A violation of this section shall be punishable by probation, suspension, or loss of any license held by the violator.

**337.320. RENEWAL OF LICENSURE, PROCEDURE.** — 1. The division shall mail a renewal notice to the last known address of each licensee or registrant prior to the renewal date.

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2. Each person wishing to renew the behavior analyst license or the assistant behavior analyst license shall:

(1) Submit a complete application on a form approved by the committee, **which shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training;**

(2) Pay all necessary fees as set by the committee; and

(3) Submit proof of active certification and fulfillment of all requirements for renewal and recertification with the certifying entity.

3. Failure to provide the division with documentation required by subsection 2 of this section or other information required for renewal shall effect a revocation of the license after a period of sixty days from the renewal date.

4. Each person wishing to restore the license, within two years of the renewal date, shall:

(1) Submit a complete application on a form approved by the committee;

(2) Pay the renewal fee and a delinquency fee as set by the committee; and

(3) Submit proof of current certification from a certifying body approved by the committee.

5. A new license to replace any certificate lost, destroyed, or mutilated may be issued subject to the rules of the committee, upon payment of a fee established by the committee.

6. The committee shall set the amount of the fees authorized by sections 337.300 to 337.345 and required by rules promulgated under section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 337.300 to 337.345.

7. The committee is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the committee and remits the fee for an inactive license established by the committee. An inactive license may be issued only to a person who has previously been issued a license to practice as a licensed behavior analyst or a licensed assistant behavior analyst who is no longer regularly engaged in such practice and who does not hold himself or herself out to the public as being professionally engaged in such practice in this state. Each inactive license shall be subject to all provisions of this chapter, except as otherwise specifically provided. Each inactive license may be renewed by the committee subject to all provisions of this section and all other provisions of this chapter. The inactive licensee shall not be required to submit evidence of completion of continuing education as required by this chapter.

8. An inactive licensee may apply for a license to regularly engage in the practice of behavioral analysis by:

(1) Submitting a complete application on a form approved by the committee;

(2) Paying the reactivation fee as set by the committee; and

(3) Submitting proof of current certification from a certifying body approved by the committee.

**337.507. APPLICATIONS, CONTENTS, FEES — FAILURE TO RENEW, EFFECT — REPLACEMENT OF CERTIFICATES, WHEN — FUND ESTABLISHED — EXAMINATION, WHEN, NOTICE.** — 1. Applications for examination and licensure as a professional counselor shall be in writing, submitted to the division on forms prescribed by the division and furnished to the applicant. **The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training.** The application shall contain the applicant's statements showing his education, experience and such other information as the division may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge

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and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the registration renewal date. Failure to provide the division with the information required for registration, or to pay the registration fee after such notice shall effect a revocation of the license after a period of sixty days from the registration renewal date. The license shall be restored if, within two years of the registration date, the applicant provides written application and the payment of the registration fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.500 to 337.540 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.500 to 337.540. All fees provided for in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same with the state treasurer in a fund to be known as the "Committee of Professional Counselors Fund".

5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the committee's fund for the preceding fiscal year or, if the committee requires by rule renewal less frequently than yearly then three times the appropriation from the committee's fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the committee's fund for the preceding fiscal year.

6. The committee shall hold public examinations at least two times per year, at such times and places as may be fixed by the committee, notice of such examinations to be given to each applicant at least ten days prior thereto.

**337.510. REQUIREMENTS FOR LICENSURE — RECIPROCITY — PROVISIONAL PROFESSIONAL COUNSELOR LICENSE ISSUED, WHEN, REQUIREMENTS — RENEWAL LICENSE FEE.** — 1. Each applicant for licensure as a professional counselor shall furnish evidence to the committee that the applicant is at least eighteen years of age, is of good moral character, is a United States citizen or is legally present in the United States; and

(1) The applicant has completed a course of study as defined by the board rule leading to a master's, specialist's, or doctoral degree with a major in counseling, **except any applicant who has held a license as a professional counselor in this state or currently holds a license as a professional counselor in another state shall not be required to have completed any courses related to career development;** and

(2) The applicant has completed acceptable supervised counseling as defined by board rule. If the applicant has a master's degree with a major in counseling as defined by board rule, the applicant shall complete at least two years of acceptable supervised counseling experience subsequent to the receipt of the master's degree. The composition and number of hours comprising the acceptable supervised counseling experience shall be defined by board rule. An applicant may substitute thirty semester hours of post master's graduate study for one of the two required years of acceptable supervised counseling experience if such hours are clearly related to counseling;

(3) After August 28, 2007, each applicant shall have completed a minimum of three hours of graduate level coursework in diagnostic systems either in the curriculum leading to a degree or as post master's graduate level course work;

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(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, and professional affairs and ethics.

2. Any person who previously held a valid unrevoked, unsuspended license as a professional counselor in this state and who held a valid license as a professional counselor in another state at the time of application to the committee shall be granted a license to engage in professional counseling in this state upon application to the committee accompanied by the appropriate fee as established by the committee pursuant to section 337.507.

3. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States to practice as a professional counselor who is at least eighteen years of age, is of good moral character, and is a United States citizen or is legally present in the United States may be granted a license without examination to engage in the practice of professional counseling in this state upon the application to the board, payment of the required fee as established by the board, and satisfying one of the following requirements:

(1) Approval by the American Association of State Counseling Boards (AASCB) or its successor organization according to the eligibility criteria established by AASCB. The successor organization shall be defined by board rule; or

(2) In good standing and currently certified by the National Board for Certified Counselors or its successor organization and has completed acceptable supervised counseling experience as defined by board rule. The successor organization shall be defined by board rule; or

(3) Determination by the board that the requirements of the other state or territory are substantially the same as Missouri and certified by the applicant's current licensing entity that the applicant has a current license. The applicant shall also consent to examination of any disciplinary history.

4. The committee shall issue a license to each person who files an application and fee and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of this act and has taken and passed a written, open-book examination on Missouri laws and regulations governing the practice of professional counseling as defined in section 337.500. The division shall issue a provisional professional counselor license to any applicant who meets all requirements of this section, but who has not completed the required acceptable supervised counseling experience and such applicant may reapply for licensure as a professional counselor upon completion of such acceptable supervised counseling experience.

5. All persons licensed to practice professional counseling in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as required by rule, **including two hours of suicide assessment, referral, treatment, and management training**, which shall be no more than forty hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of the illness of the licensee or for other good cause.

**337.612. APPLICATIONS, CONTENTS, FEE — FUND ESTABLISHED — RENEWAL, FEE — LOST CERTIFICATE, HOW REPLACED.** — 1. Applications for licensure as a clinical social worker, baccalaureate social worker, advanced macro social worker or master social worker shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. **The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training.** The application shall contain the applicant's statements showing the applicant's education, experience, and such other information as the committee may require. Each application shall contain a statement that it is made under oath

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or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The committee shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the committee with the information required for licensure, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.600 to 337.689 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.600 to 337.689. All fees provided for in sections 337.600 to 337.689 shall be collected by the director who shall deposit the same with the state treasurer in a fund to be known as the "Clinical Social Workers Fund". After August 28, 2007, the clinical social workers fund shall be called the "Licensed Social Workers Fund" and after such date all references in state law to the clinical social workers fund shall be considered references to the licensed social workers fund.

5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the clinical social workers fund for the preceding fiscal year or, if the committee requires by rule renewal less frequently than yearly, then three times the appropriation from the committee's fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the clinical social workers fund for the preceding fiscal year.

**337.618. LICENSE EXPIRATION, RENEWAL, FEES, CONTINUING EDUCATION REQUIREMENTS.** — Each license issued pursuant to the provisions of sections 337.600 to 337.689 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months. The committee shall require a minimum number of thirty clock hours of continuing education for renewal of a license issued pursuant to sections 337.600 to 337.689, **including two hours of suicide assessment, referral, treatment, and management training.** The committee shall renew any license upon application for a renewal, completion of the required continuing education hours and upon payment of the fee established by the committee pursuant to the provisions of section 337.612. As provided by rule, the board may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or for other good cause. All requests for waivers or extensions of time shall be made in writing and submitted to the board before the renewal date.

**337.662. APPLICATION FOR LICENSURE, CONTENTS — RENEWAL NOTICES — REPLACEMENT CERTIFICATES PROVIDED, WHEN — FEES SET BY COMMITTEE.** — 1. Applications for licensure as a baccalaureate social worker shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. **The form shall include a statement that the applicant has completed two hours of suicide assessment,**

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**referral, treatment, and management training.** The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The committee shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the committee with the information required for licensure **as provided in subsection 1 of this section**, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.650 to 337.689 authorize and require by rules and regulations promulgated pursuant to chapter 536. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.650 to 337.689. All fees provided for in sections 337.650 to 337.689 shall be collected by the director who shall deposit the same with the state treasurer in the clinical social workers fund established in section 337.612.

**337.712. LICENSES, APPLICATION, OATH, FEE — LOST CERTIFICATES — FUND. — 1.** Applications for licensure as a baccalaureate social worker shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. **The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training.** The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The committee shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the committee with the information required for licensure, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.650 to 337.689 authorize and require by rules and regulations promulgated pursuant to chapter 536. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.650 to 337.689. All fees provided for in sections 337.650 to 337.689 shall be collected by the director who shall deposit the same with the state treasurer in the clinical social workers fund established in section 337.612.

**337.718. LICENSE EXPIRATION, RENEWAL FEE — TEMPORARY PERMITS.** — 1. Each license issued pursuant to the provisions of sections 337.700 to 337.739 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months; however, the director may establish a shorter term for the first licenses issued pursuant to sections 337.700 to 337.739. The division shall renew any license upon application for a renewal and upon payment of the fee established by the division pursuant to the provisions of section 337.712. Effective August 28, 2008, as a prerequisite for renewal, each licensed marital and family therapist shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as defined by rule, which shall be no more than forty contact hours biennially. **At least two hours of continuing education shall be in suicide assessment, referral, treatment, and management training.** The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of illness or for other good cause.

2. The committee may issue temporary permits to practice under extenuating circumstances as determined by the committee and defined by rule.

**338.315. RECEIPT OF DRUGS FROM UNLICENSED SOURCE, UNLAWFUL — PENALTY — PHARMACY-TO-PHARMACY TRANSFERS, LIMIT — LEGEND DRUGS, INVENTORIES AND RECORDS — RULEMAKING AUTHORITY.** — 1. Except as otherwise provided by the board by rule, it shall be unlawful for any pharmacist, pharmacy owner or person employed by a pharmacy to knowingly purchase or receive any legend drugs under 21 U.S.C. Section 353 from other than a licensed or registered drug distributor, **drug outsourcer, third-party logistics provider**, or licensed pharmacy. Any person who violates the provisions of this section shall, upon conviction, be adjudged guilty of a class A misdemeanor. Any subsequent conviction shall constitute a class E felony.

2. Notwithstanding any other provision of law to the contrary, the sale, purchase, or trade of a prescription drug by a pharmacy to other pharmacies is permissible if the total dollar volume of such sales, purchases, or trades are in compliance with the rules of the board and do not exceed five percent of the pharmacy's total annual prescription drug sales.

3. Pharmacies shall establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of legend drugs. Such records shall be maintained for two years and be readily available upon request by the board or its representatives.

4. The board shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

**338.330. DEFINITIONS.** — As used in sections 338.300 to 338.370, the following terms mean:

(1) **"Drug outsourcer", an outsourcing facility as defined by 21 U.S.C. Section 353b of the federal Drug Quality and Security Act;**

(2) "Legend drug":

(a) Any drug or biological product:

a. Subject to Section 503(b) of the Federal Food, Drug and Cosmetic Act, including finished dosage forms and active ingredients subject to such Section 503(b); or

b. Required under federal law to be labeled with one of the following statements prior to being dispensed or delivered:

(i) "Caution: Federal law prohibits dispensing without prescription";

(ii) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or

(iii) "Rx Only"; or

c. Required by any applicable federal or state law or regulation to be dispensed by prescription only or that is restricted to use or dispensed by practitioners only; and

(b) The term "drug", "prescription drug", or "legend drug" shall not include:

a. An investigational new drug, as defined by 21 CFR 312.3(b), that is being utilized for the purposes of conducting a clinical trial or investigation of such drug or product that is governed by, and being conducted under and pursuant to, 21 CFR 312, et. seq.;

b. Any drug product being utilized for the purposes of conducting a clinical trial or investigation that is governed by, and being conducted under and pursuant to, 21 CFR 312, et. seq.; or

c. Any drug product being utilized for the purposes of conducting a clinical trial or investigation that is governed or approved by an institutional review board subject to 21 CFR Part 56 or 45 CFR Part 46;

~~[(2)]~~ (3) "Out-of-state wholesale drug distributor", a wholesale drug distributor with no physical facilities located in the state;

~~[(3)]~~ (4) "Pharmacy distributor", any licensed pharmacy, as defined in section 338.210, engaged in the delivery or distribution of legend drugs to any other licensed pharmacy where such delivery or distribution constitutes at least five percent of the total gross sales of such pharmacy;

~~[(4)]~~ (5) **"Third-party logistics provider", an entity that provides or coordinates warehousing or other logistics services of a product on behalf of a drug manufacturer, wholesale drug distributor, or dispenser of a legend drug, but does not take ownership of the product, nor has responsibility to direct the sale or disposition of the product;**

(6) "Wholesale drug distributor", anyone engaged in the delivery or distribution of legend drugs from any location and who is involved in the actual, constructive or attempted transfer of a drug or drug-related device in this state, other than to the ultimate consumer. This shall include, but not be limited to, drug wholesalers, repackagers and manufacturers which are engaged in the delivery or distribution of drugs in this state, with facilities located in this state or in any other state or jurisdiction. A wholesale drug distributor shall not include any common carrier or individual hired solely to transport legend drugs. Any locations where drugs are delivered on a consignment basis, as defined by the board, shall be exempt from licensure as a drug distributor, and those standards of practice required of a drug distributor but shall be open for inspection by board of pharmacy representatives as provided for in section 338.360.

**338.333. LICENSE REQUIRED, TEMPORARY LICENSES MAY BE GRANTED — OUT-OF-STATE DISTRIBUTORS, RECIPROCITY ALLOWED, WHEN.** — 1. Except as otherwise provided by the board of pharmacy by rule in the event of an emergency or to alleviate a supply shortage, no person or distribution outlet shall act as a wholesale drug distributor ~~[or]~~, pharmacy distributor, **drug outsourcer, or third-party logistics provider** without first obtaining license to do so from the Missouri board of pharmacy and paying the required fee. The board may grant temporary licenses when the wholesale drug distributor ~~[or]~~, pharmacy distributor, **drug outsourcer, or third-party logistics provider** first applies for a license to operate within the state. Temporary licenses shall remain valid until such time as the board shall find that the applicant meets or fails to meet the requirements for regular licensure. No license shall be issued or renewed for a wholesale drug distributor ~~[or]~~,

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pharmacy distributor, **drug outsourcer, or third-party logistics provider** to operate unless the same shall be operated in a manner prescribed by law and according to the rules and regulations promulgated by the board of pharmacy with respect thereto. Separate licenses shall be required for each distribution site owned or operated by a wholesale drug distributor ~~[or]~~, pharmacy distributor, **drug outsourcer, or third-party logistics provider**, unless such drug distributor ~~[or]~~, pharmacy distributor, **drug outsourcer, or third-party logistics provider** meets the requirements of section 338.335.

2. An agent or employee of any licensed or registered wholesale drug distributor ~~[or]~~, pharmacy distributor, **drug outsourcer, or third-party logistics provider** need not seek licensure under this section and may lawfully possess pharmaceutical drugs, if ~~[he]~~ **the agent or employee** is acting in the usual course of his **or her** business or employment.

3. The board may permit out-of-state wholesale drug distributors, **drug outsourcers, third-party logistics provider**, or out-of-state pharmacy distributors to be licensed as required by sections 338.210 to 338.370 on the basis of reciprocity to the extent that ~~[an out-of-state wholesale drug distributor or out-of-state pharmacy distributor]~~ **the entity** both:

(1) Possesses a valid license granted by another state pursuant to legal standards comparable to those which must be met by a wholesale drug distributor ~~[or]~~, pharmacy distributor, **drug outsourcers, or third-party logistics provider** of this state as prerequisites for obtaining a license under the laws of this state; and

(2) Distributes into Missouri from a state which would extend reciprocal treatment under its own laws to a wholesale drug distributor ~~[or]~~, pharmacy distributor, **drug outsourcers, or third-party logistics provider** of this state.

**338.337. OUT-OF-STATE DISTRIBUTORS, LICENSES REQUIRED, EXCEPTION.** — It shall be unlawful for any out-of-state wholesale drug distributor ~~[or]~~, out-of-state pharmacy acting as a distributor, **drug outsourcers, or third-party logistics provider** to do business in this state without first obtaining a license to do so from the board of pharmacy and paying the required fee, except as otherwise provided by section 338.335 and this section. Application for an out-of-state wholesale drug distributor's, **drug outsourcer's, or out-of-state third-party logistics provider's** license under this section shall be made on a form furnished by the board. The issuance of a license under sections 338.330 to 338.370 shall not change or affect tax liability imposed by the Missouri department of revenue on any ~~[out-of-state wholesale drug distributor or out-of-state pharmacy]~~ **entity**. Any out-of-state wholesale drug distributor that is a drug manufacturer and which produces and distributes from a facility which has been inspected and approved by the Food and Drug Administration, maintains current approval by the federal Food and Drug Administration, and has provided a copy of the most recent Food and Drug Administration Establishment Inspection Report to the board, and which is licensed by the state in which the distribution facility is located, or, if located within a foreign jurisdiction, is authorized and in good standing to operate as a drug manufacturer within such jurisdiction, need not be licensed as provided in this section but such out-of-state distributor shall register its business name and address with the board of pharmacy and pay a filing fee in an amount established by the board.

**338.340. SALE OF DRUGS, OUT-OF-STATE DISTRIBUTOR, LICENSE REQUIRED.** — No person acting as principal or agent for any out-of-state wholesale drug distributor ~~[or]~~, out-of-state pharmacy distributor, **drug outsourcer, or out-of-state third-party logistics provider** shall sell or distribute drugs in this state unless the ~~[wholesale drug distributor or pharmacy distributor]~~ **entity** has obtained a license pursuant to the provisions of sections 338.330 to 338.370.

**344.030. LICENSE, QUALIFICATIONS, FEE, EXAMINATION, TERM — EMERGENCY LICENSE.**

— 1. An applicant for an initial license shall file a completed application with the board on a form provided by the board, accompanied by an application fee as provided by rule payable to the department of health and senior services. Information provided in the application **shall be** attested by signature to be true and correct to the best of the applicant's knowledge and belief.

2. No initial license shall be issued to a person as a nursing home administrator unless:

(1) The applicant provides the board satisfactory proof that the applicant is ~~twenty-one years of age or over,~~ of good moral character and a high school graduate or equivalent;

(2) The applicant provides the board satisfactory proof that the applicant has had a minimum of three years' experience in health care administration or two years of postsecondary education in health care administration or has satisfactorily completed a course of instruction and training prescribed by the board, which includes instruction in the needs properly to be served by nursing homes, the protection of the interests of residents therein, and the elements of good nursing home administration, or has presented evidence satisfactory to the board of sufficient education, training, or experience in the foregoing fields to administer, supervise and manage a nursing home; and

(3) The applicant passes the examinations administered by the board. If an applicant fails to make a passing grade on either of the examinations such applicant may make application for reexamination on a form furnished by the board and may be retested. If an applicant fails either of the examinations a third time, the applicant shall be required to complete a course of instruction prescribed and approved by the board. After completion of the board-prescribed course of instruction, the applicant may reapply for examination. With regard to the national examination required for licensure, no examination scores from other states shall be recognized by the board after the applicant has failed his or her third attempt at the national examination. There shall be a separate, nonrefundable fee for each examination. The board shall set the amount of the fee for examination by rules and regulations promulgated pursuant to section 536.021. The fee shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the examination.

3. The board may issue a license through reciprocity to any person who is regularly licensed as a nursing home administrator in any other state, territory, or the District of Columbia, if the regulations for securing such license are equivalent to those required in the state of Missouri. However, no license by reciprocity shall be issued until the applicant passes a special examination approved by the board, which will examine the applicant's knowledge of specific provisions of Missouri statutes and regulations pertaining to nursing homes. The applicant shall furnish satisfactory evidence that such applicant is of good moral character and has acted in the capacity of a nursing home administrator in such state, territory, or the District of Columbia at least one year after the securing of the license. The board, in its discretion, may enter into written reciprocal agreements pursuant to this section with other states which have equivalent laws and regulations.

4. Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator, who is employed by an institution listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., to administer institutions certified by such commission for the care and treatment of the sick in accordance with the creed or tenets of a recognized church or religious denomination, to demonstrate proficiency in any techniques or to meet any educational qualifications or standards not in accord with the remedial care and treatment provided in such institutions. The applicant's license shall be endorsed to confine the applicant's practice to such institutions.

5. The board may issue a temporary emergency license for a period not to exceed ninety days to a person twenty-one years of age or over, of good moral character and a high school graduate or equivalent to serve as an acting nursing home administrator, provided such person is replacing a licensed nursing home administrator who has died, has been removed or has vacated the nursing home administrator's position. No temporary emergency license may be issued to a person who has had a nursing home administrator's license denied, suspended or revoked. A temporary emergency license may be renewed for one additional ninety-day period upon a showing that the person seeking the renewal of a temporary emergency license meets the qualifications for licensure and has filed an application for a regular license, accompanied by the application fee, and the applicant has taken the examination or examinations but the results have not been received by the board. No temporary emergency license may be renewed more than one time.

**374.715. APPLICATION, FORM, QUALIFICATIONS, FEE — MONETARY ASSIGNMENT REQUIRED, AMOUNT, EFFECTIVE WHEN.** — 1. Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, ~~is at least twenty-one years of age,~~ has a high school diploma or general education development certificate (GED), is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule. Each application shall be accompanied by the examination and application fee set by the department. Individuals currently employed as bail bond agents and general bail bond agents shall not be required to meet the education requirements needed for licensure pursuant to this section.

2. In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant or, if the applicant is a corporation, that each officer thereof has completed at least two years as a bail bond agent, and that the applicant possesses liquid assets of at least ten thousand dollars, along with a duly executed assignment of ten thousand dollars to the state of Missouri. The assignment shall become effective upon the applicant's violating any provision of sections 374.695 to 374.789. The assignment required by this section shall be in the form and executed in the manner prescribed by the department. The director may require by regulation conditions by which additional assignments of assets of the general bail bond agent may occur when the circumstances of the business of the general bail bond agent warrants additional funds. However, such additional funds shall not exceed twenty-five thousand dollars.

**374.784. APPLICATION FOR LICENSURE, CONTENTS, QUALIFICATIONS — REFUSAL TO ISSUE LICENSE, WHEN.** — 1. Applications for examination and licensure as a surety recovery agent shall be submitted on forms prescribed by the department and shall contain such information as the department requires, along with a copy of the front and back of a photographic identification card.

2. Each application shall be accompanied by proof satisfactory to the director that the applicant is a citizen of the United States, ~~is at least twenty-one years of age,~~ and has a high school diploma or a general educational development certificate (GED). An applicant shall furnish evidence of such person's qualifications by completing an approved surety recovery agent course with at least twenty-four hours of initial minimum training. The director shall determine which institutions, organizations, associations, and individuals shall be eligible to provide said training. Said instructions and fees associated therewith shall be identical or similar to those prescribed in section 374.710 for bail bond agents and general bail bond agents.

3. In addition to said twenty-four hours of initial minimum training, licensees shall be required to receive eight hours of biennial continuing education of which said instructions and fees shall be identical or similar to those prescribed in section 374.710 for bail bond agents and general bail bond agents.

4. Applicants for surety recovery agents licensing shall be exempt from said requirements of the twenty-four hours of initial minimum training if applicants provide proof of prior training as a law enforcement officer with at least two years of such service within the ten years prior to the application being submitted to the department.

5. The director may refuse to issue any license pursuant to sections 374.783 to 374.789, for any one or any combination of causes stated in section 374.787. The director shall notify the applicant in writing of the reason or reasons for refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission to appeal the refusal as provided by chapter 621.

**632.005. DEFINITIONS.** — As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Comprehensive psychiatric services", any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;

(2) "Council", the Missouri advisory council for comprehensive psychiatric services;

(3) "Court", the court which has jurisdiction over the respondent or patient;

(4) "Division", the division of comprehensive psychiatric services of the department of mental health;

(5) "Division director", director of the division of comprehensive psychiatric services of the department of mental health, or his designee;

(6) "Head of mental health facility", superintendent or other chief administrative officer of a mental health facility, or his designee;

(7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

(8) "Licensed physician", a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

(9) "Licensed professional counselor", a person licensed as a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

(10) "Likelihood of serious harm" means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself. Evidence of substantial risk may also include information about patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself;

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his capacity to make decisions with respect to his hospitalization and need for treatment as evidenced by his current mental disorder or mental illness which results in an inability

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to provide for his own basic necessities of food, clothing, shelter, safety or medical care or his inability to provide for his own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

(11) "Mental health coordinator", a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

(12) "Mental health facility", any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;

(13) "Mental health professional", a psychiatrist, resident in psychiatry, **psychiatric physician assistant, psychiatric assistant physician, psychiatric advanced practice registered nurse,** psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

(14) "Mental health program", any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

(15) "Ninety-six hours" shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

(16) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

(17) **"Psychiatric advanced practice registered nurse", a registered nurse who is currently recognized by the board of nursing as an advanced practice registered nurse, who has at least two years of experience in providing psychiatric treatment to individuals suffering from mental disorders;**

(18) **"Psychiatric assistant physician", a licensed assistant physician under chapter 334 and who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders;**

(19) "Psychiatric nurse", a registered professional nurse who is licensed under chapter 335 and who has had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

~~[(18)]~~ (20) "Psychiatric physician assistant", a licensed physician assistant under chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;

(21) "Psychiatric social worker", a person with a master's or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;

~~[(19)]~~ (22) "Psychiatrist", a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

~~[(20)]~~ (23) "Psychologist", a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;

~~[(21)]~~ (24) "Resident in psychiatry", a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

~~[(22)]~~ (25) "Respondent", an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;

~~[(23)]~~ (26) "Treatment", any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.

~~[328.100. MEDICAL EXAMINATIONS OF REGISTERED BARBERS.—The board may at any time require any barber to whom a certificate of registration is issued to be examined at the licensee's expense by a licensed physician to ascertain if such barber is free of infectious or contagious diseases and is not afflicted with any physical or mental ailment which would render him unfit to practice the occupation of barbering.]~~

SECTION B. EFFECTIVE DATE. — The enactment of sections 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, and 337.165 shall become effective upon notification by the commission to the revisor of statutes that seven states have adopted the psychology interjurisdictional compact.

Approved June 1, 2018

SS HCS HB 1729, 1621 & 1436

**Enacts provisions relating to public contracts.**

AN ACT to repeal sections 290.095, 290.210, 290.220, 290.230, 290.240, 290.250, 290.262, 290.263, 290.265, 290.270, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, and 630.546, RSMo, and to enact in lieu thereof twenty new sections relating to public contracts.

SECTION

A. Enacting clause.

290.095 Wage subsidies, bid supplements, and rebates for employment prohibited, when — violation, penalty.

290.210 Definitions.

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

- 290.220 Policy declared.
- 290.230 Prevailing wage rates required on construction of public works — who is deemed employed upon public works — inapplicability of prevailing wage, when.
- 290.235 On-the-job training periods, use of entry-level workers and apprentices — wages — aggregate limit.
- 290.240 Department inquiry into complaints — rulemaking authority.
- 290.250 Applicable wage rates, incorporation into contracts — failure to pay, penalty — complaints of violation, public body or prime contractor to withhold payment — determination of a violation, investigation required — employer's right to dispute — enforcement proceeding permitted, when.
- 290.257 Determination of prevailing wage — annual calculation — final determination, when — occupational titles, applicability.
- 290.262 Determination of hourly rate, certification — objections, hearings — final determination — notice to department by public body, when.
- 290.263 Wage rates to equal or exceed federal minimum wage.
- 290.265 Wage rates posted, where.
- 290.270 Declaration as to wages final — maximum wages and hours not limited.
- 290.290 Contractor's payroll records, contents — affidavit of compliance required — signs on motor vehicles and equipment, requirements — temporary stationary sign, when — exception.
- 290.300 Actions for wages by worker authorized.
- 290.305 Rebates by workers prohibited, exception.
- 290.315 Deductions from wages, agreement to be written, approval of public body required.
- 290.320 Advertising for bids before wage rates are determined prohibited.
- 290.325 Awarding contract or payment without wage rate determination prohibited.
- 290.330 Convicted violators of sections 290.210 to 290.340 listed, effect of.
- 630.546 Lease purchase agreement authorized for use of facilities constructed by private developer on grounds of existing St. Louis state hospital, procedure — deemed to be public works, wage rate.

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

**SECTION A. ENACTING CLAUSE.** — Sections 290.095, 290.210, 290.220, 290.230, 290.240, 290.250, 290.262, 290.263, 290.265, 290.270, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, and 630.546, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 290.095, 290.210, 290.220, 290.230, 290.235, 290.240, 290.250, 290.257, 290.262, 290.263, 290.265, 290.270, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, and 630.546, to read as follows:

**290.095. WAGE SUBSIDIES, BID SUPPLEMENTS, AND REBATES FOR EMPLOYMENT PROHIBITED, WHEN — VIOLATION, PENALTY.** — 1. No contractor or subcontractor may directly or indirectly receive a wage subsidy, bid supplement, or rebate for employment on a public works project if such wage subsidy, bid supplement, or rebate has the effect of reducing the wage rate paid by the employer on a given occupational title below the ~~[prevailing]~~ wage rate ~~[as provided in section 290.262]~~ **required to be paid for such project pursuant to sections 290.210 to 290.340.**

2. In the event a wage subsidy, bid supplement, or rebate is lawfully provided or received under ~~[subsections]~~ **subsection 1** ~~[or 2]~~ of this section, the entity receiving such subsidy, supplement, or rebate shall report the date and amount of such subsidy, supplement, or rebate to the public body within thirty days of receipt of payment. This disclosure report shall be a matter of public record under chapter 610.

3. Any employer in violation of this section shall owe to the public body double the dollar amount per hour that the wage subsidy, bid supplement, or rebate has reduced the wage rate paid by the employer below the ~~[prevailing]~~ wage rate ~~[as provided in section 290.262]~~ **required to be paid for such project pursuant to sections 290.210 to 290.340** for each hour that work was

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performed. It shall be the duty of the department to calculate the dollar amount owed to the public body under this section.

**290.210. DEFINITIONS.** — As used in sections 290.210 to 290.340, unless the context indicates otherwise, **the following terms shall mean:**

~~(1) ["Adjacent county", any Missouri county of the third or fourth classification having a boundary that, at any point, touches any boundary of the locality for which the wage rate is being determined];~~

~~(2)~~ **(2)** "Collective bargaining agreement" ~~[means]~~ **[means]**, any written agreement or understanding between an employer or employer association and a labor organization or union which is the exclusive bargaining representative of the employer's or employer association's employees pursuant to the terms of the National Labor Relations Act and which agreement or understanding or predecessor agreement or understanding has been used to determine an occupational title wage rate;

~~[(3)]~~ **(2)** "Construction" ~~[includes]~~ **[includes]**, construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair;

~~[(4)]~~ **(3)** "Department" ~~[means]~~ **[means]**, the department of labor and industrial relations;

~~[(5)]~~ **(4)** "Labor organization" or "union" ~~[means]~~ **[means]**, any entity which has been designated pursuant to the terms of the National Labor Relations Act as the exclusive bargaining representative of employees of employers engaged in the construction industry, which entity or affiliated entity has ever had a collective bargaining agreement which determined an occupational title wage rate;

~~[(6)]~~ **(5)** "Locality" ~~[means]~~ **[means]**, the county where the physical work upon public works is performed;

~~[(7)]~~ **(6)** "Maintenance work" ~~[means]~~ **[means]**, the repair, but not the replacement, of existing facilities when the size, type or extent of the existing facilities is not thereby changed or increased;

~~[(8)]~~ **(7)** "Prevailing hourly rate of wages" ~~[means]~~ **[means]** or **"prevailing wage rate"**, the wages paid generally, **to workers engaged in work of a similar character** in the locality in which the public works is being performed, ~~[to workmen engaged in work of a similar character]~~ including the basic hourly rate of pay and the amount of the rate of contributions irrevocably made to a fund, plan or program, and the amount of the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to ~~[workmen]~~ **workers** and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the workmen affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal or state law to provide any of the benefits; provided, that the obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the department, insofar as sections 290.210 to 290.340 are concerned, may be discharged by the making of payments in cash, by the making of irrevocable contributions by the assumption of an enforceable commitment to bear the costs of a plan or program as provided herein, or any combination thereof, where the aggregate of such payments, contributions and costs is not less than the rate of pay plus the other amounts as provided herein;

~~[(9)]~~ **"Previous six annual wage order reporting periods"** ~~means the current annual wage order reporting period under consideration for wage rate determinations and the five immediately preceding annual wage order reporting periods;~~

~~(10)~~ **(8)** "Public body" ~~[means]~~, the state of Missouri or any officer, official, authority, board or commission of the state, or other political subdivision thereof, or any institution supported in whole or in part by public funds;

~~(11)~~ **(9)** "Public works" ~~[means]~~, all fixed works constructed for public use or benefit or paid for wholly or in part out of public funds. It also includes any work done directly by any public utility company when performed by it pursuant to the order of the public service commission or other public authority whether or not it be done under public supervision or direction or paid for wholly or in part out of public funds when let to contract by said utility. It does not include any work done for or by any drainage or levee district;

~~(12)~~ "Workmen" ~~means]~~

**(10) "Public works contracting minimum wage", the wage rate determined by the department pursuant to section 290.257;**

**(11) "Workers", laborers**~~[, workmen]~~ and mechanics.

**290.220. POLICY DECLARED.** — It is hereby declared to be the policy of the state of Missouri that a wage of no less than the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed **or the public works contracting minimum wage, whichever is applicable**, shall be paid to all ~~[workmen]~~ **workers** employed by or on behalf of any public body engaged in public works, exclusive of maintenance work.

**290.230. PREVAILING WAGE RATES REQUIRED ON CONSTRUCTION OF PUBLIC WORKS — WHO IS DEEMED EMPLOYED UPON PUBLIC WORKS — INAPPLICABILITY OF PREVAILING WAGE, WHEN.** — 1. **(1)** **Except as otherwise provided in this section**, not less than the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed~~[, and not less than the prevailing hourly rate of wages for legal holiday and overtime work,]~~ **or the public works contracting minimum wage, whichever is applicable**, shall be paid to all ~~[workmen]~~ **workers** employed by or on behalf of any public body engaged in the construction of public works, exclusive of maintenance work.

**(2)** For all work performed on a Sunday or a holiday, not less than twice the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed **or the public works contracting minimum wage, whichever is applicable**, shall be paid to all workers employed by or on behalf of any public body engaged in the construction of public works, exclusive of maintenance work. For purposes of this subdivision, "holiday" shall include each of the following:

- (a) January first;
- (b) The last Monday in May;
- (c) July fourth;
- (d) The first Monday in September;
- (e) November eleventh;
- (f) The fourth Thursday in November; and
- (g) December twenty-fifth;

If any holiday falls on a Sunday, the following Monday shall be considered a holiday.

**(3)** For all overtime work performed, not less than one and one half the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed **or the public works contracting minimum wage, whichever is applicable**, shall be paid to all workers employed by or on behalf of any public body engaged in the construction of public

works, exclusive of maintenance work or contractual obligation. For purposes of this subdivision, "overtime work" shall include work that exceeds ten hours in one day and work in excess of forty hours in one calendar week; and

(4) A thirty minute lunch period on each calendar day shall be allowed for each worker on a public works project, provided that such time shall not be considered as time worked.

2. Only ~~[such workmen as]~~ **workers** that are directly employed by contractors or subcontractors in actual construction work on the site of the building or construction job shall be deemed to be employed upon public works.

3. Any ~~[such workman]~~ **worker** who agrees in writing to volunteer his or her labor without pay shall not be deemed to be employed upon public works, and shall not be entitled to the ~~[prevailing hourly rate of wages]~~ **wage rates required pursuant to sections 290.210 to 290.340**. For the purposes of this section, the term "~~[workman]~~ **worker** who agrees in writing to volunteer his or her labor without pay" shall mean a ~~[workman]~~ **worker** who volunteers his or her labor without any promise of benefit or remuneration for such voluntary activity, and who is not a prisoner in any jail or prison facility and who is not performing community service pursuant to disposition of a criminal case against him **or her**, and is not otherwise employed for compensation at any time in the construction or maintenance work on the same public works for which the ~~[workman]~~ **worker** is a volunteer. Under no circumstances may an employer **or a public body** force, compel or otherwise intimidate ~~[an employee]~~ **a worker** into performing work otherwise paid ~~[by]~~ **at a prevailing wage rate or at a public works contracting minimum wage rate** as a volunteer.

~~[2-]~~ 4. When the hauling of materials or equipment includes some phase of construction other than the mere transportation to the site of the construction, ~~[workmen]~~ **workers** engaged in this dual capacity shall be deemed employed directly on public works.

5. (1) **The provisions of sections 290.210 to 290.340 shall not apply to the construction of public works for which either the engineer's estimate or the bid accepted by the public body for the total project cost is in the amount of seventy-five thousand dollars or less.**

(2) **The total project cost shall be based upon the entire project and not individual projects within a larger project.**

(3) **The total project cost shall include the value of work performed on the project by every person paid by a contractor or subcontractor for that person's work on the project. The total project cost shall additionally include all materials and supplies purchased for the project.**

6. **A public body shall not divide a project into multiple contracts for the purpose of lowering the total project cost below the threshold described in subsection 5 of this section.**

7. **For any public works project for which either the engineer's estimate or the bid accepted by the public body for the total project cost is in the amount of seventy-five thousand dollars or less that becomes subject to a change order that increases the total project cost in excess of seventy-five thousand dollars, the provisions of sections 290.210 to 290.340 shall apply only to that portion of the project that was in excess of seventy-five thousand dollars.**

8. **Notwithstanding any provision of law to the contrary, for the purposes of construction of public works for which either the engineer's estimate or the bid accepted by the public body for the total project cost is in the amount of ten thousand dollars or less for all occupational titles, public bodies shall be exempt from any law requiring the use of competitive bids.**

**290.235. ON-THE-JOB TRAINING PERIODS, USE OF ENTRY-LEVEL WORKERS AND APPRENTICES — WAGES — AGGREGATE LIMIT. — 1.** Employers may use entry-level workers and federally-registered apprentices for on-the-job training periods. The wage rate for on-the-job training workers shall be equal to fifty percent of the applicable wage rate for a journeyman worker under the appropriate occupational title for a specific locality.

**2.** The combined total of entry-level workers and federally-registered apprentices shall not exceed a one to one ratio with the number of journeyman workers in any occupational title on a public works project subject to sections 290.210 to 290.340.

**290.240. DEPARTMENT INQUIRY INTO COMPLAINTS — RULEMAKING AUTHORITY. — 1.** The department shall inquire diligently ~~as to~~ **into complaints regarding** any violation of sections 290.210 to 290.340, shall institute actions for penalties herein prescribed, and shall enforce generally the provisions of sections 290.210 to 290.340. **Complaints regarding any violation of sections 290.210 to 290.340 shall be filed with the department. The following interested parties are the only parties allowed to file such complaints with the department:**

**(1) Any decision-making public servant for a public body for which a public works project is being performed, if the complaint is against the contractor or subcontractor for the project;**

**(2) Any contractor, if the complaint is against his or her subcontractor for work performed on behalf of a public body;**

**(3) Any subcontractor, if the complaint is against his or her contractor for work performed on behalf of a public body; and**

**(4) Any worker who alleges a violation of his or her rights under sections 290.210 to 290.340.**

**2.** The department may establish rules and regulations for the purpose of carrying out the provisions of sections 290.210 to 290.340.

**290.250. APPLICABLE WAGE RATES, INCORPORATION INTO CONTRACTS — FAILURE TO PAY, PENALTY — COMPLAINTS OF VIOLATION, PUBLIC BODY OR PRIME CONTRACTOR TO WITHHOLD PAYMENT — DETERMINATION OF A VIOLATION, INVESTIGATION REQUIRED — EMPLOYER'S RIGHT TO DISPUTE — ENFORCEMENT PROCEEDING PERMITTED, WHEN. — 1.** Every public body authorized to contract for or construct public works before advertising for bids or undertaking such construction shall request the department to determine the ~~prevailing rates of wages for workmen for the class or type of work called for by the public works,~~ **applicable wage rates** in the locality where the work is to be performed. The department shall determine the ~~prevailing hourly rate of wages~~ **applicable wage rates** in the locality in which the work is to be performed ~~for each type of workman required to execute the contemplated contract and~~ **as provided in section 290.257.** Such determination or schedule of the ~~prevailing hourly rate of wages~~ **wage rates** shall be attached to and made a part of the specifications for the work. The public body shall then specify in the resolution or ordinance and in the call for bids for the contract ~~what is~~ the ~~prevailing hourly rate of wages~~ **wage rates** in the locality ~~for each type of workman~~ needed to execute the contract ~~and also the general prevailing rate for legal holiday and overtime work~~. ~~It shall be mandatory upon~~ The contractor to whom the contract is awarded and ~~upon~~ any subcontractor under ~~him to~~ **the contractor shall** pay not less than the specified **wage rates** to all ~~workmen~~ **workers** employed by them in the execution of the contract. The public body awarding the contract shall cause to be inserted in the contract a stipulation to the effect that not less than the ~~prevailing hourly rate of wages~~ **specified wage rates** shall be paid to all ~~workmen~~ **workers** performing work under the contract. The ~~employer~~ **contractor** shall forfeit as a penalty to the ~~state, county, city and county, city, town, district or other political subdivision~~

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**public body** on whose behalf the contract is made or awarded one hundred dollars for each ~~[workman]~~ **worker** employed, for each calendar day, or portion thereof, such ~~[workman]~~ **worker** is paid less than the ~~[said stipulated]~~ **specified wage** rates for any work done under ~~[said]~~ **the** contract, by ~~[him]~~ **the contractor** or by any subcontractor under ~~[him]~~ **the contractor**, and the ~~[said]~~ public body awarding the contract shall cause to be inserted in the contract a stipulation to this effect. ~~[It shall be the duty of such]~~ **The** public body awarding the contract, and its agents and officers, ~~[to]~~ **shall** take cognizance of all complaints of all violations of the provisions of sections 290.210 to 290.340 committed in the course of the execution of the contract, and, when making payments to the contractor becoming due under ~~[said]~~ **the** contract, ~~[to]~~ **shall** withhold and retain therefrom all sums and amounts due and owing as a result of any violation of sections 290.210 to 290.340. ~~[It shall be lawful for]~~ Any contractor ~~[to]~~ **may** withhold from any subcontractor ~~[under him]~~ sufficient sums to cover any penalties withheld ~~[from him]~~ by the awarding **public** body on account of ~~[said]~~ **the** subcontractor's failure to comply with the terms of sections 290.210 to 290.340, and if payment has already been made ~~[to him]~~, the contractor may recover from ~~[him]~~ **the subcontractor** the amount of the penalty in a suit at law.

2. In determining whether a violation of sections 290.210 to 290.340 has occurred, and whether ~~[the]~~ **a** penalty ~~[under subsection 1 of this section]~~ shall be imposed **pursuant to subsection 1 of this section**, ~~[it shall be the duty of]~~ the department ~~[to]~~ **shall** investigate any ~~[claim of violation]~~ **complaint made by an interested party listed under section 290.240**. Upon completing such investigation, the department shall notify the employer of its findings. If the department concludes that a violation of sections 290.210 to 290.340 has occurred and a penalty may be due, the department shall notify the employer of such finding by providing a notice of penalty to the employer. Such penalty shall not be due until forty-five days after the date of the notice of the penalty.

3. The employer shall have the right to dispute such notice of penalty in writing to the department within forty-five days of the date of the notice. Upon receipt of this written notice of dispute, the department shall notify the employer of the right to resolve such dispute through arbitration. The state and the employer shall submit to an arbitration process to be established by the department by rule, and in conformance with the guidelines and rules of the American Arbitration Association or other arbitration process mutually agreed upon by the employer and the state. If at any time prior to the department pursuing an enforcement action to enforce the monetary penalty provisions of subsection 1 of this section against the employer, the employer pays the back wages as determined by either the department or the arbitrator, the department shall be precluded from initiating any enforcement action to impose the monetary penalty provisions of subsection 1 of this section.

4. If the employer fails to pay all wages due as determined by the arbitrator within forty-five days following the conclusion of the arbitration process, or if the employer fails to exercise the right to seek arbitration, the department may then pursue an enforcement action to enforce the monetary penalty provisions of subsection 1 of this section against the employer. If the court orders payment of the penalties as prescribed in subsection 1 of this section, the department shall be entitled to recover its actual cost of enforcement from such penalty amount.

5. Nothing in this section shall be interpreted as precluding an action for enforcement filed by an aggrieved employee as otherwise provided in law.

**290.257. DETERMINATION OF PREVAILING WAGE — ANNUAL CALCULATION — FINAL DETERMINATION, WHEN — OCCUPATIONAL TITLES, APPLICABILITY. — 1. (1) In determining the prevailing wage rate, the department shall accept and consider information submitted**

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Matter in bold-face type is proposed language.

in either paper or electronic format regarding local wage rates for construction projects that occurred during the year preceding the annual wage order to be issued, provided that information regarding local wage rates for entry-level workers and federally-registered apprentices shall not be considered.

(2) (a) The prevailing wage rate for each occupational title shall be equal to the weighted average wage for that occupational title.

(b) For purposes of this subdivision, the following terms shall mean:

a. "Reported wage sum", for each occupational title, the sum of every product of each reported wage rate, which shall include fringe benefits, multiplied by the total number of reportable hours at such wage rate; and

b. "Weighted average wage", the reported wage sum for each occupational title divided by the total number of reportable hours for that occupational title.

2. The department shall annually calculate the public works contracting minimum wage in each locality. The public works contracting minimum wage shall be equal to one hundred twenty percent of the average hourly wage in a particular locality, as determined by the Missouri economic research and information center within the department of economic development, or any successor agency.

3. A final determination of the prevailing hourly rate of wages and the public works contracting minimum wage applicable to every locality to be contained in an annual wage order shall be made annually on or before July 1, 2019, and July first of each year thereafter. The wage order shall remain in effect until superseded by a new annual wage order. The department shall, by March 10, 2019, and March tenth of each year thereafter, make an initial determination of the prevailing wage rate for each occupational title within the locality as well as an initial determination as to the public works contracting minimum wage. Objections may be filed as to any initial determination as provided in section 290.262.

4. (1) If the total number of reportable hours that are paid pursuant to a collective bargaining agreement and the total number of reportable hours that are not paid pursuant to a collective bargaining agreement equal or exceed, in the aggregate, one thousand hours for any particular occupational title within a locality, workers engaged in that occupational title in such locality shall be paid the prevailing wage rate determined by the department pursuant to this section.

(2) If the total number of reportable hours that are paid pursuant to a collective bargaining agreement and the total number of reportable hours that are not paid pursuant to a collective bargaining agreement do not equal or exceed, in the aggregate, one thousand hours for any particular occupational title within a locality, workers engaged in that occupational title in such locality shall be paid the public works contracting minimum wage.

5. For purposes of this section, the term "reportable hours" shall mean hours reported by a contractor for work performed under such contractor in a particular occupational title within a particular locality.

6. (1) The different types of occupational titles to which sections 290.210 to 290.340 shall apply shall be limited to, and shall include, all of the following:

- (a) Asbestos worker;
- (b) Boilermaker;
- (c) Bricklayer;
- (d) Carpenter, which shall include pile driver, millwright, lather, and linoleum layer;
- (e) Cement mason, which shall include plasterer;
- (f) **Communications technician;**

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Matter in bold-face type is proposed language.

- (g) Electrician;
  - (h) Elevator constructor;
  - (i) Glazier;
  - (j) Ironworker;
  - (k) General laborer, including first semi-skilled laborer and second semi-skilled laborer;
  - (l) Mason, which shall include marble mason, marble finisher, terrazzo worker, terrazzo finisher, tile setter, and tile finisher;
  - (m) Operating engineer, which shall include operating engineer group one, operating engineer group two, operating engineer group three, operating engineer group three-A, operating engineer group four, and operating engineer group five;
  - (n) Outside lineman, lineman operator, groundman, lineman tree trimmer, groundman tree trimmer, and any combination thereof;
  - (o) Painter;
  - (p) Plumber, which shall include pipe fitter;
  - (q) Roofer;
  - (r) Sheet metal worker;
  - (s) Sprinkler fitter; and
  - (t) Truck driver, which shall include truck control service driver, truck driver group one, truck driver group two, truck driver group three, and truck driver group four.
- (2) Each occupational title listed in subdivision (1) of this subsection shall have the same meaning and description as given to such occupational title in 8 CSR 30-3.060.

**290.262. DETERMINATION OF HOURLY RATE, CERTIFICATION — OBJECTIONS, HEARINGS — FINAL DETERMINATION — NOTICE TO DEPARTMENT BY PUBLIC BODY, WHEN. — 1.** ~~Except as otherwise provided in section 290.260, the department shall annually determine the prevailing hourly rate of wages in each locality for each separate occupational title. In doing so, the department shall accept and consider information regarding local wage rates that is submitted in either paper or electronic formats. A final determination applicable to every locality to be contained in an annual wage order shall be made annually on or before July first of each year and shall remain in effect until superseded by a new annual wage order or as otherwise provided in this section. The department shall, by March tenth of each year, make an initial determination for each occupational title within the locality.~~

~~2. The prevailing wage rate for an occupational title in a locality shall, with the exception of localities that are counties of the third and fourth classification and any county of the second classification with more than fifty eight thousand but fewer than sixty five thousand inhabitants, be the wage rate most commonly paid, as measured by the number of hours worked at each wage rate, for that occupational title within that locality. In determining such prevailing wage rates, the department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, when no wages were reported.~~

~~3. With respect only to localities that are counties of the third and fourth classification and any county of the second classification with more than fifty eight thousand but fewer than sixty five thousand inhabitants, the prevailing wage rate for an occupational title within such locality shall be determined in the following manner:~~

~~(1) The total number of hours worked that are not paid pursuant to a collective bargaining agreement for the time period in that occupational title in the locality and the total number of hours worked that are paid pursuant to a collective bargaining agreement for the time period in that occupational title in the locality shall be considered;~~

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(2) If the total number of hours that are not paid pursuant to a collective bargaining agreement, in the aggregate, exceeds the total number of hours that are paid pursuant to such an agreement, in the aggregate, then the prevailing wage rate shall be the rate most commonly paid that is not paid pursuant to a collective bargaining agreement as measured by the number of hours worked at such rate for that occupational title within the locality;

(3) If the total number of hours that are paid pursuant to a collective bargaining agreement, in the aggregate, exceeds the total number of hours that are not paid pursuant to such an agreement, in the aggregate, then the prevailing wage rate shall be the rate most commonly paid that is paid pursuant to a collective bargaining agreement as measured by the number of hours worked at such rate for that occupational title within the locality;

(4) If no work within a particular occupational title has been performed in a locality at any wage rate, the prevailing wage rate for that occupational title in that locality shall be determined in the following manner:

(a) If wages were reported for an occupational title within a locality within the previous six annual wage order reporting periods and the prevailing wage rate was determined by a collective bargaining agreement by hours worked pursuant to such agreement in the most recent annual wage order reporting period where such wages were reported, then the wage rate paid pursuant to the current collective bargaining agreement shall be the prevailing rate for that occupational title within the locality;

(b) If wages were reported for an occupational title within a locality within the previous six annual wage order reporting periods and the prevailing wage rate was not determined by hours worked pursuant to a collective bargaining agreement in the most recent annual wage order reporting period where such wages were reported, then the wage rate paid in the most recent annual wage order reporting period when such wages were reported shall be the prevailing wage rate for that occupational title within the locality;

(c) If no wages were reported for an occupational title within a locality within the previous six annual wage order reporting periods, the department shall examine hours and wages reported in all adjacent Missouri counties during the same periods. The most recent reported wage rate in a given wage order period in the adjacent Missouri county with the most reported hours actually worked for that occupational title in the wage period during the previous six annual wage order reporting periods shall be used to determine the prevailing wage rate;

(d) If no wages were reported for an occupational title within any adjacent Missouri county within the previous six annual wage order reporting periods, then the rate paid pursuant to the current collective bargaining agreement shall be the prevailing wage rate for that occupational title within the locality.

4.] A certified copy of [the] **any** initial **wage** determinations [sø] made **pursuant to section 290.257** shall be filed immediately with the secretary of state and with the department in Jefferson City. Copies shall be supplied by the department to all persons requesting them within ten days after the filing.

[5.] **2.** At any time within thirty days after the certified copies of the determinations have been filed with the secretary of state and the department, any person who is affected thereby may object in writing to a determination or a part thereof that he **or she** deems objectionable by filing a written notice with the department, stating the specific grounds of the objection. If no objection is filed, the determination is final after thirty days.

[6.] **3.** After the receipt of the objection, the department shall set a date for a hearing on the objection. The date for the hearing shall be within sixty days of the receipt of the objection. Written

notice of the time and place of the hearing shall be given to the objectors at least ten days prior to the date set for the hearing.

~~[7-]~~ 4. The department at its discretion may hear each written objection separately or consolidate for hearing any two or more written objections. At the hearing the department shall first introduce in evidence the investigation it instituted and the other facts which were considered at the time of the original determination which formed the basis for its determination. The department, or the objector, or any interested party, thereafter may introduce any evidence that is material to the issues.

~~[8-]~~ 5. Within twenty days of the conclusion of the hearing, the department shall rule on the written objection and make the final determination that it believes the evidence warrants. Immediately, the department shall file a certified copy of its final determination with the secretary of state and with the department and shall serve a copy of the final determination on all parties to the proceedings by personal service or by registered mail.

~~[9-]~~ 6. This final decision of the department of the prevailing wages in the locality for each occupational title is subject to review in accordance with the provisions of chapter 536. Any person affected, whether or not the person participated in the proceedings resulting in the final determination, may have the decision of the department reviewed. The filing of the final determination with the secretary of state shall be considered a service of the final determination on persons not participating in the administrative proceedings resulting in the final determination.

~~[10-]~~ 7. At any time before trial any person affected by the final determination of the department may intervene in the proceedings to review under chapter 536 and be made a party to the proceedings.

~~[11-]~~ 8. Any annual wage order made for a particular occupational title in a locality, that is based on the number of hours worked under a collective bargaining agreement, may be altered once each year, as provided in this subsection. The prevailing wage for each such occupational title may be adjusted on the anniversary date of any collective bargaining agreement which covers all persons in that particular occupational title in the locality in accordance with any annual incremental wage increases set in the collective bargaining agreement. If the prevailing wage for an occupational title is adjusted pursuant to this subsection, the employee's representative or employer in regard to such collective bargaining agreement shall notify the department of this adjustment, including the effective date of the adjustment. The adjusted prevailing wage shall be in effect until the next final annual wage order is issued pursuant to this section. The wage rates for any particular job, contracted and commenced within sixty days of the contract date, which were set as a result of the annual or revised wage order, shall remain in effect for the duration of that particular job.

~~[12-]~~ 9. In addition to all other reporting requirements of sections 290.210 to 290.340, each public body which is awarding a contract for a public works project shall, prior to beginning of any work on such public works project, notify the department, on a form prescribed by the department, of the scope of the work to be done, the various types of craftsmen who will be needed on the project, and the date work will commence on the project.

**290.263. WAGE RATES TO EQUAL OR EXCEED FEDERAL MINIMUM WAGE.** — The ~~hourly wages~~ **wage rates required** to be paid ~~as prescribed in section 290.250 to workmen~~ **to workers** upon public works **pursuant to sections 290.210 to 290.340** shall not be less than the minimum wage specified under Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

**290.265. WAGE RATES POSTED, WHERE.** — A clearly legible statement of all ~~[prevailing hourly]~~ wage rates **required** to be paid to all ~~[workmen]~~ **workers** employed in order to execute the contract and employed on the construction of the public works shall be kept posted in a prominent and easily accessible place at the site thereof by each contractor and subcontractor engaged in the public works projects under ~~[the provisions of this law]~~ **sections 290.210 to 290.340** and such notice shall remain posted during the full time that any such ~~[workman]~~ **worker** shall be employed on the public works.

**290.270. DECLARATION AS TO WAGES FINAL — MAXIMUM WAGES AND HOURS NOT LIMITED.** — The finding of the department ascertaining and declaring the prevailing hourly rate of wages **and the public works contracting minimum wage** shall be final for the locality, unless reviewed under the provisions of sections 290.210 to 290.340. Nothing in sections 290.210 to 290.340, however, shall be construed to prohibit the payment to any ~~[workman]~~ **worker** employed on any public work of more than the prevailing **hourly** rate of wages **or the public works contracting minimum wage**. Nothing in sections 290.210 to 290.340 shall be construed to limit the hours of work which may be performed by any ~~[workman]~~ **worker** in any particular period of time.

**290.290. CONTRACTOR'S PAYROLL RECORDS, CONTENTS — AFFIDAVIT OF COMPLIANCE REQUIRED — SIGNS ON MOTOR VEHICLES AND EQUIPMENT, REQUIREMENTS — TEMPORARY STATIONARY SIGN, WHEN — EXCEPTION.** — 1. The contractor and each subcontractor engaged in any construction of public works shall keep full and accurate records clearly indicating the names, occupations and crafts of every ~~[workman]~~ **worker** employed by them in connection with the public work together with an accurate record of the number of hours worked by each ~~[workman]~~ **worker** and the actual wages paid therefor. The payroll records required to be so kept shall be open to inspection by any authorized representative of the contracting public body or of the department at any reasonable time and as often as may be necessary and such records shall not be destroyed or removed from the state for the period of one year following the completion of the public work in connection with which the records are made.

2. Each contractor and subcontractor shall file with the contracting public body upon completion of the public work and prior to final payment therefor an affidavit stating that he **or she** had fully complied with the provisions and requirements of ~~[this chapter]~~ **sections 290.210 to 290.340**, and no public body shall be authorized to make final payment until such affidavit is filed therewith in proper form and order.

3. Each contractor and subcontractor engaged in any construction of public works shall have its name, acceptable abbreviation or recognizable logo and the name of the city and state of the mailing address of the principal office of the company, on each motor vehicle and motorized self-propelled piece of equipment which is used in connection with such public works project during the time the contractor or subcontractor is engaged on such project. The sign shall be legible from a distance of twenty feet but the size of the lettering need not be larger than two inches. In cases where equipment is leased or where affixing a legible sign to the equipment is impractical, the contractor may place a temporary stationary sign, with the information required pursuant to this subsection, at the main entrance of the construction project in place of affixing the required information on the equipment so long as such sign is not in violation of any state or federal statute, rule or regulation. Motor vehicles which are required to have similar information affixed thereto pursuant to requirements of a regulatory agency of the state or federal government are exempt from the provisions of this subsection.

4. The provisions of subsection 3 of this section shall not apply to construction of public works for which the contract awarded is in the amount of two hundred fifty thousand dollars or less.

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

**290.300. ACTIONS FOR WAGES BY WORKER AUTHORIZED.** — Any ~~[workman]~~ **worker** employed by the contractor or by any subcontractor under the contractor who shall be paid for his **or her** services in a sum less than the stipulated rates for work done under the contract, shall have a right of action for double whatever difference there may be between the amount so paid and the rates provided by the contract together with a reasonable attorney's fee to be determined by the court, and an action brought to recover same shall be deemed to be a suit for wages, and any and all judgments entered therein shall have the same force and effect as other judgments for wages.

**290.305. REBATES BY WORKERS PROHIBITED, EXCEPTION.** — No person, firm or corporation shall violate the wage provisions of any contract contemplated in sections 290.210 to 290.340 or suffer or require any employee to work for less than the rate of wages so fixed, or violate any of the provisions contained in sections 290.210 to 290.340. Where ~~[workmen]~~ **workers** are employed and their rate of wages has been determined as provided in sections 290.210 to 290.340, no person, either ~~[for himself]~~ **on his or her behalf** or **for** any other person, shall request, demand or receive, either before or after such ~~[workman]~~ **worker** is engaged, that such ~~[workman]~~ **worker** pay back, return, donate, contribute, or give any part or all of said ~~[workman's]~~ **worker's** wages, salary, or thing of value, to any person, upon the statement, representation, or understanding that failure to comply with such request or demand will prevent such ~~[workman]~~ **worker** from procuring or retaining employment, and no person shall, directly or indirectly, pay, request or authorize any other person to violate this section. This section ~~[does]~~ **shall** not apply to any agent or representative of a duly constituted labor organization acting in the collection of dues or assessments of such organization.

**290.315. DEDUCTIONS FROM WAGES, AGREEMENT TO BE WRITTEN, APPROVAL OF PUBLIC BODY REQUIRED.** — All contractors and subcontractors ~~[required in]~~ **subject to** sections 290.210 to 290.340 ~~[to pay not less than the prevailing rate of wages]~~ shall make full payment of ~~[such]~~ **the required** wages in legal tender, without any deduction for food, sleeping accommodations, transportation, use of small tools, or any other thing of any kind or description. This section ~~[does]~~ **shall** not apply where the employer and employee enter into an agreement in writing at the beginning of said term of employment covering deductions for food, sleeping accommodations, or other similar items, provided such agreement is submitted by the employer to the public body awarding the contract and the same is approved by such public body as fair and reasonable.

**290.320. ADVERTISING FOR BIDS BEFORE WAGE RATES ARE DETERMINED PROHIBITED.** — No public body, officer, official, member, agent or representative authorized to contract for public works shall fail, before advertising for bids or contracting for such construction, to have the department determine the ~~[prevailing rates of wages of workmen for each class of work called for by the public works]~~ **wage rates** in the locality where the work is to be performed as provided in sections 290.210 to 290.340.

**290.325. AWARDED CONTRACT OR PAYMENT WITHOUT WAGE RATE DETERMINATION PROHIBITED.** — No public body, officer, official, member, agent or representative thereof authorized to contract for public works shall award a contract for the construction of such improvement or disburse any funds on account of the construction of such public improvement, unless such public body has first had the department determine the ~~[prevailing]~~ rates of wages ~~[of workmen for the class of work called for by such public works]~~ **required to be paid** in the locality where the work is to be performed and such determination has been made a part of the specifications and contract for such public works.

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

**290.330. CONVICTED VIOLATORS OF SECTIONS 290.210 TO 290.340 LISTED, EFFECT OF. —**

The department after investigation, upon complaint **made by an interested party listed under section 290.240** or upon its own initiative, shall file with the secretary of state a list of the contractors and subcontractors who it finds have been prosecuted and convicted for violations of sections 290.210 to 290.340 and such contractor or subcontractor, or simulations thereof, shall be prohibited from contracting directly or indirectly with any public body for the construction of any public works or from performing any work on the same as a contractor or subcontractor for a period of one year from the date of the first conviction for such violation and for a period of three years from the date of each subsequent violation and conviction thereof. No public body shall award a contract for a public works to any contractor or subcontractor, or simulation thereof, during the time that its name appears on said list. The filing of the notice of conviction with the secretary of state shall be notice to all public bodies and their officers, officials, members, agents and representatives.

**630.546. LEASE PURCHASE AGREEMENT AUTHORIZED FOR USE OF FACILITIES CONSTRUCTED BY PRIVATE DEVELOPER ON GROUNDS OF EXISTING ST. LOUIS STATE HOSPITAL, PROCEDURE — DEEMED TO BE PUBLIC WORKS, WAGE RATE. —** 1. The commissioner of administration is authorized to enter into a lease purchase agreement for the use of facilities to be constructed by a private developer on the grounds of the existing St. Louis state hospital for the use of the department of mental health, provided any facilities to be constructed shall contain provisions for a possible adaptive re-use of the present "dome" building.

2. The attorney general shall approve the instrument of conveyance as to form.

3. Not less than the ~~[prevailing hourly]~~ rate of wages **required to be paid** ~~[generally in the locality in which the work is performed]~~ **pursuant to sections 290.210 to 290.340** shall be paid by contractors or subcontractors to employees or other workers when such contractors or subcontractors construct facilities for private developers on the grounds of the existing St. Louis state hospital for the use of the department of mental health. Such construction projects shall be considered public works and the determination of the ~~[prevailing hourly]~~ rate of wages for the locality shall be made in accordance with the provisions of sections 290.210 to 290.340.

Approved July 13, 2018

SS HB 1744

**Enacts provisions relating to higher education.**

AN ACT to repeal sections 160.545, 162.441, 166.435 as enacted by senate bill no. 366, ninety-eighth general assembly, first regular session, 166.435 as enacted by senate bill no. 863, ninety-fourth general assembly, second regular session, 173.1101, 173.1102, 173.1104, 173.1105, and 173.1107, RSMo, and to enact in lieu thereof nine new sections relating to higher education, with an emergency clause for a certain section.

## SECTION

A. Enacting clause.

160.545 A+ school program established — purpose — rules — variable fund match requirement — waiver of rules and regulations, requirement — reimbursement for higher education costs for students — evaluation — reimbursement for two-year schools.

162.441 Annexation — procedure, alternative — form of ballot.

166.435 State tax exemption.

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

- 173.1101 Citation of law — references to program.
- 173.1102 Definitions.
- 173.1104 Eligibility criteria for assistance — disqualification, when — allocation of assistance.
- 173.1105 Award amounts, minimums and maximums — adjustment in awards, when.
- 173.1107 Transfer of recipient, effect of.
- 173.1592 Food allergies and medical dietary issues, students not required to purchase meal plan or dine at on-campus facilities.
  - B. Emergency clause.

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

**SECTION A. ENACTING CLAUSE.**— Sections 160.545, 162.441, 166.435 as enacted by senate bill no. 366, ninety-eighth general assembly, first regular session, 166.435 as enacted by senate bill no. 863, ninety-fourth general assembly, second regular session, 173.1101, 173.1102, 173.1104, 173.1105, and 173.1107, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 160.545, 162.441, 166.435, 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, and 173.1592, to read as follows:

**160.545. A+ SCHOOL PROGRAM ESTABLISHED — PURPOSE — RULES — VARIABLE FUND MATCH REQUIREMENT — WAIVER OF RULES AND REGULATIONS, REQUIREMENT — REIMBURSEMENT FOR HIGHER EDUCATION COSTS FOR STUDENTS — EVALUATION — REIMBURSEMENT FOR TWO-YEAR SCHOOLS.** — 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

- (1) All students be graduated from school;
- (2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and
- (3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

- (1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and
- (2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and
- (3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and
- (4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and
- (5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section.

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Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. Any nonpublic school in this state may apply to the state board of education for certification that it meets the requirements of this section subject to the same criteria as public high schools. Every nonpublic school that applies and has met the requirements of this section shall have its students eligible for reimbursement of postsecondary education under subsection 8 of this section on an equal basis to students who graduate from public schools that meet the requirements of this section. Any nonpublic school that applies shall not be eligible for any grants under this section. Students of certified nonpublic schools shall be eligible for reimbursement of postsecondary education under subsection 8 of this section so long as they meet the other requirements of such subsection. For purposes of subdivision (5) of subsection 2 of this section, the nonpublic school shall be included in the partnership plan developed by the public school district in which the nonpublic school is located. For purposes of subdivision (1) of subsection 2 of this section, the nonpublic school shall establish measurable performance standards for the goals of the program for every school and grade level over which the nonpublic school maintains control.

4. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.

5. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

6. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

7. For any school year, grants authorized by subsections 1, 2, and 5 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 8 of this section.

8. The department of higher education shall, by rule, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the limits established in subsection 10 of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a high school in the state for at least three years ~~immediately~~ prior to graduation that meets the requirements of subsection 2 of this section **and who has graduated from such a school**; except that, students who are active duty military dependents, and students who are dependants of retired military who relocate to Missouri within one year of the date of the parent's retirement from active duty, who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the department of higher education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of the department; and

(4) Who is a citizen or permanent resident of the United States.

9. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

10. For a two-year private vocational or technical school to obtain reimbursements under subsection 8 of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution.

**162.441. ANNEXATION — PROCEDURE, ALTERNATIVE — FORM OF BALLOT.** — 1. If any school district desires to be attached **to a community college district organized under sections 178.770 to 178.890** or to one or more adjacent seven-director school districts for school purposes, upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district to attach the district to one or more adjacent seven-director districts and call ~~for~~ an election upon the question of such plan.

**3. As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school district at the election called for that purpose. The community college district shall be responsible for the costs associated with the election.**

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

~~[4.]~~ 5. The question shall be submitted in substantially the following form:

Shall the \_\_\_\_\_ school district be annexed to the \_\_\_\_\_ school districts effective the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_?

~~[5.]~~ 6. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

~~[6.]~~ 7. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.

**166.435. STATE TAX EXEMPTION.** — 1. Notwithstanding any law to the contrary, the assets of the savings program held by the board, the assets of any deposit program authorized in section 166.500, and the assets of any qualified tuition savings program established pursuant to Section 529 of the Internal Revenue Code and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from the savings program, deposit, or other qualified tuition savings programs established under Section 529 of the Internal Revenue Code ~~[program]~~, or refunds of qualified higher education expenses received by a beneficiary from an eligible educational institution in connection with withdrawal from enrollment at such institution which are contributed within sixty days of withdrawal to a qualified tuition savings program of which such individual is a beneficiary shall not be subject to state income tax imposed pursuant to chapter 143 and shall be eligible for any benefits provided in accordance with Section 529 of the Internal Revenue Code. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the savings program established pursuant to sections 166.400 to 166.455, the deposit program established pursuant to sections 166.500 to 166.529, and other qualified tuition savings programs established under Section 529 of the Internal Revenue Code, and no exemption

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shall apply to assets and income expended for any other purposes. Annual contributions made to the savings program held by the board, the deposit program, and any qualified tuition savings program established under Section 529 of the Internal Revenue Code up to and including eight thousand dollars per participating taxpayer, and up to sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.

2. If any deductible contributions to or earnings from any such program referred to in this section are distributed and not used to pay qualified higher education expenses, **not transferred as allowed by 26 U.S.C. 529(c)(3)(C)(i), as amended, and any Internal Revenue Service regulations or guidance issued in relation thereto**, or are not held for the minimum length of time established by the appropriate Missouri board, **then** the amount so distributed shall be ~~added to~~ **included in** the Missouri adjusted gross income of the participant, or, if the participant is not living, the beneficiary.

3. The provisions of this section shall apply to tax years beginning on or after January 1, 2008, and the provisions of this section with regard to sections 166.500 to 166.529 shall apply to tax years beginning on or after January 1, 2004.

~~[4. The repeal and reenactment of this section shall become effective only upon notification by the State Treasurer to the Revisor of Statutes of the passage of H.R. 529 of the 114th United States Congress.]~~

~~**[166.435. STATE TAX EXEMPTION.** — 1. Notwithstanding any law to the contrary, the assets of the savings program held by the board, the assets of any deposit program authorized in section 166.500, and the assets of any qualified tuition savings program established pursuant to Section 529 of the Internal Revenue Code and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from the savings program, deposit, or other qualified tuition savings programs established under Section 529 of the Internal Revenue Code program shall not be subject to state income tax imposed pursuant to chapter 143 and shall be eligible for any benefits provided in accordance with Section 529 of the Internal Revenue Code. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the savings program established pursuant to sections 166.400 to 166.455, the deposit program established pursuant to sections 166.500 to 166.529, and other qualified tuition savings programs established under Section 529 of the Internal Revenue Code, and no exemption shall apply to assets and income expended for any other purposes. Annual contributions made to the savings program held by the board, the deposit program, and any qualified tuition savings program established under Section 529 of the Internal Revenue Code up to and including eight thousand dollars per participating taxpayer, and up to sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.~~

~~2. If any deductible contributions to or earnings from any such program referred to in this section are distributed and not used to pay qualified higher education expenses or are not held for the minimum length of time established by the appropriate Missouri board, the amount so distributed shall be added to the Missouri adjusted gross income of the participant, or, if the participant is not living, the beneficiary.~~

~~3. The provisions of this section shall apply to tax years beginning on or after January 1, 2008, and the provisions of this section with regard to sections 166.500 to 166.529 shall apply to tax years beginning on or after January 1, 2004.]~~

**173.1101. CITATION OF LAW — REFERENCES TO PROGRAM.** — The financial assistance program established under sections 173.1101 to 173.1107 shall be hereafter known as the "Access Missouri Financial Assistance Program". The coordinating board and all approved private ~~and~~, public, **and virtual** institutions in this state shall refer to the financial assistance program established under sections 173.1101 to 173.1107 as the access Missouri student financial assistance program in their scholarship literature, provided that no institution shall be required to revise or amend any such literature to comply with this section prior to the date such literature would otherwise be revised, amended, reprinted or replaced in the ordinary course of such institution's business.

**173.1102. DEFINITIONS. — 1.** As used in sections 173.1101 to 173.1107, unless the context requires otherwise, the following terms mean:

- (1) "Academic year", the period from July first of any year through June thirtieth of the following year;
- (2) "Approved private institution", a nonprofit institution, dedicated to educational purposes, located in Missouri which:
  - (a) Is operated privately under the control of an independent board and not directly controlled or administered by any public agency or political subdivision;
  - (b) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a certificate or degree;
  - (c) Meets the standards for accreditation as determined by either the Higher Learning Commission or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to nondegree-granting institutions as established by the coordinating board for higher education;
  - (d) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto. Sex discrimination as used herein shall not apply to admission practices of institutions offering the enrollment limited to one sex;
  - (e) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;
- (3) "Approved public institution", an educational institution located in Missouri which:
  - (a) Is directly controlled or administered by a public agency or political subdivision;
  - (b) Receives appropriations directly or indirectly from the general assembly for operating expenses;
  - (c) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;
  - (d) Meets the standards for accreditation as determined by either the Higher Learning Commission, or if a public community college created under the provisions of sections 178.370 to 178.400 meets the standards established by the coordinating board for higher education for such public community colleges, or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to the institution as established by the coordinating board for higher education;
  - (e) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto;
  - (f) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;
- (4) **"Approved virtual institution", an educational institution that meets all of the following requirements:**

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- (a) Is recognized as a qualifying institution by gubernatorial executive order, unless such order is rescinded;
- (b) Is recognized as a qualifying institution through a memorandum of understanding between the state of Missouri and the approved virtual institution;
- (c) Is accredited by a regional accrediting agency recognized by the United States Department of Education;
- (d) Has established and continuously maintains a physical campus or location of operation within the state of Missouri;
- (e) Maintains at least twenty-five full-time Missouri employees, at least one-half of which shall be faculty or administrators engaged in operations;
- (f) Enrolls at least one thousand Missouri residents as degree or certificate seeking students;
- (g) Maintains a governing body or advisory board based in Missouri with oversight of Missouri operations;
- (h) Is organized as a nonprofit institution; and
- (i) Utilizes an exclusively competency-based education model;
- (5) "Coordinating board", the coordinating board for higher education;
- ~~[(5)]~~ (6) "Expected family contribution", the amount of money a student and family should pay toward the cost of postsecondary education as calculated by the United States Department of Education and reported on the student aid report or the institutional student information record;
- ~~[(6)]~~ (7) "Financial assistance", an amount of money paid by the state of Missouri to a qualified applicant under sections 173.1101 to 173.1107;
- ~~[(7)]~~ (8) "Full-time student", an individual who is enrolled in and is carrying a sufficient number of credit hours or their equivalent at an approved private ~~[or]~~, public, **or virtual** institution to secure the degree or certificate toward which he or she is working in no more than the number of semesters or their equivalent normally required by that institution in the program in which the individual is enrolled. This definition shall be construed as the successor to subdivision (7) of section 173.205 for purposes of eligibility requirements of other financial assistance programs that refer to section 173.205.

**2. The failure of an approved virtual institution to continuously maintain all of the requirements in paragraphs (a) to (i) of subdivision (4) of subsection 1 of this section shall preclude such institution's students or applicants from being eligible for assistance under sections 173.1104 and 173.1105.**

**173.1104. ELIGIBILITY CRITERIA FOR ASSISTANCE — DISQUALIFICATION, WHEN — ALLOCATION OF ASSISTANCE.** — 1. An applicant shall be eligible for initial or renewed financial assistance only if, at the time of application and throughout the period during which the applicant is receiving such assistance, the applicant:

- (1) Is a citizen or a permanent resident of the United States;
- (2) Is a resident of the state of Missouri, as determined by reference to standards promulgated by the coordinating board;
- (3) Is enrolled, or has been accepted for enrollment, as a full-time undergraduate student in an approved private ~~[or]~~, public, **or virtual** institution; and
- (4) Is not enrolled or does not intend to use the award to enroll in a course of study leading to a degree in theology or divinity.

2. If an applicant is found guilty of or pleads guilty to any criminal offense during the period of time in which the applicant is receiving financial assistance, such applicant shall not be eligible for renewal of such assistance, provided such offense would disqualify the applicant from receiving federal student aid under Title IV of the Higher Education Act of 1965, as amended.

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3. Financial assistance shall be allotted for one academic year, but a recipient shall be eligible for renewed assistance until he or she has obtained a baccalaureate degree, provided such financial assistance shall not exceed a total of ten semesters or fifteen quarters or their equivalent. Standards of eligibility for renewed assistance shall be the same as for an initial award of financial assistance, except that for renewal, an applicant shall demonstrate a grade-point average of two and five-tenths on a four-point scale, or the equivalent on another scale. This subsection shall be construed as the successor to section 173.215 for purposes of eligibility requirements of other financial assistance programs that refer to section 173.215.

**173.1105. AWARD AMOUNTS, MINIMUMS AND MAXIMUMS — ADJUSTMENT IN AWARDS, WHEN.** — 1. An applicant who is an undergraduate postsecondary student at an approved private [ø], public, or **virtual** institution and who meets the other eligibility criteria shall be eligible for financial assistance, with a minimum and maximum award amount as follows:

(1) For academic years 2010-11, 2011-12, 2012-13, and 2013-14:

(a) One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector;

(b) Two thousand one hundred fifty dollars maximum and one thousand dollars minimum for students attending institutions classified as part of the public four-year sector, including State Technical College of Missouri; and

(c) Four thousand six hundred dollars maximum and two thousand dollars minimum for students attending approved private institutions;

(2) For the 2014-15 academic year and subsequent years:

(a) One thousand three hundred dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector; and

(b) Two thousand eight hundred fifty dollars maximum and one thousand five hundred dollars minimum for students attending institutions classified as part of the public four-year sector, including State Technical College of Missouri, [ø] approved private institutions, or **approved virtual institutions**.

2. All students with an expected family contribution of twelve thousand dollars or less shall receive at least the minimum award amount for his or her institution. Maximum award amounts for an eligible student with an expected family contribution above seven thousand dollars shall be reduced by ten percent of the maximum expected family contribution for his or her increment group. Any award amount shall be reduced by the amount of a student's payment from the A+ schools program or any successor program to it. For purposes of this subsection, the term "increment group" shall mean a group organized by expected family contribution in five hundred dollar increments into which all eligible students shall be placed.

3. If appropriated funds are insufficient to fund the program as described, the maximum award shall be reduced across all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used to increase the number of recipients by raising the cutoff for the expected family contribution rather than by increasing the size of the award.

4. Every three years, beginning with academic year 2009-10, the award amount may be adjusted to increase no more than the Consumer Price Index for All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, for the previous academic year. The coordinating board shall prepare a report prior to the legislative session for use of the general assembly and the governor in determining budget requests which shall include the amount of funds necessary to

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maintain full funding of the program based on the baseline established for the program upon the effective date of sections 173.1101 to 173.1107. Any increase in the award amount shall not become effective unless an increase in the amount of money appropriated to the program necessary to cover the increase in award amount is passed by the general assembly.

**173.1107. TRANSFER OF RECIPIENT, EFFECT OF.** — A recipient of financial assistance may transfer from one approved public [ø], private, or virtual institution to another without losing eligibility for assistance under sections 173.1101 to 173.1107, but the coordinating board shall make any necessary adjustments in the amount of the award. If a recipient of financial assistance at any time is entitled to a refund of any tuition, fees, or other charges under the rules and regulations of the institution in which he or she is enrolled, the institution shall pay the portion of the refund which may be attributed to the state grant to the coordinating board. The coordinating board will use these refunds to make additional awards under the provisions of sections 173.1101 to 173.1107.

**173.1592. FOOD ALLERGIES AND MEDICAL DIETARY ISSUES, STUDENTS NOT REQUIRED TO PURCHASE MEAL PLAN OR DINE AT ON-CAMPUS FACILITIES.** — After July 1, 2019, no public institution of higher education in this state shall require any student to purchase meal plans or to dine at on-campus facilities when a student has presented medical documentation of a food allergy or sensitivity, or a medical dietary issue, to the institution.

**SECTION B. EMERGENCY CLAUSE.** — Because of the importance of providing financial aid for Missouri high school graduates, the repeal and reenactment of section 160.545 is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 160.545 shall be in full force and effect upon its passage and approval.

Approved June 1, 2018

SS SCS HB 1769

**Enacts provisions relating to the offense of filing false documents.**

AN ACT to repeal section 400.9-501, RSMo, and to enact in lieu thereof two new sections relating to the offense of filing false documents, with penalty provisions.

SECTION

- A. Enacting clause.
- 400.9-501 Filing office.
- 570.095 Filing false documents, offense of, elements — penalty, enhancement — restitution, when — system to log suspected fraudulent documents, procedure.

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

**SECTION A. ENACTING CLAUSE.** — Section 400.9-501, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 400.9-501 and 570.095, to read as follows:

**400.9-501. FILING OFFICE.** — (a) Except as otherwise provided in subsection (b), if the local law of this state governs perfection of a security interest or agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien is:

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(1) The office designated for the filing or recording of a record of a mortgage on the related real property, if:

(A) The collateral is as-extracted collateral or timber to be cut; or

(B) The financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures; or

(2) The office of the secretary of state in all other cases, including a case in which the collateral is goods that are or are to become fixtures and the financing statement is not filed as a fixture filing.

(b) The office in which to file a financing statement to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. The financing statement also constitutes a fixture filing as to the collateral indicated in the financing statement which is or is to become fixtures.

~~[(c) A person shall not knowingly or intentionally file, attempt to file, or record any document related to real property with a recorder of deeds under chapter 59 or a financing statement with the secretary of state under subdivision (2) of subsection (a) or subsection (b) of this section, with the intent that such document or statement be used to harass or defraud any other person or knowingly or intentionally file, attempt to file, or record such a document or statement that is materially false or fraudulent.~~

~~(1) A person who violates this subsection shall be guilty of a class E felony.~~

~~(2) If a person is convicted of a violation under this subsection, the court may order restitution.~~

~~(d) In the alternative to the provisions of sections 428.105 through 428.135, if a person files a false or fraudulent financing statement with the secretary of state under subdivision (2) of subsection (a) or subsection (b) of this section, a debtor named in that financing statement may file an action against the person that filed the financing statement seeking appropriate equitable relief, actual damages, or punitive damages, including, but not limited to, reasonable attorney fees.]~~

**570.095. FILING FALSE DOCUMENTS, OFFENSE OF, ELEMENTS — PENALTY, ENHANCEMENT — RESTITUTION, WHEN — SYSTEM TO LOG SUSPECTED FRAUDULENT DOCUMENTS, PROCEDURE. — 1. A person commits the offense of filing false documents if:**

**(1) With the intent to defraud, deceive, harass, alarm, or negatively impact financially, or in such a manner reasonably calculated to deceive, defraud, harass, alarm, or negatively impact financially, he or she files, causes to be filed or recorded, or attempts to file or record, creates, uses as genuine, transfers or has transferred, presents, or prepares with knowledge or belief that it will be filed, presented, recorded, or transferred to the secretary of state or the secretary's designee, to the recorder of deeds of any county or city not within a county or the recorder's designee, to any municipal, county, district, or state government entity, division, agency, or office, or to any credit bureau or financial institution any of the following types of documents:**

**(a) Common law lien;**

**(b) Uniform commercial code filing or record;**

**(c) Real property recording;**

**(d) Financing statement;**

**(e) Contract;**

**(f) Warranty, special, or quitclaim deed;**

**(g) Quiet title claim or action;**

**(h) Deed in lieu of foreclosure;**

**(i) Legal affidavit;**

**(j) Legal process;**

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

- (k) Legal summons;
- (l) Bills and due bills;
- (m) Criminal charging documents or materially false criminal charging documents;
- (n) Any other document not stated in this subdivision that is related to real property; or
- (o) Any state, county, district, federal, municipal, credit bureau, or financial institution form or document; and

(2) Such document listed under subdivision (1) of this subsection contains materially false information; is fraudulent; is a forgery, as defined under section 570.090; lacks the consent of all parties listed in a document that requires mutual consent; or is invalid under Missouri law.

2. Filing false documents under this section is a class D felony for the first offense except the following circumstances shall be a class C felony:

(1) The defendant has been previously found guilty or pleaded guilty to a violation of this section;

(2) The victim or named party in the matter:

(a) Is an official elected to municipal, county, district, federal, or statewide office;

(b) Is an official appointed to municipal, county, district, federal, or statewide office; or

(c) Is an employee of an official elected or appointed to municipal, county, district, federal, or statewide office;

(3) The victim or named party in the matter is a judge or magistrate of:

(a) Any court or division of the court in this or any other state or an employee thereof; or

(b) Any court system of the United States or is an employee thereof;

(4) The victim or named party in the matter is a full-time, part-time, or reserve or auxiliary peace officer, as defined under section 590.010, who is licensed in this state or any other state;

(5) The victim or named party in the matter is a full-time, part-time, or volunteer firefighter in this state or any other state;

(6) The victim or named party in the matter is an officer of federal job class 1811 who is empowered to enforce United States laws;

(7) The victim or named party in the matter is a law enforcement officer of the United States as defined under 5 U.S.C. 8401(17)(A) or (D);

(8) The victim or named party in the matter is an employee of any law enforcement or legal prosecution agency in this state, any other state, or the United States;

(9) The victim or named party in the matter is an employee of a federal agency that has agents or officers of job class 1811 who are empowered to enforce United States laws or is an employee of a federal agency that has law enforcement officers as defined under 5 U.S.C. 8401(17)(A) or (D); or

(10) The victim or named party in the matter is an officer of the railroad police as defined under section 388.600.

3. For a penalty enhancement as described under subsection 2 of this section to apply, the occupation of the victim or named party shall be material to the subject matter of the document or documents filed or the relief sought by the document or documents filed, and the occupation of the victim or named party shall be materially connected to the apparent reason that the victim has been named, victimized, or involved. For purposes of subsection 2 of this section and this subsection, a person who has retired or resigned from any agency, institution, or occupation listed under subsection 2 of this section shall be considered the

same as a person who remains in employment and shall also include the following family members of a person listed under subdivisions (2) to (9) of subsection 2 of this section:

- (1) Such person's spouse;
- (2) Such person or such person's spouse's ancestor or descendant by blood or adoption; or
- (3) Such person's stepchild while the marriage creating that relationship exists.

4. Any person who pleads guilty or is found guilty under subsections 1 to 3 of this section shall be ordered by the court to make full restitution to any person or entity that has sustained actual losses or costs as a result of the actions of the defendants. Such restitution shall not be paid in lieu of jail or prison time but rather in addition to any jail or prison time imposed by the court.

5. (1) Nothing in this section shall limit the power of the state to investigate, charge, or punish any person for any conduct that constitutes a crime by any other statute of this state or the United States.

(2) No receiving entity shall be required under this section to retain the filing or record for prosecution under this section. A filing or record being rejected by the receiving entity shall not be used as an affirmative defense.

6. (1) Any agency of the state, a county, or a city not within a county that is responsible for or receives document filings or records, including county recorders of deeds and the secretary of state's office, shall, by January 1, 2019, impose a system in which the documents that have been submitted to the receiving agency, or those filings rejected by the secretary of state under its legal authority, are logged or noted in a ledger, spreadsheet, or similar recording method if the filing or recording officer or employee believes the filings or records appear to be fraudulent or contain suspicious language. The receiving agency shall make noted documents available for review by:

- (a) The jurisdictional prosecuting or circuit attorney or such attorney's designee;
- (b) The county sheriff or the sheriff's designee;
- (c) The police chief of a county or city not within a county or such chief's designee; or
- (d) A commissioned peace officer as defined under section 590.010.

Review of such documents is permissible for the agent or agencies under this subdivision without the need of a grand jury subpoena or court order. No fees or monetary charges shall be levied on the investigative agents or agencies for review of documents noted in the ledger or spreadsheet. The ledger or spreadsheet and its contents shall be retained by the agency that controls entries into such ledger or spreadsheet for a minimum of three years from the earliest entry listed in the ledger or spreadsheet.

(2) The receiving entity shall, upon receipt of a filing or record that has been noted as a suspicious filing or record, notify the chief law enforcement officer or such officer's designee of the county and the prosecutor or the prosecutor's designee of the county of the filing's or record's existence. Such notification shall be made within two business days of the filing or record having been received. Notification may be accomplished via email or via paper memorandum.

(3) No agency receiving the filing or record shall be required under this section to notify the person conducting the filing or record that the filing or record is entered as a logged or noted filing or record.

(4) Reviews to ensure compliance with the provisions of this section shall be the responsibility of any commissioned peace officer. Findings of noncompliance shall be reported to the jurisdictional prosecuting or circuit attorney or such attorney's designee by

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

any commissioned peace officer who has probable cause to believe that the noncompliance has taken place purposely, knowingly, recklessly, or with criminal negligence, as described under section 562.016.

7. To petition for a judicial review of a filing or record that is believed to be fraudulent, false, misleading, forged, or contains materially false information, a petitioner may file a probable cause statement that delineates the basis for the belief that the filing or record is materially false, contains materially false information, is a forgery, is fraudulent, or is misleading. This probable cause statement shall be filed in the associate or circuit court of the county in which the original filing or record was transferred, received, or recorded.

8. A filed petition under this section shall have an initial hearing date within twenty business days of the date the petition is filed with the court. A court ruling of "invalid" shall be evidence that the original filing or record was not accurate, true, or correct. A court ruling of "invalid" shall be retained or recorded at the original receiving entity. The receiving entity shall waive all filing or recording fees associated with the filing or recording of the court ruling document in this subsection. Such ruling may be forwarded to credit bureaus or other institutions at the request of the petitioner via motion to the applicable court at no additional cost to the petitioner.

9. If a filing or record is deemed invalid, court costs and fees are the responsibility of the party who originally initiated the filing or record. If the filing or record is deemed valid, no court costs or fees, in addition to standard filing fees, shall be assessed.

Approved June 1, 2018

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SS#2 HCS HB 1796

**Enacts provisions relating to the process for the conveyance of real estate.**

AN ACT to amend chapters 143, 442, and 443, RSMo, by adding thereto eight new sections relating to the process for the conveyance of real estate, with a penalty provision.

SECTION

- A. Enacting clause.
- 143.1150 First-time home buyer tax deduction — definitions — deduction amount — rulemaking authority — sunset provision.
- 442.055 Contamination of premises, radioactive or hazardous material — disclosure to prospective lessees, purchasers, or transferees — penalty.
- 443.1001 Citation of law.
- 443.1003 Definitions.
- 443.1004 Designation of first-time home buyer savings account, use of — qualified beneficiary — limitations on accounts — service fee.
- 443.1005 Use of account moneys — withdrawals, subject to recapture, when, penalties — death of account holder, effect of.
- 443.1006 Annual reporting, forms — rulemaking authority.
- 443.1007 Financial institutions, actions not responsible or liable for.

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

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

SECTION A. ENACTING CLAUSE. — Chapters 143, 442, and 443, RSMo, are amended by adding thereto eight new sections, to be known as sections 143.1150, 442.055, 443.1001, 443.1003, 443.1004, 443.1005, 443.1006, and 443.1007, to read as follows:

**143.1150. FIRST-TIME HOME BUYER TAX DEDUCTION — DEFINITIONS — DEDUCTION AMOUNT — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. This section shall be known and may be cited as the "First-Time Home Buyer Tax Deduction".**

**2. As used in this section, the following terms mean:**

**(1) "Deduction", an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed;**

**(2) "Eligible expenses", the same meaning as that term is defined under subdivision (3) of section 443.1003;**

**(3) "First-time home buyer savings account", the same meaning as that term is defined under subdivision (6) of section 443.1003;**

**(4) "First-time home buyer savings account act", sections 443.1001 to 443.1007;**

**(5) "Taxpayer", any individual who is a resident of this state and subject to the income tax imposed under this chapter, excluding withholding tax imposed under sections 143.191 to 143.265.**

**3. For all tax years beginning on or after January 1, 2019, a taxpayer shall be allowed a deduction of fifty percent of a participating taxpayer's contributions to a first-time home buyer savings account in the tax year of the contribution. Each taxpayer claiming the deduction under this section shall file an affidavit with the income tax return verifying the amount of their contributions. The amount of the deduction claimed shall not exceed the amount of the taxpayer's Missouri adjusted gross income for the tax year that the deduction is claimed, and shall not exceed eight hundred dollars per taxpayer claiming the deduction, or one thousand six hundred dollars if married filing combined.**

**4. Income earned or received as a result of assets in a first-time home buyer savings account shall not be subject to state income tax imposed under Chapter 143. The exemption under this section shall apply only to income maintained, accrued, or expended pursuant to the requirements of sections 443.1001 to 443.1007, and no exemption shall apply to assets and income expended for any other purpose. The amount of the deduction claimed shall not exceed the amount of the taxpayer's Missouri adjusted gross income for the tax year the deduction is claimed.**

**5. If any deductible contributions to or earnings from any such programs referred to in this section are distributed and not used to pay for eligible expenses or are not held for the minimum length of time under subsection 2 of section 443.1005, the amount so distributed shall be added to the Missouri adjusted gross income of the participant or, if the participant is not living, the beneficiary, in the year of distribution.**

**6. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**7. Under section 23.253 of the Missouri sunset act:**

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

**442.055. CONTAMINATION OF PREMISES, RADIOACTIVE OR HAZARDOUS MATERIAL — DISCLOSURE TO PROSPECTIVE LESSEES, PURCHASERS, OR TRANSFEREES — PENALTY.** — In the event that any premises to be rented, leased, sold, transferred, or conveyed is or was previously contaminated with radioactive material or other hazardous material, the owner, seller, landlord, or other transferor shall disclose in writing to the prospective lessee, purchaser, or transferee the fact the premises is or was previously contaminated with radioactive material or other hazardous material; provided that, the owner, seller, landlord, or other transferor has knowledge of such radioactive or other hazardous contamination. In the event that an owner, seller, landlord, or other transferor does not make the disclosure as required under this subsection, and the person had knowledge of such radioactive or other hazardous contamination, the person shall be guilty of a class A misdemeanor. As used in this section, the term "knowledge" shall require the receipt by the owner, seller, landlord, or other transferor of a report stating affirmatively that the premises is or was previously contaminated with radioactive material or other hazardous material.

**443.1001. CITATION OF LAW.** — Sections 443.1001 to 443.1007 shall be known and may be cited as the "First-Time Home Buyer Savings Account Act".

**443.1003. DEFINITIONS.** — As used in sections 443.1001 to 443.1007 the following terms mean:

(1) "Account holder", an individual who establishes an account with a financial institution that is designated as a first-time home buyer savings account in accordance with section 443.1004;

(2) "Department", the department of revenue;

(3) "Eligible expenses", a down payment and any closing costs included on a real estate settlement statement including, but not limited to, appraisal fees, mortgage origination fees, and inspection fees;

(4) "Financial institution", any state bank, state trust company, savings and loan association, federally chartered credit union doing business in this state, credit union chartered by the state of Missouri, national bank, broker-dealer, mutual fund, insurance company, or other similar financial entity qualified to do business in this state;

(5) "First-time home buyer", an individual who:

(a) Has never owned or purchased under contract for deed, either individually or jointly, a single-family, owner-occupied primary residence including, but not limited to, a condominium unit or a manufactured or mobile home that was assessed and taxed as real property; or

(b) As a result of the individual's dissolution of marriage, has not been listed on a property title for at least three consecutive years;

(6) "First-time home buyer savings account" or "account", an account with a financial institution designated as such in accordance with subsection 1 of section 443.1004;

(7) "Qualified beneficiary", a first-time home buyer designated by an account holder for whose eligible expenses the moneys in a first-time home buyer savings account are or will be used.

**443.1004. DESIGNATION OF FIRST-TIME HOME BUYER SAVINGS ACCOUNT, USE OF — QUALIFIED BENEFICIARY — LIMITATIONS ON ACCOUNTS — SERVICE FEE. — 1.** Beginning January 1, 2019, any individual may open an account with a financial institution and designate the account, in its entirety, as a first-time home buyer savings account to be used to pay or reimburse a qualified beneficiary's eligible expenses for the purchase of his or her primary residence in Missouri. An individual may be the account holder of multiple accounts, and an individual may jointly own the account with another person if such persons file a married filing combined income tax return. To be eligible for the tax deduction under section 143.1150, an account holder shall comply with the requirements of this section.

2. An account holder shall designate, no later than April fifteenth of the year following the tax year during which the account was established, a first-time home buyer as the qualified beneficiary of the first-time home buyer savings account. The account holder may designate himself or herself as the qualified beneficiary. The account holder may change the designated qualified beneficiary at any time, but no first-time home buyer savings account shall have more than one qualified beneficiary at any time. No account holder shall have multiple accounts with the same qualified beneficiary, but an individual may be designated as the qualified beneficiary of multiple accounts.

3. (1) The following limits apply to a first-time home buyer savings account:

(a) The maximum contribution to a first-time home buyer savings account is one thousand six hundred dollars per year for an individual and three thousand two hundred dollars per year for account holders who file a married filing combined income tax return;

(b) The maximum amount of all contributions for all tax years to a first-time home buyer savings account is twenty thousand dollars; and

(c) The maximum total amount in an account is thirty thousand dollars;

(2) If a limit in subdivision (1) of this subsection is exceeded, then thereafter no interest or other income earned on the investment of moneys in the first-time home buyer savings account shall be included in the tax deduction under section 143.1150; and

(3) Moneys may remain in a first-time home buyer savings account for an unlimited duration without the interest or income being subject to recapture or penalty.

4. The account holder shall not use moneys in an account to pay expenses of administering the account, except that a service fee may be deducted from the account by a financial institution. The account holder shall be responsible for maintaining documentation for the first-time home buyer savings account and for eligible expenses related to the qualified beneficiary's purchase of a primary residence.

**443.1005. USE OF ACCOUNT MONEYS — WITHDRAWALS, SUBJECT TO RECAPTURE, WHEN, PENALTIES — DEATH OF ACCOUNT HOLDER, EFFECT OF. — 1. (1)** For purposes of the tax benefit conferred under the first-time home buyer savings account act, the moneys in a first-time home buyer savings account may be:

(a) Used for eligible expenses related to a qualified beneficiary's purchase of his or her primary residence located in this state;

(b) Used for eligible expenses related to a qualified beneficiary's purchase of his or her primary residence located outside this state if the qualified beneficiary is active-duty military and was stationed in Missouri for any time after the creation of the account;

(c) Used for expenses that would have qualified under paragraph (a) or (b) of this subdivision, but the contract for purchase did not close;

(d) Transferred to another newly created first-time home buyer savings account; and

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

(e) Used to pay a service fee that is deducted by the financial institution.

(2) Subdivision (1) of this section shall apply whether the qualified beneficiary is the sole owner of the primary residence or joint owner with another person who does not qualify as a qualified beneficiary. Moneys in a first-time home buyer savings account shall not be used for the purposes under paragraphs (a), (b), and (c) of subdivision (1) of this subsection related to the purchase of a manufactured or mobile home that is not taxed as real property.

(3) The title of any home purchased with moneys from a first-time home buyer savings account shall not transfer for at least two years unless reasonable circumstances exist that were unforeseen at the time the home was purchased. The first-time home buyer shall request an exception from the department.

2. Moneys withdrawn from a first-time home buyer savings account shall be subject to recapture in the tax year in which they are withdrawn if:

(1) At the time of the withdrawal, it has been less than a year since the first deposit in the first-time home buyer savings account; or

(2) The moneys are used for any purpose other than those specified under subsection 1 of this section.

The recapture shall be an amount equal to the moneys withdrawn and shall be added to the Missouri adjusted gross income of the account holder or, if the account holder is not living, the qualified beneficiary.

3. If any moneys are subject to recapture under subsection 2 of this section, the account holder shall pay to the department a penalty in the same tax year as the recapture. If the withdrawal was made ten or fewer years after the first deposit in the first-time home buyer savings account, the penalty shall be equal to five percent of the amount subject to recapture, and, if the withdrawal was made more than ten years after the first deposit in the account, the penalty shall be equal to ten percent of the amount subject to recapture. These penalties shall not apply if:

(1) The withdrawn moneys are used for eligible expenses related to a qualified beneficiary's purchase of his or her primary residence outside of the state; or

(2) The withdrawn moneys are from a first-time home buyer savings account for which the qualified beneficiary died, and the account holder does not designate a new qualified beneficiary during the same tax year.

4. If the account holder dies or, if the first-time home buyer savings account is jointly owned, the account holders die and the account does not have a surviving transfer on death beneficiary, then all of the moneys in the account that were used for a tax deduction under section 143.1150 shall be subject to recapture in the tax year of the death or deaths, but no penalty shall be due to the department.

**443.1006. ANNUAL REPORTING, FORMS — RULEMAKING AUTHORITY. — 1.** The department shall establish forms for an account holder to annually report information about a first-time home buyer savings account including, but not limited to, how the moneys withdrawn from the fund are used and shall identify any supporting documentation that is required to be maintained. To be eligible for the tax deduction under section 143.1150, an account holder shall annually file with the account holder's state income tax return all forms required by the department under this section, the 1099 form for the account issued by the financial institution, and any other supporting documentation the department requires.

**2.** The department of revenue may promulgate rules and regulations necessary to administer the provisions of the first-time home buyer savings account act. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall

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Matter in bold-face type is proposed language.

become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**443.1007. FINANCIAL INSTITUTIONS, ACTIONS NOT RESPONSIBLE OR LIABLE FOR. — 1. No financial institution shall be required to:**

- (1) Designate an account as a first-time home buyer savings account or designate the beneficiaries of an account in the financial institution's account contracts or systems or in any other way;
- (2) Track the use of moneys withdrawn from a first-time home buyer savings account; or
- (3) Report any information to the department or any other governmental agency that is not otherwise required by law.

**2. No financial institution shall be responsible or liable for:**

- (1) Determining or ensuring that an account holder is eligible for a tax deduction under section 143.1150;
- (2) Determining or ensuring that moneys in the account are used for eligible expenses; or
- (3) Reporting or remitting taxes or penalties related to use of moneys in a first-time home buyer savings account.

**3. In implementing section 143.1150 and sections 443.1001 to 443.1007, the department shall not establish any administrative, reporting, or other requirements on financial institutions that are outside the scope of normal account procedures.**

Approved July 13, 2018

SCS HB 1797

**Enacts provisions relating to unlawful activity on nuclear power plant property.**

AN ACT to repeal sections 563.011, 563.041, 569.010, and 569.140, RSMo, and to enact in lieu thereof four new sections relating to unlawful activity on nuclear power plant property, with penalty provisions.

SECTION

- A. Enacting clause.
- 563.011 Chapter definitions.
- 563.041 Use of physical force in defense of property.
- 569.010 Chapter definitions.
- 569.140 Trespass in the first degree — penalty.

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

**SECTION A. ENACTING CLAUSE.** — Sections 563.011, 563.041, 569.010, and 569.140, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 563.011, 563.041, 569.010, and 569.140, to read as follows:

**563.011. CHAPTER DEFINITIONS.** — As used in this chapter the following terms shall mean:

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

(1) **"Armed nuclear security guard", a security guard who works at a nuclear power plant, who is employed as part of the security plan approved by the United States Nuclear Regulatory Commission, and who meets the requirements mandated by the United States Nuclear Regulatory Commission for carrying a firearm;**

(2) "Deadly force", physical force which the actor uses with the purpose of causing or which he or she knows to create a substantial risk of causing death or serious physical injury;

~~[(2)]~~ (3) "Dwelling", any building, inhabitable structure, or conveyance of any kind, whether the building, inhabitable structure, or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night;

~~[(3)]~~ (4) "Forcible felony", any felony involving the use or threat of physical force or violence against any individual, including but not limited to murder, robbery, burglary, arson, kidnapping, assault, and any forcible sexual offense;

~~[(4)]~~ (5) "Premises", includes any building, inhabitable structure and any real property;

~~[(5)]~~ (6) "Private person", any person other than a law enforcement officer;

~~[(6)]~~ (7) "Private property", any real property in this state that is privately owned or leased;

~~[(7)]~~ (8) "Remain after unlawfully entering", to remain in or upon premises after unlawfully entering as defined in this section;

~~[(8)]~~ (9) "Residence", a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest;

~~[(9)]~~ (10) **"Structure or fenced yard", any structure, fenced yard, wall, building, other similar barrier, or any combination of the foregoing that is located on the real property of a nuclear power plant and that is posted with signage indicating it is a felony to trespass;**

(11) "Unlawfully enter", a person unlawfully enters in or upon premises or private property when he or she enters such premises or private property and is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters in or upon private property or premises that are at the time open to the public does so with license unless he or she defies a lawful order not to enter, personally communicated to him or her by the owner of such premises or by another authorized person. A license to enter in a building that is only partly open to the public is not a license to enter in that part of the building that is not open to the public.

**563.041. USE OF PHYSICAL FORCE IN DEFENSE OF PROPERTY.** — 1. A person may, subject to the limitations of subsection 2, use physical force upon another person when and to the extent that he or she reasonably believes it necessary to prevent what he or she reasonably believes to be the commission or attempted commission by such person of stealing, property damage or tampering in any degree.

2. A person may use deadly force under circumstances described in subsection 1 only when such use of deadly force is authorized under other sections of this chapter.

3. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

4. **An armed nuclear security guard may use the following levels of physical force against another person at a nuclear power plant or within a structure or fenced yard of a nuclear power plant if the armed nuclear security guard reasonably believes that such force is necessary:**

(1) **An armed nuclear security guard may use physical force, as he or she reasonably believes is immediately necessary, up to and including deadly physical force to:**

(a) **Prevent an action that would constitute murder in the first or second degree under section 565.020 or 565.021;**

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

(b) Prevent an action that would constitute voluntary manslaughter under section 565.023;  
 (c) Prevent an action that would constitute assault in the first or second degree under section 565.050 or 565.052; or

(d) Defend himself, herself, or a third person from the use or imminent use of deadly physical force;

(2) An armed nuclear security guard may use physical force, as he or she reasonably believes is immediately necessary, up to but not including deadly physical force to prevent an action that would constitute:

(a) Assault in the third or fourth degree under section 565.054 or 565.056;

(b) Kidnapping in the first, second, or third degree under section 565.110, 565.120, or 565.130;

(c) Burglary in the first or second degree under section 569.160 or 569.170;

(d) Arson in the first, second, or third degree under section 569.040, 569.050, or 569.053;

(e) Property damage in the first degree under section 569.100;

(f) Robbery in the first or second degree under section 570.023 or 570.025;

(g) Armed criminal action under section 571.015; or

(h) Trespass in the first degree under section 569.140;

(3) An armed nuclear security guard is justified in threatening to use physical force or deadly physical force if and to the extent a reasonable armed nuclear security guard believes it necessary to protect himself, herself, or others against another person's potential use of physical force or deadly physical force.

5. Notwithstanding any provisions of section 563.016 to the contrary, an armed nuclear security guard, employer of an armed nuclear security guard, or owner of a nuclear power plant shall not be subject to civil liability for conduct of an armed nuclear security guard that is permitted by this section.

6. The defendant shall have the burden of injecting the issue of justification under this section.

**569.010. CHAPTER DEFINITIONS.** — As used in this chapter the following terms mean:

(1) "Cave or cavern", any naturally occurring subterranean cavity enterable by a person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the opening has a natural entrance;

(2) "Enter unlawfully or remain unlawfully", a person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public;

(3) "**Nuclear power plant**", a power generating facility that produces electricity by means of a nuclear reactor owned by a utility or a consortium utility. "**Nuclear power plant**" shall be limited to property within the structure or fenced yard, as defined in section 563.011;

(4) "To tamper", to interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing;

~~(4)~~ (5) "Utility", an enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.

**569.140. TRESPASS IN THE FIRST DEGREE — PENALTY.** — 1. A person commits the offense of trespass in the first degree if he or she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

2. A person does not commit the offense of trespass in the first degree by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

- (1) Actual communication to the actor; or
- (2) Posting in a manner reasonably likely to come to the attention of intruders.

3. The offense of trespass in the first degree is a class B misdemeanor, unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class A misdemeanor. **If the building or real property is part of a nuclear power plant, the offense of trespass in the first degree is a class E felony.**

Approved June 1, 2018

HB 1809

**Enacts provisions relating to the bi-state metropolitan development district.**

AN ACT to repeal section 70.370, RSMo, and to enact in lieu thereof one new section relating to the bi-state metropolitan development district.

SECTION

- A. Enacting clause.
- 70.370 Compact between Missouri and Illinois — creation and powers of district. (St. Louis area)

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

**SECTION A. ENACTING CLAUSE.** — Section 70.370, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 70.370, to read as follows:

**70.370. COMPACT BETWEEN MISSOURI AND ILLINOIS — CREATION AND POWERS OF DISTRICT. (ST. LOUIS AREA)** — Within sixty days after this section becomes effective, the governor by and with the advice and consent of the senate shall appoint three commissioners to enter into a compact on behalf of the state of Missouri with the state of Illinois. If the senate is not in session at the time for making any appointment, the governor shall make a temporary appointment as in case of a vacancy. Any two of the commissioners so appointed together with the attorney general of the state of Missouri may act to enter into the following compact:

COMPACT BETWEEN MISSOURI AND ILLINOIS  
CREATING THE BI-STATE DEVELOPMENT AGENCY  
AND THE BI-STATE METROPOLITAN DISTRICT  
The states of Missouri and Illinois enter into the following agreement:

ARTICLE I

They agree to and pledge each to the other faithful cooperation in the future planning and development of the bi-state metropolitan district, holding in high trust for the benefit of its people and of the nation the special blessings and natural advantages thereof.

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

## ARTICLE II

To that end the two states create a district to be known as the "Bi-State Metropolitan Development District" (herein referred to as "The District") which shall embrace the following territory: The City of St. Louis and the counties of St. Louis ~~and~~ , St. Charles ~~and~~ , Jefferson, **and Franklin** in Missouri~~;~~ and the counties of Madison, St. Clair, and Monroe in Illinois.

## ARTICLE III

There is created "The Bi-State Development Agency of the Missouri-Illinois Metropolitan District" (herein referred to as "The Bi-State Agency") which shall be a body corporate and politic. The bi-state agency shall have the following powers:

- (1) To plan, construct, maintain, own and operate bridges, tunnels, airports and terminal facilities and to plan and establish policies for sewage and drainage facilities;
- (2) To make plans for submission to the communities involved for coordination of streets, highways, parkways, parking areas, terminals, water supply and sewage and disposal works, recreational and conservation facilities and projects, land use pattern and other matters in which joint or coordinated action of the communities within the areas will be generally beneficial;
- (3) To charge and collect fees for use of the facilities owned and operated by it;
- (4) To issue bonds upon the security of the revenues to be derived from such facilities; and, or upon any property held or to be held by it;
- (5) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies; or by the federal government or any agency or officer thereof;
- (6) To disburse funds for its lawful activities, and fix salaries and wages of its officers and employees;
- (7) To perform all other necessary and incidental functions; and
- (8) To exercise such additional powers as shall be conferred on it by the legislature of either state concurred in by the legislature of the other or by act of Congress.

No property now or hereafter vested in or held by either state, or by any county, city, borough, village, township or other political subdivision, shall be taken by the bi-state agency without the authority or consent of such state, county, city, borough, village, township or other political subdivision, nor shall anything herein impair or invalidate in any way any bonded indebtedness of such state, county, city, borough, village, township or other political subdivision, nor impair the provisions of law regulating the payment into sinking funds of revenues derived from municipal property, or dedicating the revenues derived from any municipal property to a specific purpose.

Unless and until otherwise provided, it shall make an annual report to the governor of each state, setting forth in detail the operations and transactions conducted by it pursuant to this agreement and any legislation thereunder.

Nothing contained in this compact shall impair the powers of any municipality to develop or improve terminal or other facilities.

The bi-state agency shall from time to time make plans for the development of the district; and when such plans are duly approved by the legislatures of the two states, they shall be binding upon both states with the same force and effect as if incorporated in this compact.

The bi-state agency may from time to time make recommendations to the legislatures of the two states or to the Congress of the United States, based upon study and analysis, for the improvement of transportation, terminal, and other facilities in the district.

The bi-state agency may petition any interstate commerce commission (or like body), public service commission, public utilities commission (or like body), or any other federal, municipal, state or local authority, administrative, judicial or legislative, having jurisdiction in the premises, for the adoption and execution of any physical improvements, change in method, rate of

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transportation, system of handling freight, warehousing, docking, lightering, or transfer of freight, which, in the opinion of the bi-state agency, may be designed to improve or better the handling of commerce in and through the district, or improve terminal and transportation facilities therein. It may intervene in any proceeding affecting the commerce of the district.

ARTICLE IV

The bi-state agency shall consist of ten commissioners, five of whom shall be resident voters of the state of Missouri and five of whom shall be resident voters of the state of Illinois. All commissioners shall reside within the bi-state district, the Missouri members to be chosen by the state of Missouri and the Illinois members by the state of Illinois in the manner and for the terms fixed by the legislature of each state except as herein provided.

ARTICLE V

The bi-state agency shall elect from its number a chairman, a vice chairman, and may appoint such officers and employees as it may require for the performance of its duties, and shall fix and determine their qualifications and duties.

Until otherwise determined by the legislatures of the two states no action of the bi-state agency shall be binding unless taken at a meeting at which at least three members from each state are present, and unless a majority of the members from each state present at such meeting shall vote in favor thereof. Each state reserves the right hereafter to provide by law for the exercise of the veto power by the governor thereof over any action of any commissioner appointed therefrom.

Until otherwise determined by the action of the legislature of the two states, the bi-state agency shall not incur any obligations for salaries, office or other administrative expenses, prior to the making of appropriations adequate to meet the same.

The bi-state agency is hereby authorized to make suitable rules and regulations not inconsistent with the constitution or laws of the United States or of either state, or of any political subdivision thereof, and subject to the exercise of the power of Congress, for the improvement of the district, which when concurred in or authorized by the legislatures of both states, shall be binding and effective upon all persons and corporations affected thereby.

The two states shall provide penalties for violations of any order, rule or regulation of the bi-state agency, and for the manner of enforcing same.

ARTICLE VI

The bi-state agency is authorized and directed to proceed with the development of the district in accordance with the articles of this compact as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States or of either state, to effectuate the same, except the power to levy taxes or assessments.

It shall render such advice, suggestion and assistance to all municipal officials as will permit all local and municipal improvements, so far as practicable, to fit in with the plan.

ARTICLE VII

In witness thereof, we have hereunto set our hands and seals under authority vested in us by law.

(Signed)

In the presence of:

(Signed)

Approved June 1, 2018

HB 1831

**Enacts provisions relating to sales taxes.**

AN ACT to repeal sections 144.011 and 144.049, RSMo, and to enact in lieu thereof two new sections relating to sales taxes.

## SECTION

- A. Enacting clause.
- 144.011 Sale at retail not to include certain transfers.
- 144.049 Sales tax holiday for clothing, personal computers, and school supplies, when.

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

**SECTION A. ENACTING CLAUSE.** — Sections 144.011 and 144.049, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 144.011 and 144.049, to read as follows:

**144.011. SALE AT RETAIL NOT TO INCLUDE CERTAIN TRANSFERS.** — 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall not be construed to include any of the following:

(1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;

(2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer's trade or business;

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;

(5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;

(6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder's interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner's interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

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(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

(12) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; or

(13) Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes; ~~or~~

(b) Posts or organizations of past or present members of the Armed Forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the Armed Forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual; **or**

**(c) Nonprofit organizations exempt from taxation under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended.**

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax.

**144.049. SALES TAX HOLIDAY FOR CLOTHING, PERSONAL COMPUTERS, AND SCHOOL SUPPLIES, WHEN.** — 1. For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel ~~including footwear,~~ intended to be worn on or about the human body **including, but not limited to, disposable diapers for infants or adults and footwear.** The term shall include, but not be limited to, cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

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(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less and any graphing calculator having a taxable value of one hundred fifty dollars or less.

2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of three hundred fifty dollars or less, all graphing calculators having a taxable value of one hundred fifty dollars or less, and all retail sales of personal computers or computer peripheral devices not to exceed one thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

5. This section applies to sales of items bought for personal use only.

6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

Approved June 22, 2018

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SS SCS HB 1832

**Enacts provisions relating to merchandising practices.**

AN ACT to repeal sections 407.300, 407.432, 407.433, and 407.436, RSMo, and to enact in lieu thereof seven new sections relating to merchandising practices, with penalty provisions.

SECTION

- A. Enacting clause.
- 407.300 Certain materials, collectors and dealers to keep register, information required — penalty — exempt transactions.
- 407.315 American Indian art or craft, no sale unless authentic — penalty.
- 407.431 Attorney general, authority to enforce.
- 407.432 Definitions.
- 407.433 Protection of credit card account numbers, penalty, exceptions — effective date, applicability.
- 407.435 Card scanner, illegal use of — penalty.
- 407.436 Defacing a credit card reader, offense of, penalty.

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

**SECTION A. ENACTING CLAUSE.** — Sections 407.300, 407.432, 407.433, and 407.436, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 407.300, 407.315, 407.431, 407.432, 407.433, 407.435, and 407.436, to read as follows:

**407.300. CERTAIN MATERIALS, COLLECTORS AND DEALERS TO KEEP REGISTER, INFORMATION REQUIRED — PENALTY — EXEMPT TRANSACTIONS.** — 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of ~~metal~~ **material** subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

- (1) Copper, brass, or bronze;
  - (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;
  - (3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal; ~~or~~
  - (4) Catalytic converter; **or**
  - (5) **Motor vehicle, heavy equipment, or tractor battery.**
2. The record required by this section shall contain the following data:
- (1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained;
  - (2) The current address, gender, birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in subdivision (1) of this subsection;
  - (3) The date, time, and place of the transaction;
  - (4) The license plate number of the vehicle used by the seller during the transaction;
  - (5) A full description of the ~~metal~~ **material**, including the weight and purchase price.
3. The records required under this section shall be maintained for a minimum of twenty-four months from when such material is obtained and shall be available for inspection by any law enforcement officer.
4. Anyone convicted of violating this section shall be guilty of a class B misdemeanor.
5. This section shall not apply to any of the following transactions:

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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.  
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(1) Any transaction for which the total amount paid for all regulated ~~[scrap metal]~~ **material** purchased or sold does not exceed fifty dollars, unless the ~~[scrap metal]~~ **material** is a catalytic converter;

(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(3) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

**407.315. AMERICAN INDIAN ART OR CRAFT, NO SALE UNLESS AUTHENTIC — PENALTY. —**

**1. As used in this section, the following terms mean:**

(1) "American Indian", a person who is a citizen or enrolled member of an American Indian tribe;

(2) "American Indian tribe", any Indian tribe federally recognized by the Bureau of Indian Affairs of the United States Department of the Interior;

(3) "Authentic American Indian art or craft", any article of American Indian style, make, origin, or design that was made wholly or in part by American Indian labor and workmanship including, but not limited to, any Kachina doll, rosette, necklace, choker, barrette, hair tie, medallion, pin, pendant, bolo tie, belt, belt buckle, cuff links, tie clasp, tie bar, ring, earring, purse, blanket, shawl, moccasin, drum, or pottery or any visual or performing arts or literature;

(4) "Imitation American Indian art or craft", any basic article purporting to be of American Indian style, make, origin, or design that was not made by American Indian labor and workmanship;

(5) "Merchant", any person engaged in the sale to the public of imitation American Indian art or craft or authentic American Indian art or craft.

**2. No merchant shall distribute, trade, sell, or offer for sale or trade within this state any article represented as being made by American Indians unless the article is an authentic American Indian art or craft. All such articles purporting to be of silver shall be made of coin or sterling silver.**

**3. Any merchant who knowingly and willfully tags or labels any article as being an American Indian art or craft when it does not meet the specifications of this section shall be subject to a fine of not less than twenty-five dollars and not more than two hundred dollars, to imprisonment for not less than thirty days and not more than ninety days, or to both such fine and imprisonment.**

**407.431. ATTORNEY GENERAL, AUTHORITY TO ENFORCE. — The attorney general shall have all powers, rights, and duties regarding violations of sections 407.430 to 407.436 as are provided in sections 407.010 to 407.130, in addition to rulemaking authority under section 407.145.**

**407.432. DEFINITIONS. —** As used in sections 407.430 to 407.436, the following terms shall mean:

(1) "Acquirer", a business organization, financial institution, or an agent of a business organization or financial institution that authorizes a merchant to accept payment by credit card for merchandise;

(2) "Cardholder", the person's name on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer[-] or any agent, authorized signatory, or employee of such person;

(3) **"Chip", an integrated circuit imbedded in a card that stores data so that the card may use the EMV payment method for transactions;**

(4) **"Contactless payment", any payment method that uses a contactless smart card, a near field communication (NFC) antenna, radio-frequency identification (RFID) technology, or other method to remotely communicate data to a scanning device for transactions;**

(5) **"Counterfeit credit card", any credit card which is fictitious, altered, or forged, any false representation, depiction, facsimile or component of a credit card, or any credit card which is stolen, obtained as part of a scheme to defraud, or otherwise unlawfully obtained, and which may or may not be embossed with account information or a company logo;**

~~[(4)]~~ (6) **"Credit card" [or "debit card"], any instrument or device, whether known as a credit card, credit plate, bank service card, banking card, check guarantee card, or debit card or by any other name, that is issued with or without a fee by an issuer for the use of the cardholder in obtaining money or merchandise on credit[,] or by transferring payment from the cardholder's checking account or for use in an automated banking device to obtain any of the services offered through the device. The presentation of a credit card account number is deemed to be the presentation of a credit card. "Credit card" shall include credit or debit cards whose information is stored in a digital wallet for use in in-app purchases or contactless payments;**

~~[(5)]~~ (7) **"Expired credit card", a credit card for which the expiration date shown on it has passed;**

~~[(6)]~~ (8) **"Issuer", the business organization [or] , financial institution, or [its] duly authorized agent[,- which] thereof that issues a credit card;**

~~[(7)]~~ (9) **"Merchandise", any objects, wares, goods, commodities, intangibles, real estate, services, or anything else of value;**

~~[(8)]~~ (10) **"Merchant", an owner or operator of any retail mercantile establishment, or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of such owner or operator. A merchant includes a person who receives from [an authorized user of a payment card] a cardholder, or an individual the person believes to be [an authorized user] a cardholder, a [payment] credit card or information from a [payment] credit card as the instrument for obtaining, purchasing, or receiving goods, services, money, or anything of value from the person;**

~~[(9)]~~ (11) **"Person", any natural person or his legal representative, partnership, firm, for-profit or not-for-profit corporation, whether domestic or foreign, company, foundation, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof;**

~~[(10)]~~ (12) **"Reencoder", an electronic device that places encoded information from the chip or magnetic strip or stripe of a credit [or debit] card onto the chip or magnetic strip or stripe of a different credit [or debit] card;**

~~[(11)]~~ (13) **"Revoked credit card", a credit card for which permission to use it has been suspended or terminated by the issuer;**

~~[(12)]~~ (14) **"Scanning device", a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information stored in the chip or encoded on the magnetic strip or stripe of a credit [or debit] card. "Scanning device" shall include devices used by a merchant for contactless payments.**

**407.433. PROTECTION OF CREDIT CARD ACCOUNT NUMBERS, PENALTY, EXCEPTIONS — EFFECTIVE DATE, APPLICABILITY. — 1. No person, other than the cardholder, shall[;]**

~~[(1)]~~ **disclose more than the last five digits of a credit card [or debit card] account number on any sales receipt provided to the cardholder for merchandise sold in this state[;]**

~~(2) Use a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a credit or debit card without the permission of the cardholder and with the intent to defraud any person, the issuer, or a merchant; or~~

~~(3) Use a reencoder to place information encoded on the magnetic strip or stripe of a credit or debit card onto the magnetic strip or stripe of a different card without the permission of the cardholder from which the information is being reencoded and with the intent to defraud any person, the issuer, or a merchant].~~

2. Any person who knowingly violates this section is guilty of an infraction and any second or subsequent violation of this section is a class A misdemeanor.

3. It shall not be a violation of subdivision (1) of subsection 1 of this section if:

(1) The sole means of recording the credit card number ~~[or debit card number]~~ is by handwriting or, prior to January 1, 2005, by an imprint of the credit card ~~[or debit card]~~; and

(2) For handwritten or imprinted copies of credit card ~~[or debit card]~~ receipts, only the merchant's copy of the receipt lists more than the last five digits of the account number.

4. This section shall become effective on January 1, 2003, and applies to any cash register or other machine or device that prints or imprints receipts of credit card ~~[or debit card]~~ transactions and which is placed into service on or after January 1, 2003. Any cash register or other machine or device that prints or imprints receipts on credit card ~~[or debit card]~~ transactions and which is placed in service prior to January 1, 2003, shall be subject to the provisions of this section on or after January 1, 2005.

**407.435. CARD SCANNER, ILLEGAL USE OF — PENALTY. — 1. A person commits the offense of illegal use of a card scanner if the person:**

**(1) Directly or indirectly uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information stored in the chip or encoded on the magnetic strip or stripe of a credit card without the permission of the cardholder, the credit card issuer, or a merchant;**

**(2) Possesses a scanning device with the intent to defraud a cardholder, credit card issuer, or merchant or possesses a scanning device with the knowledge that some other person intends to use the scanning device to defraud a cardholder, credit card issuer, or merchant;**

**(3) Directly or indirectly uses a reencoder to copy a credit card without the permission of the cardholder of the card from which the information is being reencoded and does so with the intent to defraud the cardholder, the credit card issuer, or a merchant; or**

**(4) Possesses a reencoder with the intent to defraud a cardholder, credit card issuer, or merchant or possesses a reencoder with the knowledge that some other person intends to use the reencoder to defraud a cardholder, credit card issuer, or merchant.**

**2. The offense of illegal use of a card scanner is a class D felony. However, a second or subsequent offense arising from a separate incident is a class C felony.**

**407.436. DEFACING A CREDIT CARD READER, OFFENSE OF, PENALTY. — [1. Any person who willfully and knowingly, and with the intent to defraud, engages in any practice declared to be an unlawful practice in sections 407.430 to 407.436 of this credit user protection law shall be guilty of a class E felony.**

**2. The violation of any provision of sections 407.430 to 407.436 of this credit user protection law constitutes an unlawful practice pursuant to sections 407.010 to 407.130, and the violator shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The attorney general shall have all powers, rights, and duties regarding violations of sections 407.430 to 407.436 as are provided in sections 407.010 to 407.130, in addition to rulemaking authority as**

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Matter in bold-face type is proposed language.

~~provided in section 407.145.]~~ A person commits the offense of defacing a credit card reader if a person damages, defaces, alters, or destroys a scanning device and the person has no right to do so. The offense of defacing a credit card reader is a class A misdemeanor.

Approved June 1, 2018

SS SCS HB 1838

**Authorizes the conveyance of certain state properties.**

AN ACT to authorize the conveyance of certain state properties.

SECTION

1. Authority to convey state property located in Cole County to F&F Development, LLC.
2. Authority to convey state property located in the City of Independence, Jackson County.
3. Authority to convey state property located in St. Louis.
4. Authority to convey state property located in the City of Jefferson, Cole County.
5. Authority to convey state property located in Mack's Creek, Camden County.
6. Authority to convey state property located in Butler County.

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

**SECTION 1. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN COLE COUNTY TO F&F DEVELOPMENT, LLC. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property located in the City of Jefferson, Cole County, Missouri, described as follows to F & F Development, LLC.**

**All that part of the Original Wears Creek as per the plat of Jefferson City, Missouri, that lies southeasterly of the U.S. Route 54 Connection to Missouri Boulevard (Job No. 5-U-54-258B) right-of-way line, southwesterly of Inlot 774, northwesterly of the Wears Creek Channel Change (Highway Job No. 5-U-54-258B), northeasterly of the Dunklin Street right-of-way line and easterly of Inlot 778, in the City of Jefferson, Cole County, Missouri, being more particularly described as follows:**

**Beginning at the most southerly corner of Inlot 774; thence S12°00'46"E, along the boundary of said Original Wears Creek, 45.62 feet to the northwesterly boundary of the Wears Creek Channel Change (Highway Job No. 5-U-54-258B); thence S31°53'40"W, along the northwesterly boundary of the Wears Creek Channel Change (Highway Job No. 5-U-54-258B), 195.78 feet to the northeasterly right-of-way line of Dunklin Street; thence N47°33'56"W, along the northeasterly right-of-way line of Dunklin Street, 72.18 feet to the most southerly corner of Inlot 778; thence N42°14'14"E, along the southeasterly line of Inlot 778, being the boundary of said Original Wears Creek, 120.82 feet to the most easterly corner of Inlot 778; thence N40°09'27"W, along the northeasterly line of Inlot 778, being the boundary of said Original Wears Creek, 18.31 feet to a point on the U.S. Route 54 Connection to Missouri Boulevard (Job No. 5-U-54-258B) right-of-way line; thence N38°58'35"E, along the U.S. Route 54 Connection to Missouri Boulevard (Job No. 5-U-54-258B) right-of-way line, 66.61 feet; thence N20°47'15"E, continuing along the U.S. Route**

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54 Connection to Missouri Boulevard (Job No. 5-U-54-258B) right-of-way line, 31.55 feet to a point on the southwesterly line of said Inlot 774; thence S47°36'20"E, along the southwesterly line of said Inlot 774, 33.47 feet to the point of beginning.

Containing 0.30 acre.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 2. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN THE CITY OF INDEPENDENCE, JACKSON COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in the City of Independence, Jackson County, Missouri, described as follows:

The East 116 feet of Lot 11, FRELING ORCHARD ACRES, a subdivision in Independence, Jackson County, Missouri, except Right-of-Way conveyed to the City of Independence on March 12, 1981, and recorded as Document No. I 457242. Subject to easement reserved for ingress and egress to grantor's adjoining property, reserved across the South Forty (40) feet of the conveyed parcel.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 3. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN ST. LOUIS. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in St. Louis, Missouri, described as follows:

Lots 29, 30, 31, 32, 33 and part of Lots 27 and 28 in Block 2 of CHELTENHAM, Lots 21, 22, 23 and part of Lot 20 of WIBLE'S EASTERN ADDITION to CHELTENHAM, together with the Western 36 feet of former January Avenue vacated under the provisions of Ordinance No. 52058, and in Blocks 4022 and 4023 of the City of St. Louis, more particularly described as follows: Beginning at a point in the North line of Wilson Avenue, 40 feet wide, at its intersection with a line 36 feet East of and parallel to the West line of former January Avenue, 60 feet wide, as vacated under the provisions of Ordinance No. 52058; thence North 82 degrees 57 minutes 15 seconds West along said North line of Wilson Avenue a distance of 355.20 feet to a point; thence North 8 degrees 15 minutes 30 seconds East a distance of 472.56 feet to a point in the Southerly Right-of-Way line of Interstate Highway 1-44; thence in an Easterly direction along said Right-of-Way line North 87 degrees 03 minutes 45 seconds East a distance of 25.59 feet to an angle point being located in the Eastern line of Lot 20 of Wible's Eastern Addition to Cheltenham, said point being 477 feet North along the Eastern line of said Wible's Addition from the Northern line of Wilson Avenue, 40 feet wide; thence South 87 degrees 53 minutes 03 seconds East and along said 1-44 Right-of-Way line 295.71 feet to a point in the West line of said former January Avenue vacated as aforesaid at a point being 502.42 feet North along said line from the Northern line of Wilson Avenue; thence North 74 degrees 42

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minutes 01 seconds East along the South Right-of-Way line of 1-44 a distance of 39.27 feet to a point in a line 36 feet East of and parallel to said West line of former January Avenue, vacated as aforesaid; thence South 8 degrees 15 minutes 30 seconds West along said line 36 feet East of the West line of former January Avenue, vacated as aforesaid, a distance of 517.36 feet to the point of beginning.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 4. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN THE CITY OF JEFFERSON, COLE COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in the City of Jefferson, Cole County, Missouri, described as follows:

A tract located in the City of Jefferson, Cole County, Missouri, also being part of the tract described by Inlot numbers 73 through 83 and Inlot numbers 313 through 330 of the original City of Jefferson, also commonly known as the state capital grounds; said tract being more particularly described as follows: commencing at the northwest corner of Inlot 84 of the original City of Jefferson, thence, N 48°44'00" W, 403.10 feet to a point on the south right of way line of the Union Pacific Railroad, the point of beginning: Commencing at the northwest corner of Inlot 84 of the original City of Jefferson, thence, N 48°44'00" W, 403.10 feet to a point on the south right of way line of the Union Pacific Railroad, the point of beginning: Thence from the point of beginning, with the south right of way line of the Union Pacific Railroad N 47°38'49" W, 80.73 feet; thence leaving the south right of way line of the Union Pacific Railroad, S 71°14'48" W, 44.32 feet; thence with a non-tangent curve to the right 34.23 feet, curve radius of 49.41 feet, chord S 10°25'00" E, 33.55 feet; thence with a non-tangent curve to the right 19.65 feet, curve radius of 76.00 feet, chord S 16°50'12" W, 19.60 feet; thence S 24°14'38" W, 127.11 feet; thence S 22°12'10" E, 40.01 feet; thence with a non-tangent curve to the right 14.86 feet, curve radius of 63.54 feet, chord S 77°04'30" W, 14.82 feet; thence S 23°13'34" E, 22.36 feet; thence N 42°35'20" E, 64.10 feet; thence with a non-tangent curve to the right 211.51 feet, curve radius of 82.31 feet, chord N 34°46'36" E, 157.93 feet; thence N 42°21'11" E, 15.56 feet to the point of beginning and contains 0.19 acres more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 5. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN MACK'S CREEK, CAMDEN COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in Mack's Creek, Camden County, Missouri, described as follows:

In Section 13, Township 37 North, Range 18 West of the 5th Principal Meridian, all that part of Lot 4, described as follows: Beginning at the Northeast corner of said Lot 4; thence South with the meanderings of the Niangua River 140 yards; thence West

210 yards; thence North to the North line of said Lot 4; thence East to the place of beginning. ALSO beginning at a point 210 yards West of the Northeast corner of said Lot 4, or at the Northwest corner of above described tract; thence West to the Quarter Section corner on West side of Section; thence South 35 yards; thence East to the West line of first above described tract; thence North to place of beginning. ALSO in said Section 13, Township 37 North, Range 18 West of the 5th Principal Meridian, that part of Lot 3, described as follows: Beginning at the Southwest corner of said Lot 3; thence East 420 feet; thence North 745 feet; thence in a Northwest direction on a straight line to a point 329 feet South of the Northwest corner of said Lot 3; thence South to place of beginning.

ALSO in Section 14, Township 37 North, Range 18 West of the 5th Principal Meridian, all of the Southeast Quarter of the Northwest Quarter and the South Half of the North-east Quarter, EXCEPT 1 3/4 acres in the Northeast corner of the Southeast Quarter of the Northeast Quarter, described as follows: Beginning at the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence West 472 feet; thence in a Southeast direction on a straight line to a point 329 feet South of above mentioned Northeast corner of the Southeast Quarter of the Northeast Quarter; thence North to place of beginning. EXCEPTING ALSO that part of the South Half of the Northeast Quarter of Section 14, Township 37 North, Range 18 West, bounded as follows: Beginning on the South line at the Southwest corner of the Southeast Quarter of the Northeast Quarter; thence West 70 yards; thence North 70 yards; thence East 70 yards; thence South 70 yards to the place of beginning; thence beginning at the above mentioned Southwest corner of the Southeast Quarter of the Northeast Quarter; thence East 150 feet to a road; thence in a Northeast direction following said road 250 feet; thence North 100 feet; thence in a Southwest direction 306.5 feet to a point 70 yards North of the said Southwest corner of said Southeast Quarter of the Northeast Quarter; thence South to the place of beginning, excepting therefrom land conveyed to the State of Missouri, acting by and through the State Highway Commission of Missouri, for supplementary State Route U. All of the above described lands being in Camden County, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.
3. The attorney general shall approve the form of the instrument of conveyance.

**SECTION 6. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN BUTLER COUNTY. —**

1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in fee simple absolute in property owned by the state in Butler County to any lawful buyer or transferee. The property to be conveyed is more particularly described as follows:

All that part of section 33, township 25 north, range 6 east of the fifth principal meridian, Butler County, state of Missouri, described as follows: commencing at an aluminum monument marking the closing corner of sections 4 and 5 of township 24 north on the southern line of township 25 north, thence measure 3437.9 feet east and 14.6 feet north to a 1/2" rebar marking the intersection of the existing north right of way line of West Harper Street with the existing west MHTC boundary line of Business Rte. 60/67, for the point of beginning; thence, S89°18'E along said north

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right of way line of West Harper Street a distance of 313.4 feet, to a 5/8" rebar located 75 feet west (or right) of the survey centerline of Business Rte. 60-67 marking the intended northeast corner of that tract of land previously conveyed to the City of Poplar Bluff via an instrument dated April 11<sup>th</sup> 2003 (same described in Poplar Bluff city ordinance 6556); thence, N45°43'W along the new MHTC boundary line of Business Hwy. 60/67 a distance of 245.5 feet, to a 5/8" rebar 136.4 feet south (or right) of Rte. PP centerline station 30+936.538m; thence, S88°01'W along the new south MHTC boundary line of Rte. PP a distance of 91.6 feet, to a 5/8" rebar 92.66 feet south (or right) of Rte. PP centerline station 30+914.099m; thence, s72°34'w along the new south MHTC boundary line of Rte. PP a distance of 233.5 feet, to MHTC boundary marker 91.86 feet south (or right) of Rte. PP centerline station 30+852.493m; thence, S61°53'E along existing MHTC boundary line of Business Hwy. 60/67 as shown on sheet 9 of J0S0563, a distance of 200.4 feet, to the point of beginning, containing 1.16 acres.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

Approved June 1, 2018

CCS SS HB 1858

**Enacts provisions relating to the department of revenue.**

AN ACT to repeal sections 32.069 and 143.811, RSMo, and to enact in lieu thereof three new sections relating to the department of revenue, with a delayed effective date for a certain section.

SECTION

- A. Enacting clause.
  - 32.069 Interest allowed and paid on refund or overpayment of interest paid in excess of annual interest rate.
  - 32.310 Political subdivision sales tax information, mapping feature on website — requirements.
  - 143.811 Interest on overpayment.
- B. Effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 32.069 and 143.811, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 32.069, 32.310, and 143.811, to read as follows:

**32.069. INTEREST ALLOWED AND PAID ON REFUND OR OVERPAYMENT OF INTEREST PAID IN EXCESS OF ANNUAL INTEREST RATE.** — 1. Notwithstanding any other provision of law to the contrary, interest shall be allowed and paid on any refund or overpayment at the rate determined by section 32.068 only if the overpayment is not refunded within one hundred twenty days from the latest of the following dates:

- (1) The last day prescribed for filing a tax return or refund claim, without regard to any extension of time granted;
- (2) The date the return, payment, or claim is filed; or

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(3) The date the taxpayer files for a credit or refund and provides accurate and complete documentation to support such claim.

2. Notwithstanding any other provision of law to the contrary, interest shall be allowed and paid on any refund or overpayment [~~at the rate determined by section 32.068~~] only if the overpayment in the case of taxes imposed by sections 143.011 and 143.041 is not refunded within forty-five days from the date the return or claim is filed. **Before July 1, 2019, such interest rate shall be determined by section 32.068. On and after July 1, 2019, such interest rate shall be determined by section 32.065.**

**32.310. POLITICAL SUBDIVISION SALES TAX INFORMATION, MAPPING FEATURE ON WEBSITE — REQUIREMENTS. — 1.** The department of revenue shall create and maintain a mapping feature on its official public website that displays sales tax information of political subdivisions of this state that have taxing authority, including the current tax rate for each sales tax imposed and collected. Such display shall have the option to showcase the borders and jurisdiction of the following political subdivisions on a map of the state to the extent that such political subdivisions collect sales tax:

- (1) Ambulance districts;
- (2) Community improvement districts;
- (3) Fire protection districts;
- (4) Levee districts;
- (5) Library districts;
- (6) Neighborhood improvement districts;
- (7) Port authority districts;
- (8) Tax increment financing districts;
- (9) Transportation development districts;
- (10) School districts; or
- (11) Any other political subdivision that imposes a sales tax within its borders and jurisdiction.

2. The mapping feature shall also have the option to superimpose state house of representative districts and state senate districts over the political subdivisions.

3. A political subdivision collecting sales tax listed in subsection 1 of this section shall provide to the department of revenue mapping and geographic data pertaining to the political subdivision's borders and jurisdictions. The political subdivision shall certify the accuracy of the data by affidavit and shall provide the data in a format specified by the department of revenue. Such data shall be sent to the department of revenue by April 1, 2019, and shall be updated and sent to the department if a change in the political subdivision's borders or jurisdiction occurs thereafter.

4. The department of revenue may contract with another entity to build and maintain the mapping feature.

5. By July 1, 2019, the department shall implement the mapping feature using the data provided to it under subsection 3 of this section.

**143.811. INTEREST ON OVERPAYMENT. — 1.** Under regulations prescribed by the director of revenue, interest shall be allowed and paid at the rate determined by section 32.065 on any overpayment in respect of the tax imposed by sections 143.011 to 143.996; except that, where the overpayment resulted from the filing of an amendment of the tax by the taxpayer after the last day prescribed for the filing of the return, interest shall be allowed and paid at the rate of six percent per annum. With respect to the part of an overpayment attributable to a deposit made pursuant to

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subsection 2 of section 143.631, interest shall be paid thereon at the rate in section 32.065 from the date of the deposit to the date of refund. ~~[No interest shall be allowed or paid if the amount thereof is less than one dollar.]~~

2. For purposes of this section:

(1) Any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day determined without regard to any extension of time granted the taxpayer;

(2) Any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year, and any amount paid by the taxpayer as estimated income tax for a ~~[taxable]~~ tax year shall be deemed to have been paid by ~~[him]~~ **the taxpayer** on the fifteenth day of the fourth month following the close of ~~[his taxable]~~ **the taxpayer's tax** year to which such amount constitutes a credit or payment.

3. For purposes of this section with respect to any withholding tax:

(1) If a return for any period ending with or within a calendar year is filed before April fifteenth of the succeeding calendar year, such return shall be considered filed April fifteenth of such succeeding calendar year; and

(2) If a tax with respect to remuneration paid during any period ending with or within a calendar year is paid before April fifteenth of the succeeding calendar year, such tax shall be considered paid on April fifteenth of such succeeding calendar year.

4. If any overpayment of tax imposed by sections 143.061 and 143.071 is refunded within four months after the last date prescribed (or permitted by extension of time) for filing the return of such tax or within four months after the return was filed, whichever is later, no interest shall be allowed under this section on overpayment.

5. If any overpayment of tax imposed by sections 143.011 and 143.041 is refunded within forty-five days after the date the return or claim is filed, no interest shall be allowed under this section on overpayment.

6. Any overpayment resulting from a carryback, including a net operating loss and a corporate capital loss, shall be deemed not to have been made prior to the close of the ~~[taxable]~~ tax year in which the loss arises.

7. Any overpayment resulting from a carryback of a tax credit, including but not limited to the tax credits provided in sections 253.557 and 348.432, shall be deemed not to have been made prior to the close of the ~~[taxable]~~ tax year in which the tax credit was authorized.

**SECTION B. EFFECTIVE DATE.** — The repeal and reenactment of section 143.811 of this act shall become effective on July 1, 2019.

Approved June 1, 2018

## SS HCS HB 1872

**Enacts provisions relating to broadband internet service.**

AN ACT to amend chapter 620, RSMo, by adding thereto nine new sections relating to broadband internet service.

## SECTION

- A. Enacting clause.
  - 620.2450 Program established, expanded access to broadband internet service — definitions.
  - 620.2451 Grants, use of moneys.
  - 620.2452 Eligible applicants.
  - 620.2453 Application, contents.
  - 620.2454 Criteria, scoring system, and list of underserved areas, department to publish on website — challenges, evaluation of.
  - 620.2455 Prioritization of applications — ranking of applicants, system used.
  - 620.2456 Connect America Fund, no grants awarded — limitations on grant amount — limitations on grant requirements.
  - 620.2457 Grant application and award information to be posted on website.
  - 620.2458 Rulemaking authority.
- B. Sunset provision.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 620, RSMo, is amended by adding thereto nine new sections, to be known as sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458, to read as follows:

**620.2450. PROGRAM ESTABLISHED, EXPANDED ACCESS TO BROADBAND INTERNET SERVICE — DEFINITIONS. — 1.** A grant program is hereby established under sections 620.2450 to 620.2458 to award grants to applicants who seek to expand access to broadband internet service in unserved and underserved areas of the state. The department of economic development shall administer and act as the fiscal agent for the grant program and shall be responsible for receiving and reviewing grant applications and awarding grants under sections 620.2450 to 620.2458. Funding for the grant program established under this section shall be subject to appropriation by the general assembly.

2. As used in sections 620.2450 to 620.2458, the following terms shall mean:

- (1) "Underserved area", a project area without access to wireline or fixed wireless broadband internet service of speeds of at least twenty-five megabits per second download and three megabits per second upload;
- (2) "Unserved area", a project area without access to wireline or fixed wireless broadband internet service of speeds of at least ten megabits per second download and one megabit per second upload.

**620.2451. GRANTS, USE OF MONEYS. —** Grants awarded under sections 620.2450 to 620.2458 shall fund the acquisition and installation of retail broadband internet service at speeds of at least twenty-five megabits per second download and three megabits per second upload, but that is scalable to higher speeds.

**620.2452. ELIGIBLE APPLICANTS. —** Applicants eligible for grants awarded shall include:

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- (1) Corporations, or their affiliates, registered in this state;
- (2) Incorporated businesses or partnerships;
- (3) Limited liability companies registered in this state;
- (4) Nonprofit organizations registered in this state;
- (5) Political subdivisions; and
- (6) Rural electric cooperatives organized under chapter 394 and their broadband affiliates.

**620.2453. APPLICATION, CONTENTS.**— An eligible applicant shall submit an application to the department of economic development on a form prescribed by the department. An application for a grant under sections 620.2450 to 620.2458 shall include the following information:

- (1) A description of the project area;
- (2) A description of the kind and amount of broadband internet infrastructure that is proposed to be deployed;
- (3) Evidence demonstrating the unserved or underserved nature of the project area;
- (4) The number of households that would have new access to broadband internet service, or whose broadband internet service would be upgraded, as a result of the grant;
- (5) A list of significant community institutions that would benefit from the proposed grant;
- (6) The total cost of the proposal and the timeframe in which it will be completed;
- (7) A list identifying sources of funding or in-kind contributions, including government funding, that would supplement any awarded grant; and
- (8) Any other information required by the department of economic development.

**620.2454. CRITERIA, SCORING SYSTEM, AND LIST OF UNDERSERVED AREAS, DEPARTMENT TO PUBLISH ON WEBSITE — CHALLENGES, EVALUATION OF.** — 1. At least thirty days prior to the first day applications may be submitted each fiscal year, the department of economic development shall publish on its website the specific criteria and any quantitative weighting scheme or scoring system the department will use to evaluate or rank applications and award grants under section 620.2455. Such criteria and quantitative scoring system shall include the criteria set forth in section 620.2455.

2. Within three business days of the close of the grant application process, the department of economic development shall publish on its website the proposed unserved and underserved areas, and the proposed broadband internet speeds for each application submitted. Upon request, the department shall provide a copy of any application to an interested party.

3. A broadband internet service provider that provides existing service in or adjacent to the proposed project area may submit to the department of economic development, within forty-five days of publication of the information under subsection 2 of this section, a written challenge to an application. Such challenge shall contain information demonstrating that:

- (1) The provider currently provides broadband internet service to retail customers within the proposed unserved or underserved area;
- (2) The provider has begun construction to provide broadband internet service to retail customers within the proposed unserved or underserved area; or
- (3) The provider commits to providing broadband internet service to retail customers within the proposed unserved or underserved areas within the timeframe proposed by the applicant.

4. Within three business days of the submission of a written challenge, the department of economic development shall notify the applicant of such challenge.

5. The department of economic development shall evaluate each challenge submitted under this section. If the department determines that the provider currently provides, has

begun construction to provide, or commits to provide broadband internet service at speeds of at least twenty-five megabits per second download and three megabits per second upload, but scalable to higher speeds, in the proposed project area, the department shall not fund the challenged project.

6. If the department of economic development denies funding to an applicant as a result of a broadband internet service provider challenge under this section and such broadband internet service provider does not fulfill its commitment to provide broadband internet service in the unserved or underserved area, the department of economic development shall not consider another challenge from such broadband internet service provider for the next two grant cycles, unless the department determines the failure to fulfill the commitment was due to circumstances beyond the broadband internet service provider's control.

**620.2455. PRIORITIZATION OF APPLICATIONS — RANKING OF APPLICANTS, SYSTEM USED.** — 1. The department of economic development shall give first priority to grant applications that serve unserved areas.

2. The department of economic development shall give secondary priority to grant applications that demonstrate the ability to receive matching funds that serve unserved areas, whether such matching funds are government funds or other funds.

3. The department shall give third priority to grant applications that serve underserved areas.

4. The department of economic development shall use a quantitative weighing scheme or scoring system including, at a minimum, the following elements to rank the applications:

(1) Financial, technical, and legal capability of the applicant to deploy and operate broadband internet service;

(2) The number of locations served in the most cost-efficient manner possible considering the project area density;

(3) Available minimum broadband speeds;

(4) Ability of the infrastructure to be scalable to higher broadband internet speeds;

(5) Commitment of the applicant to fund at least fifty percent of the project from private sources;

(6) Length of time the provider has been operating broadband internet services in the state;

(7) The offering of new or substantially upgraded broadband internet service to important community institutions including, but not limited to, libraries, educational institutions, public safety facilities, and health care facilities;

(8) The offering of service to economically distressed areas of the state, as measured by indices of unemployment, poverty, or population loss that are significantly greater than the statewide average;

(9) The ability to provide technical support and training to residents, businesses, and institutions in the community of the proposed project to utilize broadband internet service;

(10) Plans to actively promote the adoption of the newly available broadband internet service in the community; and

(11) Strong support for the proposed project from citizens, businesses, and institutions in the community.

**620.2456. CONNECT AMERICA FUND, NO GRANTS AWARDED — LIMITATIONS ON GRANT AMOUNT — LIMITATIONS ON GRANT REQUIREMENTS.** — 1. The department of economic development shall not award any grant to an otherwise eligible grant applicant where funding from the Connect America Fund has been awarded, where high cost support from the federal Universal Service Fund has been received by rate of return carriers, or where

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any other federal funding has been awarded which did not require any matching fund component, for any portion of the proposed project area, nor shall any grant money be used to serve any retail end user that already has access to wireline or fixed wireless broadband internet service of speeds of at least twenty-five megabits per second download and three megabits per second upload.

2. No grant awarded under sections 620.2450 to 620.2458, when combined with any federal, state, or local funds, shall fund more than fifty percent of the total cost of a project.

3. No single project shall be awarded grants under sections 620.2450 to 620.2458 whose cumulative total exceeds five million dollars.

4. The department of economic development shall endeavor to award grants under sections 620.2450 to 620.2458 to qualified applicants in all regions of the state.

5. An award granted under sections 620.2450 to 620.2458 shall not:

- (1) Require an open access network;
- (2) Impose rates, terms, and conditions that differ from what a provider offers in other areas of its service area;
- (3) Impose any rate, service, or any other type of regulation beyond speed requirements set forth in section 620.2451; or
- (4) Impose an unreasonable time constraint on the time to build the service.

**620.2457. GRANT APPLICATION AND AWARD INFORMATION TO BE POSTED ON WEBSITE.** — By June thirtieth of each year, the department of economic development shall publish on its website and provide to the general assembly:

(1) A list of all applications for grants under sections 620.2450 to 620.2458 received during the previous year and, for each application:

- (a) The results of any quantitative weighting scheme or scoring system the department of economic development used to award grants or rank the applications;
  - (b) The grant amount requested;
  - (c) The grant amount awarded, if any;
- (2) All written challenges.

**620.2458. RULEMAKING AUTHORITY.** — The department of economic development shall develop administrative rules governing the eligibility, application and grant award process, and to implement the provisions of sections 620.2450 to 620.2458. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**SECTION B. SUNSET PROVISION.** — Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset automatically three years after the effective date of sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset automatically six years after the effective date of the reauthorization of sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458; and

(3) Sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 is sunset.

Approved June 1, 2018

CCS SS SCS HCS HB 1879

**Enacts provisions relating to financial transactions involving public entities.**

AN ACT to repeal sections 30.270, 34.010, 34.165, 50.660, 50.783, 67.085, 95.530, 110.010, 110.080, 110.140, 137.225, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof sixteen new sections relating to financial transactions involving public entities, with existing penalty provisions.

SECTION

- A. Enacting clause.
- 30.270 Security for safekeeping of state funds.
- 34.010 Definitions.
- 34.165 Commissioner to give bidding preference to the blind, when — authority to make rules — auditor may examine records, when.
- 50.660 Rules governing contracts.
- 50.783 Waiver of competitive bid requirements, when — rescission of waiver, when — single feasible source purchases — exception for Boone and Greene counties.
- 67.085 Investment of certain public funds, conditions.
- 95.530 Funds committee — membership — chairman — selection of depositary — duties of chairman — financial institutions, agencies and officials to report — bonds and securities — may invest funds, when, how (certain cities).
- 110.010 Deposits of public funds to be secured.
- 110.080 Bids for depositaries — disclosure of bids a misdemeanor.
- 110.140 Procedure for bidders — disclosure of bids a misdemeanor.
- 137.225 Assessor to be provided with real estate book and personal assessment book.
- 165.221 Bids, how made — to be accompanied by check — penalty for secretary disclosing amount of bid.
- 165.231 Opening of bids — interest on deposits.
- 165.241 Deposits, how secured — renewal of deposit agreement.
- 165.271 Transfer of funds to depositaries — payment of bonds — effect of failure of depositary to deposit security.
- 447.200 Inactive consumer deposit accounts, notice, fees — remittance to abandoned fund account, when.

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

**SECTION A. ENACTING CLAUSE.** — Sections 30.270, 34.010, 34.165, 50.660, 50.783, 67.085, 95.530, 110.010, 110.080, 110.140, 137.225, 165.221, 165.231, 165.241, and 165.271, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 30.270, 34.010,

34.165, 50.660, 50.783, 67.085, 95.530, 110.010, 110.080, 110.140, 137.225, 165.221, 165.231, 165.241, 165.271, and 447.200, to read as follows:

**30.270. SECURITY FOR SAFEKEEPING OF STATE FUNDS.**— 1. For the security of the moneys deposited by the state treasurer pursuant to the provisions of this chapter, the state treasurer shall, from time to time, submit a list of acceptable securities to be approved by the governor and state auditor if satisfactory to them, and the state treasurer shall require of the selected and approved banks or financial institutions as security for the safekeeping and payment of deposits, securities from the list provided for in this section, which list shall include only securities of the following kind and character, unless it is determined by the state treasurer that the use of such securities as collateral may place state public funds at undue risk:

- (1) Bonds or other obligations of the United States;
- (2) Bonds or other obligations of the state of Missouri including revenue bonds issued by state agencies or by state authorities created by legislative enactment;
- (3) Bonds or other obligations of any city in this state having a population of not less than two thousand;
- (4) Bonds or other obligations of any county in this state;
- (5) Approved registered bonds or other obligations of any school district, including certificates of participation and leasehold revenue bonds, situated in this state;
- (6) Approved registered bonds or other obligations of any special road district in this state;
- (7) State bonds or other obligations of any state;
- (8) Notes, bonds, debentures or other similar obligations issued by the farm credit banks or agricultural credit banks or any other obligations issued pursuant to the provisions of an act of the Congress of the United States known as the Farm Credit Act of 1971, and acts amendatory thereto;
- (9) Bonds of the federal home loan banks;
- (10) Any bonds or other obligations guaranteed as to payment of principal and interest by the government of the United States or any agency or instrumentality thereof;
- (11) Bonds of any political subdivision established pursuant to the provisions of ~~[Section 30,]~~ article VI, **sections 30(a) and 30(b)** of the Constitution of Missouri;
- (12) Tax anticipation notes issued by any county of the first classification;
- (13) A surety bond issued by an insurance company licensed pursuant to the laws of the state of Missouri whose claims-paying ability is rated in the highest category by at least one nationally recognized statistical rating agency. The face amount of such surety bond shall be at least equal to the portion of the deposit to be secured by the surety bond;
- (14) An irrevocable standby letter of credit issued by a Federal Home Loan Bank;
- (15) Out-of-state municipal bonds, including certificates of participation and leasehold revenue bonds, provided such bonds are rated in **one of the four highest [category] rating categories** by at least one nationally recognized statistical rating agency;
- (16) (a) Mortgage securities that are individual loans that include negotiable promissory notes and the first lien deeds of trust securing payment of such notes on one to four family real estate, on commercial real estate, or on farm real estate located in Missouri or states adjacent to Missouri, provided such loans:
  - a. Are underwritten to conform to standards established by the state treasurer, which are substantially similar to standards established by the Federal Home Loan Bank of Des Moines, Iowa, and any of its successors in interest that provide funding for financial institutions in Missouri;
  - b. Are offered by a financial institution in which a senior executive officer certifies under penalty of perjury that such loans are compliant with the requirements of the Federal Home Loan Bank of Des Moines, Iowa, when such loans are pledged by such bank;

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c. Are offered by a financial institution that is well capitalized; and

d. Are not construction loans, are not more than ninety days delinquent, have not been classified as substandard, doubtful, or subject to loss, are one hundred percent owned by the financial institution, are otherwise unencumbered and are not being temporarily warehoused in the financial institution for sale to a third party. Any disqualified mortgage securities shall be removed as collateral within ninety days of disqualification or the state treasurer may disqualify such collateral as collateral for state funds;

(b) The state treasurer may promulgate regulations and provide such other forms or agreements to ensure the state maintains a first priority position on the deeds of trust and otherwise protect and preserve state funds. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void;

(c) A status report on all such mortgage securities shall be provided to the state treasurer on a calendar monthly basis in the manner and format prescribed by the state treasurer by the financial institutions pledging such mortgage securities and also shall certify their compliance with subsection 2 of this section for such mortgage securities;

(d) In the alternative to paragraph (a) of this subdivision, a financial institution may provide a blanket lien on all loans secured by one to four family real estate, all loans secured by commercial real estate, all loans secured by farm real estate, or any combination of these categories, provided the financial institution secures such blanket liens with real estate located in Missouri and states adjacent to Missouri and otherwise complies with paragraphs (b) and (c) of this subdivision;

(e) The provisions of paragraphs (a) to (d) of this subdivision are not authorized for any Missouri political subdivision, notwithstanding the provisions of chapter 110 to the contrary;

(f) As used in this subdivision, the term "unencumbered" shall mean mortgage securities pledged for state funds as provided in subsection 1 of this section, and not subject to any other express claims by any third parties, including but not limited to a blanket lien on the bank assets by the Federal Home Loan Bank, a depositary arrangement when securities are loaned and repurchased daily or otherwise, or the depositary has pledged its stock and assets for a loan to purchase another depositary or otherwise; and

(g) As used in this subdivision, the term "well capitalized" shall mean a banking institution that according to its most recent report of condition and income or thrift financial report, publicly available as applicable, qualifies as well capitalized under the uniform capital requirements established by the federal banking regulators or as determined by state banking regulators under substantially similar requirements;

**(17) Brokered or negotiable certificates of deposit that are fully insured either by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund; and**

**(18) Any investment that the state treasurer may invest in as provided in Article IV, Section 15 of the Missouri Constitution, and subject to the state treasurer's written investment policy in section 30.260, that is not otherwise provided for in this section, provided the banking institution or eligible lending institution as defined in subdivision (10) of section 30.750 is well capitalized, as defined in subdivision (16) of this subsection. The provisions of this subdivision are not authorized for political subdivisions, notwithstanding the provisions of chapter 110 to the contrary.**

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Matter in bold-face type is proposed language.

2. Securities deposited shall be in an amount valued at market equal at least to one hundred percent of the aggregate amount on time deposit as well as on demand deposit with the particular financial institution less the amount, if any, which is insured either by the Federal Deposit Insurance Corporation or by the National Credit [Unions] **Union** Share Insurance Fund. Furthermore, for a well-capitalized banking institution, securities authorized in this section that are:

(1) Mortgage securities on loans secured on one to four family real estate appraised to reflect the market value at the time of the loan and deposited as collateral shall not exceed one hundred twenty-five percent of the aggregate amount of time deposits and demand deposits;

(2) Mortgage securities on loans secured on commercial real estate or on farm real estate appraised to reflect the market value at the time of the loan and deposited as collateral shall not exceed the collateral requirements of the Federal Home Loan Bank of Des Moines, Iowa;

(3) United States Treasury securities and United States Federal Agency debentures issued by Fannie Mae, Freddie Mac, the Federal Home Loan Bank, or the Federal Farm Credit Bank valued at market and deposited as collateral shall not exceed one hundred five percent of the aggregate amount of time deposits and demand deposits. All other securities, except as noted elsewhere in this section, valued at market and deposited as collateral shall not exceed one hundred fifteen percent of the aggregated amount of the time deposits and demand deposits; and

(4) Securities that are surety bonds and letters of credit authorized as collateral need only collateralize one hundred percent of the aggregate amount of time deposits and demand deposits.

3. The securities or book entry receipts shall be delivered to the state treasurer and receipted for by the state treasurer and retained by the treasurer or by financial institutions that the governor, state auditor and treasurer agree upon. The state treasurer shall from time to time inspect the securities and book entry receipts and see that they are actually held by the state treasury or by the financial institutions selected as the state depositories. The governor and the state auditor may inspect or request an accounting of the securities or book entry receipts, and if in any case, or at any time, the securities are not satisfactory security for deposits made as provided by law, they may require additional security to be given that is satisfactory to them.

4. Any securities deposited pursuant to this section may from time to time be withdrawn and other securities described in the list provided for in subsection 1 of this section may be substituted in lieu of the withdrawn securities with the consent of the treasurer; but a sufficient amount of securities to secure the deposits shall always be held by the treasury or in the selected depositories.

5. If a financial institution of deposit fails to pay a deposit, or any part thereof, pursuant to the terms of its contract with the state treasurer, the state treasurer shall forthwith convert the securities into money and disburse the same according to law.

6. Any financial institution making deposits of bonds with the state treasurer pursuant to the provisions of this chapter may cause the bonds to be endorsed or stamped as it deems proper, so as to show that they are deposited as collateral and are not transferable except upon the conditions of this chapter or upon the release by the state treasurer.

**34.010. DEFINITIONS.** — 1. The term "department" as used in this chapter shall be deemed to mean department, office, board, commission, bureau, institution, or any other agency of the state, except the legislative and judicial departments. **The term "department" shall not include public institutions of higher education.**

2. The term "lowest and best" in determining the lowest and best award, cost, and other factors are to be considered in the evaluation process. Factors may include, but are not limited to, value, performance, and quality of a product.

3. The term "Missouri product" refers to goods or commodities which are manufactured, mined, produced, or grown by companies in Missouri, or services provided by such companies.

4. The term "negotiation" as used in this chapter means the process of selecting a contractor by the competitive methods described in this chapter, whereby the commissioner of administration can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.

5. The term "purchase" as used in this chapter shall include the rental or leasing of any equipment, articles or things.

6. The term "supplies" used in this chapter shall be deemed to mean supplies, materials, equipment, contractual services and any and all articles or things, except for utility services regulated under chapter 393 or as in this chapter otherwise provided.

7. The term "value" includes but is not limited to price, performance, and quality. In assessing value, the state purchaser may consider the economic impact to the state of Missouri for Missouri products versus the economic impact of products generated from out of state. This economic impact may include the revenues returned to the state through tax revenue obligations.

**34.165. COMMISSIONER TO GIVE BIDDING PREFERENCE TO THE BLIND, WHEN — AUTHORITY TO MAKE RULES — AUDITOR MAY EXAMINE RECORDS, WHEN. —** 1. In making purchases for this state, its governmental agencies or political subdivisions, the commissioner of administration shall give a bidding preference consisting of **at least a [ten-point] five-point bonus and no greater than a fifteen-point** bonus on bids for products and services manufactured, produced or assembled in qualified nonprofit organizations for the blind established pursuant to the provisions of 41 U.S.C. Sections 46 to 48c, as amended and in sheltered workshops holding a certificate of approval from the department of elementary and secondary education pursuant to section 178.920 if, **at a minimum**, the participating nonprofit organization **or workshop** provides the greater of two percent or five thousand dollars of the total contract value of bids for purchase not exceeding ten million dollars. **The bonus points shall be awarded on the basis of a sliding scale, as determined in rule by the commissioner of administration, based on revenue generation for and utilization of qualified nonprofit organizations for the blind or sheltered workshops, with the bonus points increasing as the revenue generation for and utilization of such organizations and workshops increases.**

2. An affidavit signed by the director or manager and the board president of a participating nonprofit organization shall be provided to the purchasing agency by the contractor at the completion of the contract or within thirty days of the first anniversary of the contract, whichever first occurs, verifying compliance.

3. The commissioner of administration shall make such rules and regulations regarding specifications, quality standards, time of delivery, performance, **bidding preferences**, and other relevant matters as shall be necessary to carry out the purpose of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. At the request of the commissioner of administration, the state auditor may examine all records, books and data of any qualified nonprofit organization for the blind to determine the costs of manufacturing products or rendering services and the manner and efficiency of production and administration of such nonprofit organization with relation to any product or services purchased by this state, its governmental agencies or political subdivisions and to furnish the results of such examination to the commissioner for appropriate action.

**50.660. RULES GOVERNING CONTRACTS.** — ~~[1.]~~ All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer. No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating; except that in case of any contract for public works or buildings to be paid for from bond funds or from taxes levied for the purpose it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition, including advertising the proposed letting in a newspaper in the county or township with a circulation of at least five hundred copies per issue, if there is one, except that the advertising is not required in case of contracts or purchases involving an expenditure of less than six thousand dollars. It is not necessary to obtain bids on any purchase in the amount of ~~[four] six thousand [five hundred]~~ dollars or less made from any one person, firm or corporation during any period of ninety days ~~[or, if the county is any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, it is not necessary to obtain bids on such purchases in the amount of six thousand dollars or less]~~. All bids for any contract or purchase may be rejected and new bids advertised for. Contracts which provide that the person contracting with the county or township shall, during the term of the contract, furnish to the county or township at the price therein specified the supplies, materials, equipment or services other than personal therein described, in the quantities required, and from time to time as ordered by the officer in charge of purchasing during the term of the contract, need not bear the certification of the accounting officer, as herein provided; but all orders for supplies, materials, equipment or services other than personal shall bear the certification. In case of such contract, no financial obligation accrues against the county or township until the supplies, materials, equipment or services other than personal are so ordered and the certificate furnished.

~~[2. Notwithstanding the provisions of subsection 1 of this section to the contrary, advertising shall not be required in any county in the case of contracts or purchases involving an expenditure of less than six thousand dollars.]~~

**50.783. WAIVER OF COMPETITIVE BID REQUIREMENTS, WHEN — RESCISSION OF WAIVER, WHEN — SINGLE FEASIBLE SOURCE PURCHASES — EXCEPTION FOR BOONE AND GREENE COUNTIES.** — 1. The county commission may waive the requirement of competitive bids or proposals for supplies when the commission has determined in writing and entered into the commission minutes that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the commission shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this chapter. A single feasible source exists when:

- (1) Supplies are proprietary and only available from the manufacturer or a single distributor; or

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Matter in bold-face type is proposed language.

(2) Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or

(3) Supplies are available at a discount from a single distributor for a limited period of time.

2. On any single feasible source purchase where the estimated expenditure is ~~three thousand dollars or~~ over **six thousand dollars**, the commission shall post notice of the proposed purchase ~~]. Where the estimated expenditure is five thousand dollars or over, The commission shall also~~ and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible service purchase by any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants where the estimated expenditure is **over** six thousand dollars ~~[or over]~~, the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

**67.085. INVESTMENT OF CERTAIN PUBLIC FUNDS, CONDITIONS.** — Notwithstanding any law to the contrary, any political subdivision of the state and any other public entity in Missouri may invest funds of the public entity not immediately needed for the purpose to which such funds or any of them may be applicable provided each public entity meets the requirements for separate deposit insurance of public funds permitted by federal deposit insurance and in accordance with the following conditions:

(1) The public funds are invested through a financial institution which has been selected as a depository of the funds in accordance with the applicable provisions of the statutes of Missouri relating to the selection of depositories and such financial institution enters into a written agreement with the public entity;

(2) The selected financial institution arranges for the deposit of the public funds in deposit accounts in one or more financial institutions wherever located in the United States, for the account of the public entity;

(3) Each such deposit account is insured by federal deposit insurance for one hundred percent of the principal and accrued interest of the deposit; **and**

(4) The selected financial institution acts as custodian for the public entity with respect to such deposit accounts ~~]; and~~

~~(5) On the same date that the public funds are deposited under subdivision (2) of this section, the selected financial institution receives an amount of deposits from customers of other financial institutions equal to the amount of the public funds initially invested by the public entity through the selected financial institution].~~

**95.530. FUNDS COMMITTEE — MEMBERSHIP — CHAIRMAN — SELECTION OF DEPOSITORY — DUTIES OF CHAIRMAN — FINANCIAL INSTITUTIONS, AGENCIES AND OFFICIALS TO REPORT — BONDS AND SECURITIES — MAY INVEST FUNDS, WHEN, HOW (CERTAIN CITIES).** — In all cities not within a county, the mayor, the comptroller and the treasurer shall constitute the funds committee, and the treasurer, by virtue of his office, shall serve as

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chairman of such committee. The committee shall annually select a bank or banks, or trust company or trust companies, or credit union or credit unions, savings and loan or savings and loans, which has its principal place of business in Missouri referred to hereafter as "listed institutions", for the current deposit of the city's funds, which in their opinion will be most commensurate with the safety thereof. The treasurer, as chairman, shall supervise the business of the committee and maintain records of committee proceedings, and shall call annual meetings or any other meeting as often as the business of the city may require. The treasurer shall be a member of any financial planning or decision-making body or committee furthering the needs of the city's financial business, except the legislative and appropriating bodies. The treasurer, by virtue of his office, shall sit on any committee or group which deals with the issuance of bonds of the city or any agency or instrumentality thereof. The treasurer shall serve as the chief investment and cash management officer of the city and, as such, act as the sole investment authority on any investments of public funds held by the city or any instrumentality thereof, including funds derived from proceeds from the issuance of bonds and funds from proceeds from lease/purchase agreements. Such investments shall be made in a manner consistent with investment policies approved by the funds commission, and with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of capital and income to be derived. The treasurer shall ensure the safety of all funds held by the city or any instrumentalities thereof and, upon the approval of the funds commission and reasonable notice, may assume control of any accounts not managed in compliance with state law, serve as the custodian of any funds held in such accounts and take any other measures reasonably required to ensure the preservation of public funds and compliance with applicable law. The funds commission, also known as the "funds committee", shall approve all financial institutions for any banking services required by the city pursuant to investment policies and evaluation criteria set by the treasurer and approved by the funds commission. At least once per year, the treasurer and the city's external auditors shall report to the comptroller on the city's compliance with this section. Any state or municipally created agency, citywide elected officials or any instrumentality thereof working in cooperation with the city in the collection, management, investment or disbursement of governmental funds, shall annually report a listing of all listed institution's accounts, including a list of all pledged collateral, to the fund committee. Any financial institution acting as a ~~depository~~ **depository** or custodian of public funds for any state or municipally created agency, citywide elected official or any instrumentality thereof working in the collection, management, investment or disbursement of governmental funds for a city located not within a county shall annually report to the funds committee. Such agencies, elected officials and instrumentalities shall, during the interim period, report any change or transfer or establishment of new accounts or changes in collateral to the fund committee within ten days of doing so. Financial institutions, when requested by the funds committee, shall verify such information. Before any deposit shall be made by the treasurer in any listed institution, the institution shall give a bond in an amount equal to the deposit, with good and sufficient sureties, to be approved by the unanimous vote of the members of the funds committee, for the safekeeping and prompt payment of such funds, or any part thereof, when demanded by the treasurer, and shall at all times keep the sureties on such bond satisfactory to the funds committee. In lieu of ~~or in addition to~~ such bond, listed institutions may, with the unanimous consent of the members of the funds committee, deposit with the treasurer of such city or with some other mutually satisfactory depository ~~in such city, in escrow, bonds or treasury certificates of the United States or other interest bearing obligations guaranteed as to both principal and interest by the United States or agency or instrumentality thereof in accordance with the approved~~

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Matter in bold-face type is proposed language.

collateral securities maintained and approved by the state treasurer, or bonds of the state of Missouri or of any city not within a county, **authorized under section 30.270 and approved by the state treasurer with respect to deposit and management of state funds** of a ~~[par]~~ value equal to the amount of such deposit, or any part of such deposit not protected by ~~[such bond]~~ **federal deposit insurance**. The securities so deposited shall, in case of default by any such listed institution, be taken possession of by the funds committee, and to the extent required to make good such default, be sold for the benefit of such city. Any securities so deposited may, with the unanimous consent of the members of the funds committee, be withdrawn, and others of equal value and amount substituted therefor. As the amount of such funds on deposit is reduced, listed institutions, when not in default, shall be permitted to withdraw the excess of collateral, except that there shall at no time be a less amount in par value of collateral than the amount at such time of deposits. The securities so deposited or any substitute therefor, shall, upon default, be exhausted before recourse shall be had against the securities upon any bond executed by listed institutions for the protection of such deposits. In lieu of or in addition to such deposit of city funds in listed institutions, the treasurer may invest funds belonging to such city and not immediately needed for the purpose to which such funds or any of them may be applicable, in accordance with Section 15, Article IV of the Missouri Constitution. In addition, the treasurer may enter into repurchase agreements maturing and becoming payable within ninety days secured by United States Treasury obligations or obligations of the United States government agencies or instrumentalities of any maturity as provided by law.

**110.010. DEPOSITS OF PUBLIC FUNDS TO BE SECURED.** — 1. The public funds of every county, township, city, town, village, school district of every character, road district, sewer district, fire protection district, water supply district, drainage or levee district, state hospital, state schools for the mentally deficient, Missouri School for the Deaf, Missouri School for the Blind, Missouri Training School for Boys, training school for girls, Missouri Veterans' Home, Missouri State Chest Hospital, state university, Missouri state teachers' colleges, Lincoln University, **or any other political subdivision or agency of the state**, which are deposited in any banking institution acting as a legal depository of the funds under the statutes of Missouri requiring the letting and deposit of the same and the furnishing of security therefor, shall be secured by the deposit of securities of the character prescribed by section 30.270 for the security of funds deposited by the state treasurer.

2. The securities shall, at the option of the depository banking institution, be delivered either to the fiscal officer or the governing body of the municipal corporation or other depositor of the funds, or by depositing the securities with another banking institution or safe depository as trustee satisfactory to both parties to the depository agreement. The trustee may be a bank owned or controlled by the same bank holding company as the depository banking institution.

3. The rights and duties of the several parties to the depository contract shall be the same as those of the state and the depository banking institution respectively under section 30.270. If a depository banking institution deposits the bonds or securities with a trustee as above provided, and the municipal corporation or other depositor of funds gives notice in writing to the trustee that there has been a breach of the depository contract and makes demand in writing on the trustee for the securities, or any part thereof, then the trustee shall forthwith surrender to the municipal corporation or other depositor of funds a sufficient amount of the securities to fully protect the depositor from loss and the trustee shall thereby be discharged of all further responsibility in respect to the securities so surrendered.

**4. Pursuant to an agreement with the banking institution serving as a depository for a public entity under this section, public funds held in the custody of the depository may be**

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invested in the obligations described in article IV, section 15 of the Missouri Constitution permitted for the state treasurer, including repurchase agreements, provided the investments are authorized in an investment policy adopted by the public entity, treasurer, or other finance officer authorized to act for the public entity.

**110.080. BIDS FOR DEPOSITARIES — DISCLOSURE OF BIDS A MISDEMEANOR.** — 1. Any banking corporation, association or trust company in the city desiring to bid shall deliver to the secretary of the board on or before twelve o'clock noon on the day of the meeting at which the depositary is to be selected a sealed bid stating the rate of interest that it offers to pay on the funds and moneys of the institution for the term of up to four years next ensuing the date of the bid.

2. ~~[Each bid shall be accompanied by a check in favor of the institution on some solvent banking corporation, association, or trust company in the city, duly certified, for not less than one thousand dollars, as a guaranty of good faith on the part of the bidder that if its bid is accepted by the board it will give the security required by section 110.010.~~

~~3.]~~ It is a misdemeanor for the secretary of the board to directly or indirectly disclose the amount of any bid before the selection of the depositary or depositaries.

**110.140. PROCEDURE FOR BIDDERS — DISCLOSURE OF BIDS A MISDEMEANOR.** — 1. Any banking corporation or association in the county desiring to bid shall deliver to the clerk of the commission, on or before the first Monday of July at which the selection of depositaries is to be made, a sealed proposal, stating the rate of interest that the banking corporation, or association offers to pay on the funds of the county for the term of two or four years next ensuing the date of the bid, or, if the selection is made for a less term than two or four years, as provided in sections 110.180 and 110.190, then for the time between the date of the bid and the next regular time for the selection of depositaries as fixed by section 110.130.

2. ~~[Each bid shall be accompanied by a certified check for not less than two thousand five hundred dollars, as a guaranty of good faith on the part of the bidder, that if his or her bid should be the highest he or she will provide the security required by section 110.010. Upon his or her failure to give the security required by law, the amount of the certified check shall go to the county as liquidated damages, and the commission may order the county clerk to readvertise for bids.~~

~~3.]~~ It shall be a misdemeanor, and punishable as such, for the clerk of the commission, or any deputy of the clerk, to directly or indirectly disclose the amount of any bid before the selection of depositaries.

**137.225. ASSESSOR TO BE PROVIDED WITH REAL ESTATE BOOK AND PERSONAL ASSESSMENT BOOK.** — 1. In all counties, except the city of St. Louis, the assessor shall be provided with two books, one to be called the "real estate book", and the other to be called the "personal assessment book".

2. The real estate book shall contain all lands subject to assessment. It shall be in tabular form, with suitable captions and separate columns. The first column shall contain the name of the owner, if known; if not, the name of the party who paid the last tax; if no tax has ever been paid, then the name of the original patentee, grantee or purchaser from the federal government, the state or county, as the case may be, opposite thereto; the second column shall contain the residence of the owner **or, upon written consent of the owner filed with the assessor, an alternate address for the purpose of mailing ad valorem property tax statements to someone other than an owner, family trust, or mortgage holder receiving escrow payments;** the third column shall contain an accurate description of the land by the smallest legal subdivisions, or by smaller parts, lots or parcels, when sections and the subdivisions thereof are subdivided into parts, lots or parcels; the

fourth column shall contain the actual cash valuation. When any person shall be the owner or original purchaser of a section, quarter section or half quarter section, block, half block or quarter block, the same shall be assessed as one tract. The assessor shall arrange, collect and list all lands owned by one person in the county, under his name and on the same page, if there be room to contain it, and if not on the next and following leaf, with proper indications of such continuance, whether they be lots and blocks in a city, or sections or parts of sections in the country, the lowest numbered range, township and section, block, lot or survey always being placed first in such list, and so on in numerical order until said list for each property owner is completed. The assessor shall consolidate all lands owned by one person in a square or block into one tract, lot or call, and for any violation of this section, in unnecessarily dividing the same into more tracts than one or more lots than one, the county commission shall deduct from his account for making the county assessment, ten cents for each lot or tract not so consolidated. At the close of each owner's list, the assessor shall place all the lands that appear to belong to the owner, which cannot be properly described by numerical order, as contemplated in this section, which shall be otherwise properly described, indicating the quantity and location thereof.

3. The personal assessment book shall contain a list of the names of all persons liable to assessment, alphabetically arranged with proper priority of vowels. The assessor shall set opposite their names the tangible personal property respectively owned by them. It shall be in tabular form, with suitable captions and proper columns; the first column shall contain the names of the persons assessed; the second column shall contain the residence, if in the city, the ward, addition and block, or, if outside an incorporated city or town, the township in the county; the third column shall contain the occupation of the party assessed; the fourth column shall contain each kind of property assessed; the fifth column shall contain the assessed value thereof; the sixth column shall contain the amount chargeable to each person, and there may be such other columns as are useful and convenient in practice.

4. Nothing in this section shall be construed to prohibit separate real estate and personal assessment books in all incorporated cities where they are necessary.

**165.221. BIDS, HOW MADE — TO BE ACCOMPANIED BY CHECK — PENALTY FOR SECRETARY DISCLOSING AMOUNT OF BID.** — For the purpose of letting the funds the board shall divide the funds into not less than two nor more than ten equal parts. Each bidder may bid for any number of the parts, but the bid for each part shall be separate. Any banking institution in the county or in an adjoining county desiring to bid shall deliver to the secretary of the board, on or before the date selected for the acceptance of bids, a sealed bid, stating the rate of interest, or method by which the interest will be determined, that the banking institution offers to pay on one part of the funds and moneys of the school district for the term of one to five years, as the case may be, next ensuing the date of the bid; or if the selection is made for a less term as provided in sections 165.201 to 165.291, then for the time between the date of the bid and the next regular time for the selection of depositaries, as fixed by section 165.211. ~~Each bid shall be accompanied by a check in favor of the school district, on some solvent banking institution in the county or an adjoining county, duly certified, for not less than two thousand five hundred dollars, as a guaranty of good faith on the part of the bidder that if any of its bids are accepted by the board it will deposit the security required by law.~~ It is a misdemeanor for the secretary of the board to directly or indirectly disclose the amount of any bid before all bids are opened at a public depository bid opening.

**165.231. OPENING OF BIDS — INTEREST ON DEPOSITS.** — The school board or their designee in seven-director districts, on the date selected for the acceptance of bids, shall publicly open the

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bids and cause each bid to be verbally read and documented. Following discussion and clarification of bids with the financial institutions, the board of education shall cause each bid to be entered upon the records of the board and shall select from among the bidders, as depositaries of the funds and moneys of the school district, those whose bids are accepted, and shall notify each of the bidders so selected. The board may reject any and all bids. The interest upon the funds and moneys shall be computed upon the daily balances to the credit of the school district with each depository and shall be payable by each depository on the first day of each month to the treasurer of the school district, who shall place the same to the credit of the district. Each depository, by at least the fifth day of the current month, shall render to the secretary of the board a statement, in writing, showing the amount of interest paid by the depository. ~~[The secretary of the board shall return the certified checks accompanying the bids to the banking institutions whose bids which they accompanied were rejected and, upon the approval of the security provided for in sections 110.010 and 110.020, return the certified checks accompanying the accepted bids to the banking institutions respectively, from which they were received.]~~

**165.241. DEPOSITS, HOW SECURED — RENEWAL OF DEPOSIT AGREEMENT.** — ~~[On or before ten days]~~ After notice to any depository of its selection, the depository shall deliver or deposit securities in accordance with sections 110.010 and 110.020 and the securities if delivered to the fiscal officer of the seven-director school district may be deposited for safekeeping with any federal reserve bank located in this state or with any banking institution located in the county and approved by order of the school board entered of record on its minutes. If at the time for selecting depositaries it is unlawful for banking institutions to pay interest upon demand deposits the school board at its option either may select depositaries as provided by law or may enter into written agreement with any or all depositaries acting as such during the preceding period for renewal and continuation of the depository relationship for the ensuing period with power and authority to renew and continue the same for successive periods thereafter, subject however to termination as provided by law. The rights and obligations of the parties and of any trustee joining in a renewal agreement shall be deemed continuous throughout the periods of the renewals. Each depository at all times shall maintain the security in kind and amount required by sections 110.010 and 110.020 with right in the depository when not in default to make substitutions thereof and to withdraw interest coupons therefrom as they mature.

**165.271. TRANSFER OF FUNDS TO DEPOSITARIES — PAYMENT OF BONDS — EFFECT OF FAILURE OF DEPOSITORY TO DEPOSIT SECURITY.** — 1. As soon as the securities **satisfactory to the district** are deposited ~~[and approved by the board of a seven-director district, an order shall be made designating]~~, the banking institution depositing the securities **shall be deemed** as a depository of the part of the funds and moneys of the school district of which it has been selected as the depository, until the time fixed by sections 165.201 to 165.291 for another selection. The treasurer of the school district immediately upon the making of the order shall transfer to the depository the parts of all funds and moneys belonging to the school district that the depository is entitled to receive by virtue of its designation.

2. In case any bonds, coupons or other indebtedness of the district are payable, by the terms of the bonds, coupons or other evidences of indebtedness, at any particular place outside the district, nothing contained in sections 165.201 to 165.291 shall prevent the board from causing the treasurer to place a sufficient sum of money to meet the same at the place where the debts are payable at the time of their maturity.

3. The treasurer of a seven-director district, as the funds and moneys of the school district come into his hands from time to time, shall deposit them with the depositaries to the credit of the school district, and at all times shall keep on deposit with each depository approximately that proportion of all the funds and moneys of the district for which the board accepted the bid of the depository. If at any time the amount of funds and moneys on deposit with any depository to the credit of the school district is either more or less than the proportion thereof for which the board accepted the bid of the depository, that fact shall not impair or in any manner affect the liability of the depository to faithfully perform all the duties and obligations devolving by law upon the depository.

4. If any banking institution, after being selected as depository and notified thereof, fails to deposit the security within the time provided by section 165.241, ~~[the certified check accompanying the accepted bid of the banking institution shall be forfeited to the school district as liquidated damages, and]~~ the board ~~[-after twenty days' notice in the manner herein provided,]~~ **shall take such action as it deems appropriate to safeguard district funds, including deposit to another bank on an expedited basis, and** shall proceed to receive new bids and select another depository in lieu of the one failing to deposit the security.

**447.200. INACTIVE CONSUMER DEPOSIT ACCOUNTS, NOTICE, FEES — REMITTANCE TO ABANDONED FUND ACCOUNT, WHEN. — 1. If any consumer deposit account with a banking organization or financial organization, as such terms are defined in section 447.503, is determined to have been inactive for a period of twelve or more months and inactivity fees apply to the account, such banking organization or financial organization shall notify the person or depositor named on the account of such inactivity through first class mail, postage prepaid, marked "Address Correction Requested". Alternatively, the notice may be sent electronically if the consumer has consented to receiving electronic disclosures in accordance with the federal Truth in Savings Act, 12 U.S.C. Sections 4301 to 4313, and the regulations promulgated pursuant thereto.**

**2. Notwithstanding any provision of law to the contrary, for any consumer deposit account with a banking organization or financial organization that has been inactive for twelve months or more, such bank shall issue annual statements to the person or depositor named on the account. The organization may charge a service fee of up to five dollars for any statement issued under this subsection, provided that such fee shall be withdrawn from the inactive account.**

**3. If any consumer deposit account with a banking organization or financial organization is determined to have been inactive for a period of five years, the funds from such account shall be remitted to the abandoned fund account established under section 447.543.**

**4. For purposes of this section, the word "inactive" means a prescribed period during which there is no activity or contact initiated by the person or depositor named on the account, which results in inactivity fees charged to the account.**

Approved June 1, 2018

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SS#2 SCS HB 1880

**Enacts provisions relating to broadband communications services provided by rural electric cooperatives.**

AN ACT to repeal section 394.080, RSMo, and to enact in lieu thereof two new sections relating to broadband communications services provided by rural electric cooperatives.

SECTION

- A. Enacting clause.  
 394.080 Powers, generally — may supply energy to certain cities, towns and villages, when.  
 394.085 High-speed broadband communications, general assembly declaration on, intent — rural electric cooperative defined — construction of law — offering of services, requirement.

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

**SECTION A. ENACTING CLAUSE.** — Section 394.080, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 394.080 and 394.085, to read as follows:

**394.080. POWERS, GENERALLY — MAY SUPPLY ENERGY TO CERTAIN CITIES, TOWNS AND VILLAGES, WHEN.** — 1. A cooperative shall have power:

- (1) To sue and be sued, in its corporate name;
- (2) To have succession by its corporate name for the period stated in its articles of incorporation or, if no period is stated in its articles of incorporation, to have such succession perpetually;
- (3) To adopt a corporate seal and alter the same at pleasure;
- (4) Except as provided in section 386.800, to generate, manufacture, purchase, acquire, accumulate and transmit electric energy, and to distribute, sell, supply, and dispose of electric energy in rural areas to its members, to governmental agencies and political subdivisions, and to other persons not in excess of ten percent of the number of its members; provided, however, that where a cooperative has been transmitting, distributing, selling, supplying or disposing of electric energy in a rural area which, by reason of increase in its population, its inclusion in a city, town or village, or by reason of any other circumstance ceases to be a rural area, such cooperative shall have the power to continue to transmit, distribute, sell, supply or dispose of electric energy therein until such time as the municipality, or the holder of a franchise to furnish electric energy in such municipality, may purchase the physical property of such cooperative located within the boundaries of the municipality, pursuant to law, or until such time as the municipality may grant a franchise in the manner provided by law to a privately owned public utility to distribute electric power within the municipality and such privately owned public utility shall purchase the physical property of such cooperative located within the boundaries of the municipality. In case any of the parties to such purchase, as herein provided, cannot agree upon the fair and reasonable price to be paid for the physical property of such cooperative within the municipality, or if either party refuses to negotiate for the sale of such property upon the request of the other, the fair and reasonable value of such property for such purchase shall be fixed by the public service commission upon application of any one or more of the interested parties;
- (5) To make loans to persons to whom electric energy is or will be supplied by the cooperative for the purpose of, and otherwise to assist such persons in, wiring their premises and installing therein electric and plumbing fixtures, appliances, apparatus and equipment of any and all kinds and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such electric and plumbing fixtures, appliances, apparatus and equipment, and to accept or

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otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes, bonds and other evidences of indebtedness and any and all types of security therefor;

(6) To make loans to persons to whom electric energy is or will be supplied by the cooperative for the purpose of, and otherwise to assist such persons in, constructing, maintaining and operating electric refrigeration plants;

(7) To construct, purchase, take, receive, lease as lessee, or otherwise acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, electric transmission and distribution lines or systems, electric generating plants, electric refrigeration plants, lands, buildings, structures, dams, plants and equipment, and any and all kinds and classes of real or personal property whatsoever, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the cooperative is organized. **For the purposes of this section, "electric transmission and distribution lines or systems" includes, but is not limited to, cooperative-owned or cooperative subsidiary-owned copper and fiber optic cable, facilities and technology, or any combination thereof, that carries, or has the capacity to carry, light signals and data beyond or in addition to the light signals and data necessary for the transmission and distribution of electricity;**

(8) To purchase or otherwise acquire, and to own, hold, use and exercise and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise dispose of or encumber, franchises, rights, privileges, licenses, rights-of-way and easements;

(9) To borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of indebtedness therefor, and to secure the payment thereof by mortgage, pledge, deed of trust, or any other encumbrance upon any or all of its then-owned or after-acquired real or personal property, assets, franchises, revenues or income;

(10) To construct, maintain and operate electric transmission and distribution lines along, upon, under and across all public thoroughfares, including without limitation, all roads, highways, streets, alleys, bridges and causeways, and upon, under and across all publicly owned lands, subject, however, to the requirements in respect of the use of such thoroughfares and lands that are imposed by the respective authorities having jurisdiction thereof upon corporations constructing or operating electric transmission and distribution lines or systems;

(11) To exercise the power of eminent domain in the manner provided by the laws of this state for the exercise of that power by corporations constructing or operating electric transmission and distribution lines or systems. **If a property owner prevails against a rural electric cooperative or a cooperative subsidiary in a suit in trespass or in inverse condemnation filed after August 28, 2018, the trespass shall be deemed permanent and the actual damages awarded shall be the "fair market value", which, notwithstanding any other provision of law, shall always be greater than zero, as defined and calculated in subdivision (1) of section 523.001 and determined in accordance with section 523.039. In no case filed after August 28, 2018, may evidence of revenues or profits derived, nor the rental value of an assembled communications corridor, be admissible in determining "fair market value". Such actual damages shall be fixed at the time of the initial trespass, shall not be deemed to continue, accumulate, or accrue, and upon payment of damages the defendant shall be granted a permanent easement for the trespass litigated. If a property owner prevails in such suits, punitive damages may be assessed and the property owner may be awarded additional compensation for any physical damages to the property directly resulting from the trespass, if any, and reasonable attorney's fees, costs, and expenses consistent with subsection 4 of section 523.283;**

(12) To conduct its business and exercise any or all of its powers within or without this state;

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(13) To adopt, amend and repeal bylaws; and

(14) To do and perform any and all other acts and things, and to have and exercise any and all other powers which may be necessary, convenient or appropriate to accomplish the purpose for which the cooperative is organized.

2. In addition to all other powers granted in this section, rural electric cooperatives shall have the power to supply electric energy at retail after August 28, 1989, in cities, towns and villages having a population in excess of fifteen hundred inhabitants under the following conditions:

(1) The cooperative was the predominant supplier of retail electric energy within the city, town or village at the time any official United States Census Bureau "decennial census report" declares the population of such city, town or village to be in excess of fifteen hundred inhabitants;

(2) The city, town or village has granted to the cooperative a franchise to supply electric energy within the city, town or village.

3. In addition, the cooperative shall provide, concurrent with its application to the city, town or village for its initial franchise, written notice of its franchise application to all other providers of electric energy at retail operating within such city, town or village.

4. The provisions of subsections 2 and 3 of this section shall in no way affect or diminish the rights and duties of any city, town or village to grant franchises to electric suppliers in the manner provided by law or of any electrical corporation authorized by law to provide electric service at retail within such city, town or village.

5. Notwithstanding the provisions of subsection 2 of this section, after a public hearing upon a complaint, the public service commission may order that service be provided by another supplier if it finds that service from another supplier of electricity is in the public interest for a reason other than rate differential. Nothing in this section shall be construed as conferring upon the public service commission jurisdiction over the rates, financing, accounting or management of any electric cooperative.

**6. The powers conferred upon rural electric cooperatives under this section and section 394.085 shall be subject to the provisions of section 416.031.**

**394.085. HIGH-SPEED BROADBAND COMMUNICATIONS, GENERAL ASSEMBLY DECLARATION ON, INTENT — RURAL ELECTRIC COOPERATIVE DEFINED — CONSTRUCTION OF LAW — OFFERING OF SERVICES, REQUIREMENT. — 1. The general assembly declares that expanding and accelerating access to high speed broadband communications services throughout the entire state of Missouri is necessary, desirable, in the best interests of the citizens of this state, and that it is a public purpose of great importance.**

**2. In recognition that the high capital cost of deploying fiber optics technologies to provide broadband communications services impedes access to such services, and the rural electric cooperatives deploy fiber optics technologies for use in the operation of their electric system infrastructure, it is the intent of the general assembly to facilitate and to encourage rural electric cooperatives and their affiliates, either collectively, or individually, to continue to enter into and establish voluntary contracts or other forms of joint or cooperative agreements for the use of rural electric cooperative infrastructure in providing access to broadband services.**

**3. For purposes of this section, the term "rural electric cooperative" shall include an electrical corporation as defined in subsection 2 of section 393.110.**

**4. Nothing in this section shall be construed as conferring to the public service commission any regulatory jurisdiction not granted over any contract, or other form of joint or cooperative agreement, entered into under this section, or over the parties to such contract or agreement.**

5. Nothing in this section shall be construed as diminishing the rights of property owners under the laws of this state.

6. If a distribution cooperative provides broadband services to its members, such cooperative shall offer the services to any property, which is traversed by the cooperative's fiber which is utilized for the provision of broadband services to its members, within a reasonable amount of time from the initiation of the provision of such services.

Approved June 1, 2018

HB 1887

**Enacts provisions relating to restrictive covenants.**

AN ACT to amend chapter 442, RSMo, by adding thereto one new section relating to restrictive covenants.

SECTION

A. Enacting clause.

442.404 Political signs, homeowners' associations not to prohibit — reasonable restrictions and removal permitted, when.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 442, RSMo, is amended by adding thereto one new section, to be known as section 442.404, to read as follows:

**442.404. POLITICAL SIGNS, HOMEOWNERS' ASSOCIATIONS NOT TO PROHIBIT — REASONABLE RESTRICTIONS AND REMOVAL PERMITTED, WHEN. — 1. As used in this section, the following terms shall mean:**

(1) "Homeowners' association", a nonprofit corporation or unincorporated association of homeowners created under a declaration to own and operate portions of a planned community or other residential subdivision that has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration or tenants-in-common with respect to the ownership of common ground or amenities of a planned community or other residential subdivision. This term shall not include a condominium unit owners' association as defined and provided for in subdivision (3) of section 448.1-103 or a residential cooperative;

(2) "Political signs", any fixed, ground-mounted display in support of or in opposition to a person seeking elected office or a ballot measure excluding any materials that may be attached.

2. No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting the display of political signs.

3. A homeowners' association has the authority to adopt reasonable rules, subject to any applicable statutes or ordinances, regarding the time, size, place, number, and manner of display of political signs.

4. A homeowners' association may remove a political sign without liability if such sign is placed within the common ground, threatens the public health or safety, violates an applicable statute or ordinance, is accompanied by sound or music, or if any other materials are attached to the political sign. Subject to the foregoing, a homeowners' association shall not remove a

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political sign from the property of a homeowner or impose any fine or penalty upon the homeowner unless it has given such homeowner three days after providing written notice to the homeowner, which notice shall specifically identify the rule and the nature of the violation.

Approved June 1, 2018

SS HB 1953

**Enacts provisions relating to the dissemination of information on the treatment of certain diseases.**

AN ACT to amend chapters 192 and 208, RSMo, by adding thereto two new sections relating to the dissemination of information on the treatment of certain diseases.

SECTION

- A. Enacting clause.
- 192.1120 Bone marrow registry, providers may inquire whether certain patients are registered — department to disseminate information.
- 208.183 Advisory council on rare diseases and personalized medicine, purpose, members, meetings — duties.

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

**SECTION A. ENACTING CLAUSE.** — Chapters 192 and 208, RSMo, are amended by adding thereto two new sections, to be known as sections 192.1120 and 208.183, to read as follows:

**192.1120. BONE MARROW REGISTRY, PROVIDERS MAY INQUIRE WHETHER CERTAIN PATIENTS ARE REGISTERED — DEPARTMENT TO DISSEMINATE INFORMATION.** — 1. Each primary care provider and urgent care physician may inquire of new patients who are eighteen years of age or older and under forty-five years of age on their new patient intake form as to whether the patient is registered with the bone marrow registry. If the patient states that he or she is not registered with the bone marrow registry, the provider or physician shall provide information developed and disseminated by the department of health and senior services regarding the bone marrow registry to the patient.

2. The department of health and senior services shall develop and disseminate information regarding the bone marrow registry, which shall include, but not be limited to, the following:

- (1) The need for bone marrow donations;
- (2) Patient populations that would benefit from bone marrow donations;
- (3) How to join the bone marrow registry; and
- (4) How to acquire a free buccal swab kit from the bone marrow registry.

3. The department of health and senior services may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

4. Dissemination of the information under this section may be by oral, print, or electronic notification or any other method, provided that the department of health and senior services

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determines that the dissemination of information is cost-effective for the department and for primary care providers and urgent care physicians.

**208.183. ADVISORY COUNCIL ON RARE DISEASES AND PERSONALIZED MEDICINE, PURPOSE, MEMBERS, MEETINGS — DUTIES. — 1.** There shall be established an "Advisory Council on Rare Diseases and Personalized Medicine" within the MO HealthNet division. The advisory council shall serve as an expert advisory committee to the drug utilization review board, providing necessary consultation to the board when the board makes recommendations or determinations regarding beneficiary access to drugs or biological products for rare diseases, or when the board itself determines that it lacks the specific scientific, medical, or technical expertise necessary for the proper performance of its responsibilities and such necessary expertise can be provided by experts outside the board. "Beneficiary access", as used in this section, shall mean developing prior authorization and reauthorization criteria for a rare disease drug, including placement on a preferred drug list or a formulary, as well as payment, cost-sharing, drug utilization review, or medication therapy management.

2. The advisory council on rare diseases and personalized medicine shall be composed of the following health care professionals, who shall be appointed by the director of the department of social services:

(1) Two physicians affiliated with a public school of medicine who are licensed and practicing in this state with experience researching, diagnosing, or treating rare diseases;

(2) Two physicians affiliated with private schools of medicine headquartered in this state who are licensed and practicing in this state with experience researching, diagnosing, or treating rare diseases;

(3) A physician who holds a doctor of osteopathy degree, who is active in medical practice, and who is affiliated with a school of medicine in this state with experience researching, diagnosing, or treating rare diseases;

(4) Two medical researchers from either academic research institutions or medical research organizations in this state who have received federal or foundation grant funding for rare disease research;

(5) A registered nurse or advanced practice registered nurse licensed and practicing in this state with experience treating rare diseases;

(6) A pharmacist practicing in a hospital in this state which has a designated orphan disease center;

(7) A professor employed by a pharmacy program in this state that is fully accredited by the Accreditation Council for Pharmacy Education and who has advanced scientific or medical training in orphan and rare disease treatments;

(8) One individual representing the rare disease community or who is living with a rare disease;

(9) One member who represents a rare disease foundation;

(10) A representative from a rare disease center located within one of the state's comprehensive pediatric hospitals;

(11) The chair of the joint committee on the life sciences or the chair's designee; and

(12) The chairperson of the drug utilization review board, or the chairperson's designee, who shall serve as an ex officio, nonvoting member of the advisory council.

3. The director shall convene the first meeting of the advisory council on rare diseases and personalized medicine no later than February 28, 2019. Following the first meeting, the advisory council shall meet upon the call of the chairperson of the drug utilization review board or upon the request of a majority of the council members.

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

4. The drug utilization review board, when making recommendations or determinations regarding beneficiary access to drugs and biological products for rare diseases, as defined in the federal Orphan Drug Act of 1983, P.L. 97-414, and drugs and biological products that are approved by the U.S. Food and Drug Administration and within the emerging fields of personalized medicine and noninheritable gene editing therapeutics, shall request and consider information from the advisory council on rare diseases and personalized medicine.

5. The drug utilization review board shall seek the input of the advisory council on rare diseases and personalized medicine to address topics for consultation under this section including, but not limited to:

- (1) Rare diseases;
- (2) The severity of rare diseases;
- (3) The unmet medical need associated with rare diseases;
- (4) The impact of particular coverage, cost-sharing, tiering, utilization management, prior authorization, medication therapy management, or other Medicaid policies on access to rare disease therapies;
- (5) An assessment of the benefits and risks of therapies to treat rare diseases;
- (6) The impact of particular coverage, cost-sharing, tiering, utilization management, prior authorization, medication therapy management, or other policies on patients' adherence to the treatment regimen prescribed or otherwise recommended by their physicians;
- (7) Whether beneficiaries who need treatment from or a consultation with a rare disease specialist have adequate access and, if not, what factors are causing the limited access; and
- (8) The demographics and the clinical description of patient populations.

6. Nothing in this section shall be construed to create a legal right for a consultation on any matter or to require the drug utilization review board to meet with any particular expert or stakeholder.

7. Recommendations of the advisory council on rare diseases and personalized medicine on an applicable treatment of a rare disease shall be explained in writing to members of the drug utilization review board during public hearings.

8. For purposes of this section, a "rare disease drug" shall mean a drug used to treat a rare medical condition, defined as any disease or condition that affects fewer than two hundred thousand persons in the United States, such as cystic fibrosis, hemophilia, and multiple myeloma.

9. All members of the advisory council on rare diseases and personalized medicine shall annually sign a conflict of interest statement revealing economic or other relationships with entities that could influence a member's decisions, and at least twenty percent of the advisory council members shall not have a conflict of interest with respect to any insurer, pharmaceutical benefits manager, or pharmaceutical manufacturer.

Approved July 5, 2018

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SS SCS HCS HB 1991

**Enacts provisions relating to the deployment of wireless facilities infrastructure.**

AN ACT to repeal sections 67.1830 and 67.1846, RSMo, and to enact in lieu thereof sixteen new sections relating to the deployment of wireless facilities infrastructure, with a delayed effective date for certain sections.

SECTION

- A. Enacting clause.
- 67.1830 Definitions.
- 67.1846 Exceptions to applicability of right-of-way laws.
- 67.5110 Citation of law, purpose.
- 67.5111 Definitions.
- 67.5112 Wireless providers use of right-of-ways to collocate small wireless facilities, requirements.
- 67.5113 No charge for collocation — permits, requirements — application not required, when.
- 67.5114 Authority wireless support structures, use for collocation — rates, fees, and terms.
- 67.5115 Authority poles, use of — make-ready work.
- 67.5116 Rates and fees.
- 67.5117 Limitation on services permitted.
- 67.5118 Authority may exercise certain authority, limitations.
- 67.5119 Ordinance or agreement required, when.
- 67.5120 Court jurisdiction.
- 67.5121 Indemnification, insurance, and bonding requirements permitted — exceptions.
- 67.5122 Expiration date, exception.
- 67.5125 Report to general assembly, when, contents.
- B. Severability clause.
- C. Effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 67.1830 and 67.1846, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 67.1830, 67.1846, 67.5110, 67.5111, 67.5112, 67.5113, 67.5114, 67.5115, 67.5116, 67.5117, 67.5118, 67.5119, 67.5120, 67.5121, 67.5122, and 67.5125, to read as follows:

- 67.1830. DEFINITIONS.** — As used in sections 67.1830 to 67.1846, the following terms shall mean:
- (1) "Abandoned equipment or facilities", any equipment materials, apparatuses, devices or facilities that are:
    - (a) Declared abandoned by the owner of such equipment or facilities;
    - (b) No longer in active use, physically disconnected from a portion of the operating facility or any other facility that is in use or in service, and no longer capable of being used for the same or similar purpose for which the equipment, apparatuses or facilities were installed; or
    - (c) No longer in active use and the owner of such equipment or facilities fails to respond within thirty days to a written notice sent by a political subdivision;
  - (2) "Degradation", the actual or deemed reduction in the useful life of the public right-of-way resulting from the cutting, excavation or restoration of the public right-of-way;
  - (3) "Emergency", includes but is not limited to the following:
    - (a) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that prevents or significantly jeopardizes the ability of a public utility to provide service to customers;

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(b) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that results or could result in danger to the public or a material delay or hindrance to the provision of service to the public if the outage, cut, rupture, leak or any other such failure of public utility facilities is not immediately repaired, controlled, stabilized or rectified; or

(c) Any occurrence involving a public utility facility that a reasonable person could conclude under the circumstances that immediate and undelayed action by the public utility is necessary and warranted;

(4) "Excavation", any act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, removed, or otherwise displaced, by means of any tools, equipment or explosives, except that the following shall not be deemed excavation:

(a) Any de minimis displacement or movement of ground caused by pedestrian or vehicular traffic;

(b) The replacement of utility poles and related equipment at the existing general location that does not involve either a street or sidewalk cut; or

(c) Any other activity which does not disturb or displace surface conditions of the earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground;

(5) "Management costs" or "rights-of-way management costs", the actual costs a political subdivision reasonably incurs in managing its public rights-of-way, including such costs, if incurred, as those associated with the following:

(a) Issuing, processing and verifying right-of-way permit applications;

(b) Inspecting job sites and restoration projects;

(c) Protecting or moving public utility right-of-way user construction equipment after reasonable notification to the public utility right-of-way user during public right-of-way work;

(d) Determining the adequacy of public right-of-way restoration;

(e) Restoring work inadequately performed after providing notice and the opportunity to correct the work; and

(f) Revoking right-of-way permits.

Right-of-way management costs shall be the same for all entities doing similar work. Management costs or rights-of-way management costs shall not include payment by a public utility right-of-way user for the use or rent of the public right-of-way, degradation of the public right-of-way or any costs as outlined in paragraphs (a) to (f) of this subdivision which are incurred by the political subdivision as a result of use by users other than public utilities, the attorneys' fees and cost of litigation relating to the interpretation of this section or section 67.1832, or litigation, interpretation or development of any ordinance enacted pursuant to this section or section 67.1832, or attorneys' fees and costs in connection with issuing, processing, or verifying right-of-way permits or other applications or agreements, or the political subdivision's fees and costs related to appeals taken pursuant to section 67.1838. In granting or renewing a franchise for a cable television system, a political subdivision may impose a franchise fee and other terms and conditions permitted by federal law;

(6) "Managing the public right-of-way", the actions a political subdivision takes, through reasonable exercise of its police powers, to impose rights, duties and obligations on all users of the right-of-way, including the political subdivision, in a reasonable, competitively neutral and nondiscriminatory and uniform manner, reflecting the distinct engineering, construction, operation, maintenance and public work and safety requirements applicable to the various users of the public right-of-way, provided that such rights, duties and obligations shall not conflict with any federal law or regulation. In managing the public right-of-way, a political subdivision may:

(a) Require construction performance bonds or insurance coverage or demonstration of self-insurance at the option of the political subdivision or if the public utility right-of-way user has twenty-five million dollars in net assets and does not have a history of permitting noncompliance

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~~within~~ in the political subdivision as defined by the political subdivision, then the public utility right-of-way user shall not be required to provide such bonds or insurance;

- (b) Establish coordination and timing requirements that do not impose a barrier to entry;
  - (c) Require public utility right-of-way users to submit, for right-of-way projects commenced after August 28, 2001, requiring excavation within the public right-of-way, whether initiated by a political subdivision or any public utility right-of-way user, project data in the form maintained by the user and in a reasonable time after receipt of the request based on the amount of data requested;
  - (d) Establish right-of-way permitting requirements for street excavation;
  - (e) Establish removal requirements for abandoned equipment or facilities, if the existence of such facilities prevents or significantly impairs right-of-way use, repair, excavation or construction;
  - (f) Establish permitting requirements for towers and other structures or equipment for wireless communications facilities in the public right-of-way~~[-notwithstanding]~~ **under** the provisions of section 67.1832, **provided that such permitting requirements shall also be consistent with sections 67.5090 to 67.5103 and sections 67.5110 to 67.5121;**
  - (g) Establish standards for street restoration in order to lessen the impact of degradation to the public right-of-way; and
  - (h) Impose permit conditions to protect public safety;
- (7) "Political subdivision", a city, town, village, county of the first classification or county of the second classification;
- (8) "Public right-of-way", the area on, below or above a public roadway, highway, street or alleyway in which the political subdivision has an ownership interest, but not including:
- (a) The airwaves above a public right-of-way with regard to cellular or other nonwire telecommunications or broadcast service;
  - (b) Easements obtained by utilities or private easements in platted subdivisions or tracts;
  - (c) Railroad rights-of-way and ground utilized or acquired for railroad facilities; or
  - (d) Poles, pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses utilized by a municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government;
- (9) "Public utility", every cable television service provider, every pipeline corporation, gas corporation, electrical corporation, rural electric cooperative, telecommunications company, water corporation, heating or refrigerating corporation or sewer corporation under the jurisdiction of the public service commission; every municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government or cooperatively owned or operated utility pursuant to chapter 394; every street light maintenance district; every privately owned utility; and every other entity, regardless of its form of organization or governance, whether for profit or not, which in providing a public utility type of service for members of the general public, utilizes pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses, in the collection, exchange or dissemination of its product or services through the public rights-of-way;
- (10) "Public utility right-of-way user", a public utility owning or controlling a facility in the public right-of-way; and
- (11) "Right-of-way permit", a permit issued by a political subdivision authorizing the performance of excavation work in a public right-of-way.

**67.1846. EXCEPTIONS TO APPLICABILITY OF RIGHT-OF-WAY LAWS.** — 1. Nothing in sections 67.1830 to 67.1846 relieves the political subdivision of any obligations under an existing

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franchise agreement in effect on May 1, 2001. Nothing in sections 67.1830 to 67.1846 will apply to that portion of any ordinance passed prior to May 1, 2001, which establishes a street degradation fee. Nothing in sections 67.1830 to 67.1846 shall be construed as limiting the authority of county highway engineers or relieving public utility right-of-way users from any obligations set forth in chapters 229 to 231. Nothing in sections 67.1830 to 67.1846 shall be deemed to relieve a public utility right-of-way user of the provisions of an existing franchise, franchise fees, license or other agreement or permit in effect on May 1, 2001. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision or public utility right-of-way user from renewing or entering into a new or existing franchise, as long as all other public utility right-of-way users have use of the public right-of-way on a nondiscriminatory basis. Nothing in sections 67.1830 to 67.1846 shall prevent a grandfathered political subdivision from enacting new ordinances, including amendments of existing ordinances, charging a public utility right-of-way user a fair and reasonable linear foot fee or antenna fee or from enforcing or renewing existing linear foot ordinances for use of the right-of-way, provided that the public utility right-of-way user either:

- (1) Is entitled under the ordinance to a credit for any amounts paid as business license taxes or gross receipts taxes; or
- (2) Is not required by the political subdivision to pay the linear foot fee **or antenna fee** if the public utility right-of-way user is paying gross receipts taxes, **business license fees, or business license taxes that are not nominal and that are imposed specifically on communications-related revenue, services, or equipment.**

For purposes of this section, a "grandfathered political subdivision" is any political subdivision which has, prior to May 1, 2001, enacted one or more ordinances reflecting a policy of imposing any linear foot fees on any public utility right-of-way user, including ordinances which were specific to particular public right-of-way users. Any existing ordinance or new ordinance passed by a grandfathered political subdivision providing for payment of the greater of a linear foot fee or a gross receipts ~~[fee]~~ **tax** shall be enforceable only with respect to the linear foot fee.

2. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision from enacting, renewing or enforcing provisions of an ordinance to require a business license tax, sales tax, occupation tax, franchise tax or franchise fee, property tax or other similar tax, to the extent consistent with federal law. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision from enacting, enforcing or renewing provisions of an ordinance to require a gross receipts tax pursuant to chapter 66, chapter 92, or chapter 94. For purposes of this subsection, the term "franchise fee" shall mean "franchise tax".

**67.5110. CITATION OF LAW, PURPOSE.** — Sections 67.5110 to 67.5121 shall be known and may be cited as the "**Uniform Small Wireless Facility Deployment Act**", which is intended to encourage and streamline the deployment of small wireless facilities and to help ensure that robust and dependable wireless radio-based communication services and networks are available throughout Missouri, which is a matter of legitimate statewide concern, by adopting a uniform statewide framework for the deployment of small wireless facilities and the utility poles to which they are attached consistent with sections 67.5110 to 67.5121 and sections 67.1830 to 67.1846.

**67.5111. DEFINITIONS.** — As used in sections 67.5110 to 67.5121, the following terms shall mean:

- (1) "**Antenna**", communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services;

(2) "Applicable codes", uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to such codes enacted to prevent physical property damage or reasonably foreseeable injury to persons to the extent not inconsistent with sections 67.5110 to 67.5121;

(3) "Applicant", any person who submits an application and is a wireless provider;

(4) "Application", a request submitted by an applicant to an authority for a permit to collocate small wireless facilities on a utility pole or wireless support structure, or to approve the installation, modification, or replacement of a utility pole;

(5) "Authority", the state or any agency, county, municipality, district, or subdivision thereof or any instrumentality of the same. The term shall not include municipal electric utilities or state courts having jurisdiction over an authority;

(6) "Authority pole", a utility pole owned, managed, or operated by or on behalf of an authority, but such term shall not include municipal electric utility distribution poles or facilities;

(7) "Authority wireless support structure", a wireless support structure owned, managed, or operated by or on behalf of an authority;

(8) "Collocate" or "collocation", to install, mount, maintain, modify, operate, or replace small wireless facilities on or immediately adjacent to a wireless support structure or utility pole, provided that the small wireless facility antenna is located on the wireless support structure or utility pole;

(9) "Communications facility", the set of equipment and network components, including wires, cables, and associated facilities used by a cable operator, as defined in 47 U.S.C. Section 522(5); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a wireless services provider; to provide communications services, including cable service, as defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); wireless communications service; or other one-way or two-way communications service;

(10) "Communications service provider", a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a wireless provider;

(11) "Decorative pole", an authority pole that is specially designed and placed for aesthetic purposes;

(12) "Fee", a one-time, nonrecurring charge;

(13) "Historic district", a group of buildings, properties, or sites that are either listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C, or are otherwise located in a district made subject to special design standards adopted by a local ordinance or under state law as of January 1, 2018, or subsequently enacted for new developments;

(14) "Micro wireless facility", a small wireless facility that meets the following qualifications:

(a) Is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height; and

(b) Any exterior antenna no longer than eleven inches;

(15) "Permit", a written authorization required by an authority to perform an action or initiate, continue, or complete a project;

(16) "Person", an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority;

(17) "Rate", a recurring charge;

(18) "Right-of-way", the area on, below, or above a public roadway, highway, street, sidewalk, alley, or similar property used for public travel, but not including a federal interstate highway, railroad right-of-way, or private easement;

(19) "Small wireless facility", a wireless facility that meets both of the following qualifications:

(a) Each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and

(b) All other equipment associated with the wireless facility, whether ground or pole mounted, is cumulatively no more than twenty-eight cubic feet in volume, provided that no single piece of equipment on the utility pole shall exceed nine cubic feet in volume; and no single piece of ground mounted equipment shall exceed fifteen cubic feet in volume, exclusive of equipment required by an electric utility or municipal electric utility to power the small wireless facility.

The following types of associated ancillary equipment shall not be included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs and related conduit for the connection of power and other services;

(20) "Technically feasible", by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility or its design or site location can be implemented without a reduction in the functionality of the small wireless facility;

(21) "Utility pole", a pole or similar structure that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, or for the collocation of small wireless facilities; provided, however, such term shall not include wireless support structures, electric transmission structures, or breakaway poles owned by the state highways and transportation commission;

(22) "Wireless facility", equipment at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless communications and radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include:

(a) The structure or improvements on, under, or within which the equipment is collocated;

(b) Coaxial or fiber-optic cable between wireless support structures or utility poles;

(c) Coaxial or fiber-optic cable not directly associated with a particular small wireless facility; or

(d) A wireline backhaul facility;

(23) "Wireless infrastructure provider", any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment or wireless facilities but that is not a wireless services provider;

(24) "Wireless provider", a wireless infrastructure provider or a wireless services provider;

(25) "Wireless services", any services using licensed or unlicensed spectrum, including the use of wifi, whether at a fixed location or mobile, provided to the public using wireless facilities;

(26) "Wireless services provider", a person who provides wireless services;

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(27) "Wireless support structure", an existing structure, such as a monopole or tower, whether guyed or self-supporting, designed to support or capable of supporting wireless facilities; an existing or proposed billboard; an existing or proposed building; or other existing or proposed structure capable of supporting wireless facilities, other than a structure designed solely for the collocation of small wireless facilities. Such term shall not include a utility pole;

(28) "Wireline backhaul facility", a physical transmission path, all or part of which is within the right-of-way, used for the transport of communication data by wire from a wireless facility to a network.

**67.5112. WIRELESS PROVIDERS USE OF RIGHT-OF-WAYS TO COLLOCATE SMALL WIRELESS FACILITIES, REQUIREMENTS.** — 1. The provisions of this section shall only apply to activities of a wireless provider within the right-of-way to deploy small wireless facilities and associated utility poles.

2. An authority shall not enter into an exclusive arrangement with any person for use or management of the right-of-way for the collocation of small wireless facilities or the installation, operation, marketing, modification, maintenance, management, or replacement of utility poles.

3. Subject to the provisions of sections 67.5110 to 67.5121, an authority shall permit a wireless provider, as a permitted use not subject to zoning review or approval, to collocate small wireless facilities and install, maintain, modify, operate, and replace utility poles along, across, upon, and under the right-of-way, except that the placement in the right-of-way of new or modified utility poles in single-family residential or areas zoned as historic as of August 28, 2018, remains subject to any applicable zoning requirements that are consistent with sections 67.5090 to 67.5103. Small wireless facilities collocated outside the right-of-way in property not zoned primarily for single-family residential use shall be classified as permitted uses and not subject to zoning review or approval. Such small wireless facilities and utility poles shall be installed and maintained as not to obstruct or hinder the usual travel or public safety on such right-of-way or obstruct the legal use of such right-of-way by authorities or other authorized right-of-way users. Nothing in this section shall grant any wireless provider the power of eminent domain.

4. Nothing in sections 67.5110 to 67.5121 shall prevent an authority, on a nondiscriminatory basis, from requiring a permit, with reasonable conditions, for work in a right-of-way that will involve excavation, affect traffic patterns, obstruct traffic in the right-of-way, or materially impede the use of a sidewalk.

5. Each new, replacement, or modified utility pole installed in the right-of-way shall not exceed the greater of ten feet in height above the tallest existing utility pole in place as of the effective date of sections 67.5110 to 67.5121 located within five hundred feet of the new pole in the same right-of-way, or fifty feet above ground level. New small wireless facilities in the right-of-way shall not extend more than ten feet above an existing utility pole in place as of August 28, 2018, or for small wireless facilities on a new utility pole, above the height permitted for a new utility pole under this section. A new, modified, or replacement utility pole that exceeds these height limits shall be subject to any applicable zoning requirements that apply to other utility poles and are consistent with sections 67.5090 to 67.5103.

6. A wireless provider shall be permitted to replace decorative poles when necessary to collocate a small wireless facility, but any replacement pole shall reasonably conform to the design aesthetics of the decorative pole or poles being replaced.

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7. Subject to subsection 4 of section 67.5113, and except for facilities excluded from evaluation for effects on historic properties under 47 C.F.R. Section 1.1307(a)(4) of the Federal Communications Commission rules, an authority may require reasonable, technically feasible, nondiscriminatory, and technologically neutral design or concealment measures in a historic district. Any such design or concealment measures shall not have the effect of prohibiting any provider's technology, nor shall any such measures be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility.

8. The authority, in the exercise of its administration and regulation related to the management of the right-of-way, shall be competitively neutral with regard to other users of the right-of-way, including that terms shall not be unreasonable or discriminatory and shall not violate any applicable law. Nothing in sections 67.5110 to 67.5121 shall in any way be construed to modify or otherwise affect the rights, privileges, obligations, or duties, existing prior to August 28, 2018, of an electrical corporation, as defined in section 386.020, or of a rural electric cooperative established under chapter 394, except to the extent that the corporation or cooperative deploys small wireless facilities that are used to provide services unrelated to the provision of their electric and gas utility service.

9. Small wireless facility collocations completed on or after August 28, 2018, shall not interfere with or impair the operation of existing utility facilities, or authority or third-party attachments. The authority may require a wireless provider to repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and to return the right-of-way to its functional equivalence before the damage under the competitively neutral, reasonable requirements and specifications of the authority. If the wireless provider fails to make the repairs required by the authority within a reasonable time after written notice, the authority may make those repairs and charge the applicable party the reasonable, documented cost of such repairs.

**67.5113. NO CHARGE FOR COLLOCATION — PERMITS, REQUIREMENTS — APPLICATION NOT REQUIRED, WHEN. — 1.** The provisions of this section shall apply to the permitting of small wireless facilities by a wireless provider in or outside the right-of-way and to the permitting of the installation, modification, and replacement of utility poles by a wireless provider inside the right-of-way.

**2.** An authority shall not prohibit, regulate, or charge for the collocation of small wireless facilities, except as provided under sections 67.5110 to 67.5121.

**3.** An authority may require an applicant to obtain one or more permits to collocate a small wireless facility or install a new, modified, or replacement utility pole associated with a small wireless facility as provided in subsection 3 of section 67.5112, provided such permits are of general applicability and do not apply exclusively to wireless facilities. An authority shall receive applications for, process, and issue such permits subject to the following requirements:

**(1)** An authority shall not directly or indirectly require an applicant to perform services or provide goods unrelated to the permit, such as in-kind contributions to the authority, including reserving fiber, conduit, or pole space for the authority;

**(2)** An applicant shall not be required to provide more information to obtain a permit than communications service providers that are not wireless providers, provided that an applicant may be required to include construction and engineering drawings and information demonstrating compliance with the criteria in subdivision (9) of this subsection

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and an attestation that the small wireless facility complies with the volumetric limitations in subdivision (19) of section 67.5111;

(3) An authority shall not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole;

(4) An authority shall not limit the placement of small wireless facilities by minimum horizontal separation distances;

(5) An authority may require a small wireless facility to comply with reasonable, objective, and cost-effective concealment or safety requirements adopted by the authority;

(6) The authority may require an applicant that is not a wireless services provider to provide evidence of agreements or plans demonstrating that the small wireless facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless the authority and the applicant agree to extend this period or if delay is caused by lack of commercial power or communications transport facilities to the site and the applicant notifies the authority thereof. An authority may require an applicant that is a wireless services provider to provide the information required by this subdivision by attestation;

(7) Within fifteen days of receiving an application, an authority shall determine and notify the applicant in writing whether the application is complete. If an application is incomplete, an authority shall specifically identify the missing information in writing. The processing deadline in subdivision (8) of this subsection is tolled from the time the authority sends the notice of incompleteness to the time the applicant provides the missing information. That processing deadline may also be tolled by agreement of the applicant and the authority;

(8) An application for collocation shall be processed on a nondiscriminatory basis and deemed approved if the authority fails to approve or deny the application within forty-five days of receipt of the application, except that the state highways and transportation commission shall have sixty days to approve or deny an application from the date the application was received. An application for installation of a new, modified, or replacement utility pole associated with a small wireless facility shall be processed on a nondiscriminatory basis and deemed approved if the authority fails to approve or deny the application within sixty days of receipt of the application;

(9) An authority may deny a proposed collocation of a small wireless facility or installation, modification, or replacement of a utility pole that meets the requirements in subsection 3 of section 67.5112 only if the action proposed in the application could reasonably be expected to:

(a) Materially interfere with the safe operation of traffic control equipment or authority-owned communications equipment;

(b) Materially interfere with sight lines or clear zones for transportation, pedestrians, or nonmotorized vehicles;

(c) Materially interfere with compliance with the Americans with Disabilities Act, 42 U.S.C. Sections 12101 to 12213, or similar federal or state standards regarding pedestrian access or movement;

(d) Materially obstruct or hinder the usual travel or public safety on the right-of-way;

(e) Materially obstruct the legal use of the right-of-way by an authority, utility, or other third party;

(f) Fail to comply with reasonable and nondiscriminatory spacing requirements of general application adopted by ordinance or regulations promulgated by the state highways and transportation commission that concern the location of ground mounted equipment and new utility poles. Such spacing requirements shall not prevent a wireless provider from

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serving any location and shall include a waiver, zoning, or other process that addresses wireless provider requests for exception or variance and does not prohibit granting of such exceptions or variances;

(g) Fail to comply with applicable codes, including nationally recognized engineering standards for utility poles or wireless support structures;

(h) Fail to comply with the reasonably objective and documented aesthetics of a decorative pole and the applicant does not agree to pay to match the applicable decorative elements; or

(i) Fail to comply with reasonable and nondiscriminatory undergrounding requirements contained in local ordinances as of January 1, 2018, or subsequently enacted for new developments, that require all utility facilities in the area to be placed underground and prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval, provided that such requirements include a waiver or other process of addressing requests to install such utility poles and do not prohibit the replacement or modification of existing utility poles consistent with this section or the provision of wireless services;

(10) The authority shall document the complete basis for a denial in writing, and send the documentation to the applicant on or before the day the authority denies an application. The applicant may cure the deficiencies identified by the authority and resubmit the application within thirty days of the denial without paying an additional application fee. The authority shall approve or deny the revised application within thirty days. Any subsequent review shall be limited to the deficiencies cited in the denial;

(11) (a) An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of multiple small wireless facilities; provided, however, the denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same batch; and

(b) An application may include up to twenty separate small wireless facilities, provided that they are for the same or materially same design of small wireless facility being collocated on the same or materially the same type of utility pole or wireless support structure, and geographically proximate. If an authority receives individual applications for approval of more than fifty small wireless facilities or consolidated applications for approval of more than seventy-five small wireless facilities within a fourteen day period, whether from a single applicant or multiple applicants, the authority may, upon its own request, obtain an automatic thirty day extension for any additional collocation or replacement or installation application submitted during that fourteen day period or in the fourteen day period immediately following the prior fourteen day period. An authority shall promptly communicate its request to each and any affected applicant. In rendering a decision on an application for multiple small wireless facilities, the authority may approve the application as to certain individual small wireless facilities while denying it as to others based on applicable requirements and standards, including those identified in this section. The authority's denial of any individual small wireless facility or subset of small wireless facilities within an application shall not be a basis to deny the application as a whole;

(12) Installation or collocation for which a permit is granted under this section shall be completed within one year after the permit issuance date unless the authority and the applicant agree to extend this period, or the applicant notifies the authority that the delay is caused by a lack of commercial power or communications transport facilities to the site.

**Approval of an application authorizes the applicant to:**

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(a) Undertake the installation or collocation; and

(b) Operate and maintain the small wireless facilities and any associated utility pole covered by the permit for a period of not less than ten years, which shall be renewed for equivalent durations so long as they are in compliance with the criteria set forth in subdivision (9) of this subsection, unless the applicant and the authority agree to an extension term of less than ten years. The provisions of this paragraph shall be subject to the right of the authority to require, upon adequate notice and at the facility owner's own expense, relocation of facilities as may be needed in the interest of public safety and convenience, and the applicant's right to terminate at any time;

(13) An authority shall not institute, either expressly or de facto, a moratorium on filing, receiving, or processing applications or issuing permits or other approvals, if any, for the collocation of small wireless facilities or the installation, modification, or replacement of utility poles to support small wireless facilities. Notwithstanding the foregoing, an authority may impose a temporary moratorium on applications for small wireless facilities and the collocation thereof for the duration of a federal or state-declared natural disaster plus a reasonable recovery period, or for no more than thirty days in the event of a major and protracted staffing shortage that reduces the number of personnel necessary to receive, review, process, and approve or deny applications for the collocation of small wireless facilities by more than fifty percent;

(14) Nothing in this section precludes an authority from adopting reasonable rules with respect to the removal of abandoned small wireless facilities;

(15) In determining whether sufficient capacity exists to accommodate the attachment of a new small wireless facility, an authority shall grant access subject to a reservation to reclaim such space, when and if needed, to meet the pole owner's core utility purpose or documented authority plan projected at the time of the application pursuant to a bona fide development plan, or if the state highways and transportation commission is the relevant authority and determines, in its sole discretion, that attachment of the small wireless facility will affect the safety of the public using the right-of-way; and

(16) In emergency circumstances that result from a natural disaster or accident, an authority may require the owner or operator of a wireless facility to immediately remove such facility if the wireless facility is obstructing traffic or causing a hazard on the authority's roadway. In the event that the owner or operator of the wireless facility is unable to immediately remove the wireless facility, the authority is authorized to remove the wireless facility from the roadway or other position that renders the wireless facility hazardous. Under these emergency circumstances, the authority shall not be liable for any damage caused by removing the wireless facility and may charge the owner or operator of the wireless facility the authority's reasonable expenses incurred in removing the wireless facility.

4. An authority shall not require an application for:

(1) Routine maintenance on previously permitted small wireless facilities;

(2) The replacement of small wireless facilities with small wireless facilities that are the same or smaller in size, weight, and height; or

(3) The installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between utility poles, in compliance with applicable codes.

**For work described in subdivisions (1) and (2) of this subsection that involves different equipment than that being replaced, an authority may require a description of such new**

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equipment so that the authority may maintain an accurate inventory of the small wireless facilities at that location.

5. No approval for the installation, placement, maintenance, or operation of a small wireless facility under this section shall be construed to confer authorization for the provision of cable television service, or installation, placement, maintenance, or operation of a wireline backhaul facility or communications facility, other than a small wireless facility, in the right-of-way.

6. Except as provided in sections 67.5110 to 67.5121, no authority may adopt or enforce any ordinances or requirements that require the holder of a franchise or video service authorization as defined under section 67.2677 and that could be required to pay a video service provider fee to a franchise entity under section 67.2689, to obtain additional authorization or to pay additional fees for the provision of communications service over such holder's communications facilities in the right-of-way.

7. A municipal electric utility shall not require an application for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between utility poles, in compliance with applicable codes.

**67.5114. AUTHORITY WIRELESS SUPPORT STRUCTURES, USE FOR COLLOCATION — RATES, FEES, AND TERMS. — 1.** This section only applies to collocations on authority poles and authority wireless support structures that are located on authority property outside the right-of-way.

2. Subject to subsection 3 of this section, an authority shall authorize the collocation of small wireless facilities on authority wireless support structures and authority poles to the same extent, if any, that the authority permits access to such structures for other commercial projects or uses. Such collocations shall be subject to reasonable and nondiscriminatory rates, fees, and terms as provided in an agreement between the authority, or its agent, and the wireless provider.

3. An authority shall not enter into an exclusive agreement with a wireless provider concerning authority poles or authority wireless support structures, including stadiums and enclosed arenas, unless the agreement meets the following requirements:

(1) The wireless provider provides service using a shared network of wireless facilities that it makes available for access by other wireless providers, on reasonable and nondiscriminatory rates and terms that shall include use of the entire shared network, as to itself, an affiliate, or any other entity; or

(2) The wireless provider allows other wireless providers to collocate small wireless facilities, on reasonable and nondiscriminatory rates and terms, as to itself, an affiliate, or any other entity.

4. When determining whether a rate, fee, or term is reasonable and nondiscriminatory for the purposes of this section, consideration may be given to any relevant facts, including alternative financial or service remuneration, characteristics of the proposed equipment or installation, structural limitations, or other commercial or unique features or components.

**67.5115. AUTHORITY POLES, USE OF — MAKE-READY WORK. — 1.** The provisions of this section shall apply to activities of a wireless provider within the right-of-way.

2. A person owning, managing, or controlling authority poles in the right-of-way shall not enter into an exclusive arrangement with any person for the right to attach to such poles.

A person who purchases or otherwise acquires an authority pole is subject to the requirements of this section.

3. An authority shall allow the collocation of small wireless facilities on authority poles using the process set forth in section 67.5113.

4. The authority may require, as part of an application, engineering and construction drawings, as well as plans and detailed cost estimates for any make-ready work as needed, for which the applicant shall be solely responsible.

5. Make-ready work shall be addressed as follows, unless the parties agree to different terms in a pole attachment agreement:

(1) The rates, fees, and terms and conditions for the make-ready work to collocate on an authority pole shall be nondiscriminatory, competitively neutral, and commercially reasonable, and shall comply with sections 67.5110 to 67.5121;

(2) The authority shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within sixty days after receipt of a complete application. Make-ready work, including any pole replacement, shall be completed within sixty days of written acceptance of the good faith estimate and advance payment, if required, by the applicant. An authority may require replacement of the authority pole on a nondiscriminatory basis for reasons of safety and reliability, including a demonstration that the collocation would make the authority pole structurally unsound, including, but not limited to, if the collocation would cause a utility pole owned by the state highways and transportation commission to fail a crash test; and

(3) The person owning, managing, or controlling the authority pole shall not require more make-ready work than required to meet applicable codes or industry standards. Fees for make-ready work shall not include costs related to preexisting or prior damage or noncompliance unless the authority had determined, prior to the filing of the application, to permanently abandon and not repair or replace the structure. Fees for make-ready work, including any pole replacement, shall not exceed actual costs or the amount charged to other communications service providers for similar work, and shall not include third party fees, charges, or expenses, except for amounts charged by licensed contractors actually performing the make-ready work.

6. When a small wireless facility is located in the right-of-way of the state highway system, equipment and facilities directly associated with a particular small wireless facility, including coaxial and fiber optic cable, conduit, and ground mounted equipment, shall remain in the utility corridor except as needed to reach an authority or utility pole in the right-of-way but outside the utility corridor in which the small wireless facility is collocated.

**67.5116. RATES AND FEES.** — 1. This section shall govern the rate to collocate small wireless facilities and an authority's rates and fees for the placement of utility poles, but shall not limit an authority's ability to recover specific removal costs from the attaching wireless provider for abandoned structures. The rates to collocate on authority poles shall be nondiscriminatory regardless of the services provided by the collocating applicant.

2. An authority shall not require a wireless provider to pay any rates, fees, or compensation to the authority or other person other than what is expressly authorized by sections 67.5110 to 67.5121 for the use and occupancy of a right-of-way, for collocation of small wireless facilities on utility poles in the right-of-way, or for the installation, maintenance, modification, operation, and replacement of utility poles in the right-of-way.

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**3. Application fees shall be subject to the following requirements:**

**(1) Application fees shall be based on actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application for the placement of a small wireless facility or the installation or replacement of a utility pole. Any such costs already recovered by existing fees, rates, licenses, or taxes paid by a wireless services provider shall not be included in the application fee;**

**(2) An application fee shall not include travel expenses incurred by a third party in its review of an application, or direct payment or reimbursement of third party rates or fees charged on a contingency basis or a result-based arrangement;**

**(3) The total fee for any application under subsection 3 of section 67.5113 for collocation of small wireless facilities on existing authority poles shall not exceed one hundred dollars per small wireless facility. An applicant filing a consolidated application under subdivision (11) of subsection 3 of section 67.5113 shall pay one hundred dollars per small wireless facility included in the consolidated application; and**

**(4) The total application fees for the installation, modification, or replacement of a utility pole and the collocation of an associated small wireless facility shall not exceed five hundred dollars per pole.**

**4. (1) The rate for collocation of a small wireless facility to an authority pole shall not exceed one hundred fifty dollars per authority pole per year.**

**(2) An authority shall not charge a wireless provider any fee, tax other than a tax authorized by subdivision (3) of this subsection, or other charge, or require any other form of payment or compensation, to locate a wireless facility or wireless support structure on privately owned property, or on a wireless support structure not owned by the authority.**

**(3) No authority shall demand any fees, rentals, licenses, charges, payments, or assessments from any applicant or wireless provider for, or in any way relating to or arising from, the construction, deployment, installation, mounting, modification, operation, use, replacement, maintenance, or repair of small wireless facilities or utility poles, except for the following:**

**(a) As otherwise expressly provided in sections 67.5110 to 67.5121;**

**(b) Applicable personal property and sales taxes or generally applicable fees for encroachment or electrical permits;**

**(c) Applicable fair and reasonable linear foot fees as provided in subsection 1 of section 67.1846 associated with coaxial or fiber-optic cable in the right-of-way that is:**

**a. Between wireless support structures or utility poles;**

**b. Not directly associated with a particular small wireless facility; or**

**c. A wireline backhaul facility.**

**No authority shall require a wireless provider to pay a linear foot fee for coaxial or fiber-optic cable in the right-of-way associated with a small wireless facility if the owner of such coaxial or fiber-optic cable in the right-of-way already is assessed and charged such a linear foot fee; and**

**(d) Right-of-way permit fees established under section 67.1840 for the recovery of actual, substantiated right-of-way management costs or as otherwise authorized under section 229.340.**

**Right-of-way permit fees imposed on applicants and wireless providers shall be competitively neutral with regard to all other users of the right-of-way; shall not be in the form of a franchise fee or tax or other fee based on noncost related factors such as revenue, sales, profits, lines, subscriptions, or customer counts; and shall not result in double recovery**

where existing charges already recover the direct and actual costs of managing the right-of-way. This paragraph prohibits the imposition of business license taxes, business license fees, or gross receipts taxes on wireless providers, whether based on gross receipts or other factors, except that this subdivision allows the imposition of such taxes and fees consistent with subsection 2 of section 67.1846 that are also imposed on wireline telecommunications businesses operating within the jurisdiction of the authority, or as mutually agreed to by the authority and the wireless provider.

**67.5117. LIMITATION ON SERVICES PERMITTED.** — Nothing in sections 67.5110 to 67.5121 shall be interpreted to allow any entity to provide services regulated under 47 U.S.C. Sections 521 to 573 without compliance with all laws applicable to such providers, nor shall sections 67.5110 to 67.5121 be interpreted to impose any new requirements on cable providers for the provision of such service in this state.

**67.5118. AUTHORITY MAY EXERCISE CERTAIN AUTHORITY, LIMITATIONS.** — Subject to the provisions of sections 67.5110 to 67.5121 and applicable federal law, an authority shall continue to exercise zoning, land use, planning, and permitting authority within its territorial boundaries, including with respect to wireless support structures and utility poles, except that no authority shall have or exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of any small wireless facility located in an interior structure or upon the site of any campus, stadium, or athletic facility not owned or controlled by the authority, other than to comply with applicable codes. Nothing in sections 67.5110 to 67.5121 authorizes the state or any political subdivision, including an authority, to require wireless facility deployment or to regulate wireless services.

**67.5119. ORDINANCE OR AGREEMENT REQUIRED, WHEN.** — 1. Within the later of two months after August 28, 2018, or two months after receiving a request from a wireless provider, an authority shall adopt an ordinance or develop an agreement that makes available to wireless providers rates, fees, and other terms that comply with sections 67.5110 to 67.5121, subject to subsections 2 of this section. An authority and a wireless provider may enter into an agreement implementing sections 67.5110 to 67.5121, but an authority shall not require a wireless provider to enter into such an agreement.

2. Sections 67.5110 to 67.5121 shall not nullify, modify, amend, or prohibit a mutual agreement between an authority and a wireless provider made prior to August 28, 2018, but an agreement that does not fully comply with sections 67.5110 to 67.5121 shall apply only to small wireless facilities and utility poles that were installed or approved for installation before August 28, 2018, subject to any termination provisions in the agreement. Such an agreement shall not be renewed, extended, or made to apply to any small wireless facility or utility pole installed or approved for installation after August 28, 2018, unless it is modified to fully comply with sections 67.5110 to 67.5121. In the absence of an agreement, and until such a compliant agreement or ordinance is entered or adopted, small wireless facilities and utility poles that become operational or were constructed before August 28, 2018, may remain installed and be operated under the requirements of sections 67.5110 to 67.5121.

**67.5120. COURT JURISDICTION.** — A court of competent jurisdiction shall have jurisdiction to determine all disputes arising under sections 67.5110 to 67.5121.

**67.5121. INDEMNIFICATION, INSURANCE, AND BONDING REQUIREMENTS PERMITTED — EXCEPTIONS. — 1. An authority may adopt indemnification, insurance, and bonding requirements related to small wireless facility permits, subject to the requirements of this section.**

**2. An authority may only require a wireless provider to indemnify and hold the authority and its officers and employees harmless against any damage or personal injury caused by the negligence of the wireless provider or its employees, agents, or contractors.**

**3. An authority may require a wireless provider to have in effect insurance coverage consistent with subsection 2 of this section, or a demonstration of a comparable self insurance program, so long as the authority imposes similar requirements on other similarly situated utility right-of-way users, and such requirements are reasonable and nondiscriminatory. An authority shall not require a self-insured wireless provider to obtain insurance naming the authority or its officers and employees as additional insured. An authority may require a wireless provider to furnish proof of insurance, if required, prior to the effective date of any permit issued for a small wireless facility.**

**4. An authority may adopt bonding requirements for small wireless facilities if the authority imposes similar requirements in connection with permits issued for other similarly situated utility right-of-way users. The purpose of such bonds shall be to:**

**(1) Provide for the removal of abandoned or improperly maintained small wireless facilities, including those that an authority determines need to be removed to protect public health, safety, or welfare;**

**(2) Restore the right-of-way in connection with removals under section 67.5113;**

**(3) Recoup rates or fees that have not been paid by a wireless provider in over twelve months, so long as the wireless provider has received reasonable notice from the authority of any noncompliance listed above and been given an opportunity to cure;**

**(4) Bonding requirements shall not exceed one thousand five hundred dollars per small wireless facility. For wireless providers with multiple small wireless facilities within the jurisdiction of a single authority, the total bond amount across all facilities shall not exceed seventy-five thousand dollars, which amount may be combined into one bond instrument.**

**5. Applicants that have at least twenty-five million dollars in assets in the state and do not have a history of permitting noncompliance as defined by an authority within its jurisdiction shall, under section 67.1830, be exempt from the insurance and bonding requirements otherwise authorized by this section.**

**6. Any contractor, subcontractor, or wireless infrastructure provider shall be under contract with a wireless services provider to perform work in the right-of-way related to small wireless facilities or utility poles, and such entities shall be properly licensed under the laws of the state and all applicable local ordinances, if required. Each contracted entity shall have the same obligations with respect to his or her work as a wireless services provider would have under sections 67.5110 to 67.5121 and other applicable laws if the work were performed by a wireless services provider. The wireless services provider shall be responsible for ensuring that the work of such contracted entities is performed consistently with the wireless services provider's permits and applicable laws relating to the deployment of small wireless facilities and utility poles, and responsible for promptly correcting acts or omissions by such contracted entity.**

**7. The state highways and transportation commission may establish the same indemnification, insurance, and bond requirements related to small wireless facility permits as it imposes on other users of the state highways and transportation commission right-of-way.**

**67.5122. EXPIRATION DATE, EXCEPTION.** — Sections 67.5110 to 67.5122 shall expire on January 1, 2021, except that for small wireless facilities already permitted or collocated on authority poles prior to such date, the rate set forth in section 67.5116 for collocation of small wireless facilities on authority poles shall remain effective for the duration of the permit authorizing the collocation.

**67.5125. REPORT TO GENERAL ASSEMBLY, WHEN, CONTENTS.** — By December 31, 2018, the department of revenue shall prepare and deliver a report to the general assembly on the amount of revenue collected by local governments for the previous three fiscal years from communications service providers, as such term is defined in section 67.5111; a direct-to-home satellite service, as defined in Public Law 104-104, Title VI, Section 602; and any video service provided through electronic commerce, as defined in Public Law 105-277, Title XI, as amended, Section 1105(3), from video fees, linear foot fees, antenna fees, sales and use taxes, gross receipts taxes, business license fees, business license taxes, or any other taxes or fees assessed to such providers.

**SECTION B. SEVERABILITY CLAUSE.** — If any provision of section A of this act or the application thereof to anyone or to any circumstance is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances shall not be affected thereby.

**SECTION C. EFFECTIVE DATE.** — The enactment of sections 67.5110, 67.5111, 67.5112, 67.5113, 67.5114, 67.5115, 67.5116, 67.5117, 67.5118, 67.5119, 67.5120, 67.5121, and 67.5122 of this act shall become effective January 1, 2019.

Approved June 1, 2018

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SS SCS HCS HB 2034

**Enacts provisions relating to industrial hemp.**

AN ACT to repeal sections 195.010, 195.017, and 196.070, RSMo, and to enact in lieu thereof sixteen new sections relating to industrial hemp, with penalty provisions.

SECTION

- A. Enacting clause.
- 195.010 Definitions.
- 195.017 Substances, how placed in schedules — list of scheduled substances — publication of schedules annually — electronic log of transactions to be maintained, when — certain products to be located behind pharmacy counter — exemption from requirements, when — rulemaking authority.
- 195.203 Industrial hemp, authorization to grow, harvest, cultivate, and process with valid registration.
- 195.740 Definitions.
- 195.743 Industrial hemp agricultural pilot program created — department regulation.
- 195.746 Registration and permits, requirements — application, contents — issuance, when.
- 195.749 Registration and permit, revocation, refusal to issue, refusal to renew, when — penalty, amount.
- 195.752 Administrative fine, when, amount.
- 195.755 Grower may retain seed, when.
- 195.756 Pesticides and agricultural chemicals, use of — limitations on liability.
- 195.758 Monitoring system, recordkeeping requirements — inspections, when — destruction of crop, when — aerial surveillance — coordination with local law enforcement.
- 195.764 Fees, amount, use of — fund created.

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- 195.767 Study of industrial hemp by institutions of higher education permitted, registration and permit required — refusal to issue, when.
- 195.770 Industrial hemp seed, certification program authorized — heritage seed development authorized.
- 195.773 Department duties — rulemaking authority.
- 196.070 Food, when deemed adulterated — industrial hemp content, effect of.

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

**SECTION A. ENACTING CLAUSE.** — Sections 195.010, 195.017, and 196.070, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 195.010, 195.017, 195.203, 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 195.756, 195.758, 195.764, 195.767, 195.770, 195.773, and 196.070, to read as follows:

**195.010. DEFINITIONS.** — The following words and phrases as used in this chapter and chapter 579, unless the context otherwise requires, mean:

(1) "Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his or her addiction;

(2) "Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his or her presence, by his or her authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

(3) "Agent", an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the usual and lawful course of the carrier's or warehouseman's business;

(4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general authorized to investigate, commence and prosecute an action under this chapter;

(5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I through V listed in this chapter;

(6) "Controlled substance analogue", a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(b) With respect to a particular individual, which that individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II. The term does not include a controlled substance; any substance for which there is an approved new drug application; any substance for which an exemption is in effect for investigational use, for a particular person, under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. Section 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human consumption before such an exemption takes effect with respect to the substance;

(7) "Counterfeit substance", a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint,

number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;

(8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale;

(9) "Dentist", a person authorized by law to practice dentistry in this state;

(10) "Depressant or stimulant substance":

(a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or any derivative of barbituric acid which has been designated by the United States Secretary of Health and Human Services as habit forming under 21 U.S.C. Section 352(d);

(b) A drug containing any quantity of:

a. Amphetamine or any of its isomers;

b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

c. Any substance the United States Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system;

(c) Lysergic acid diethylamide; or

(d) Any drug containing any quantity of a substance that the United States Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect;

(11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" means a practitioner who dispenses;

(12) "Distribute", to deliver other than by administering or dispensing a controlled substance;

(13) "Distributor", a person who distributes;

(14) "Drug":

(a) Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(c) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in this subdivision. It does not include devices or their components, parts or accessories;

(15) "Drug-dependent person", a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of such substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence;

(16) "Drug enforcement agency", the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;

(17) "Drug paraphernalia", all equipment, products, substances and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,

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storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of this chapter or chapter 579. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bongs;

m. Ice pipes or chillers;

(m) Substances used, intended for use, or designed for use in the manufacture of a controlled substance;

In determining whether an object, product, substance or material is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- a. Statements by an owner or by anyone in control of the object concerning its use;
  - b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;
  - c. The proximity of the object, in time and space, to a direct violation of this chapter or chapter 579;
  - d. The proximity of the object to controlled substances or imitation controlled substances;
  - e. The existence of any residue of controlled substances or imitation controlled substances on the object;
  - f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter or chapter 579; the innocence of an owner, or of anyone in control of the object, as to direct violation of this chapter or chapter 579 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
  - g. Instructions, oral or written, provided with the object concerning its use;
  - h. Descriptive materials accompanying the object which explain or depict its use;
  - i. National or local advertising concerning its use;
  - j. The manner in which the object is displayed for sale;
  - k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
  - l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
  - m. The existence and scope of legitimate uses for the object in the community;
  - n. Expert testimony concerning its use;
  - o. The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material;
- (18) "Federal narcotic laws", the laws of the United States relating to controlled substances;
- (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide, for not less than twenty-four consecutive hours in any week, medical or nursing care for three or more nonrelated individuals. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198;

**(20) "Illegal industrial hemp":**

**(a) All nonseed parts and varieties of the Cannabis sativa L. plant, growing or not, that contain an average delta-9 tetrahydrocannabinol (THC) concentration exceeding three-tenths of one percent on a dry weight basis;**

**(b) "Illegal industrial hemp" shall be destroyed in the most effective manner possible, and such destruction shall be verified by the Missouri state highway patrol;**

~~(20)~~ **(21) "Immediate precursor", a substance which:**

(a) The state department of health and senior services has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;

(b) Is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(c) The control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance;

~~[(21)]~~ **(22)** "Imitation controlled substance", a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an imitation controlled substance the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

(a) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information;

(b) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

(c) Whether the substance is packaged in a manner normally used for illicit controlled substances;

(d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;

(e) The proximity of the substances to controlled substances;

(f) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research;

**(23) "Industrial hemp":**

**(a) All nonseed parts and varieties of the Cannabis sativa L. plant, growing or not, that contain an average delta-9 tetrahydrocannabinol (THC) concentration that does not exceed three-tenths of one percent on a dry weight basis or the maximum concentration allowed under federal law, whichever is greater;**

**(b) Any Cannabis sativa L. seed that is part of a growing crop, retained by a grower for future planting, or used for processing into or use as agricultural hemp seed;**

**(c) "Industrial hemp" includes industrial hemp commodities and products and topical or ingestible animal and consumer products derived from industrial hemp with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis;**

**(24)** "Laboratory", a laboratory approved by the department of health and senior services as proper to be entrusted with the custody of controlled substances but does not include a pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

~~[(23)]~~ **(25)** "Manufacture", the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation

controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

(a) By a practitioner as an incident to his or her administering or dispensing of a controlled substance or an imitation controlled substance in the course of his or her professional practice, or

(b) By a practitioner or his or her authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

~~[(24)]~~ **(26)** "Marijuana", all parts of the plant genus *Cannabis* in any species or form thereof, including, but not limited to *Cannabis Sativa* L., **except industrial hemp**, *Cannabis Indica*, *Cannabis Americana*, *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;

~~[(25)]~~ **(27)** "Methamphetamine precursor drug", any drug containing ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers;

~~[(26)]~~ **(28)** "Narcotic drug", any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical analysis:

(a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium;

(b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(c) Cocaine or any salt, isomer, or salt of isomer thereof;

(d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

(e) Any compound, mixture, or preparation containing any quantity of any substance referred to in paragraphs (a) to (d) of this subdivision;

~~[(27)]~~ **(29)** "Official written order", an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the department of health and senior services;

~~[(28)]~~ **(30)** "Opiate", any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

~~[(29)]~~ **(31)** "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

~~[(30)]~~ **(32)** "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug other than a controlled substance;

~~[(31)]~~ **(33)** "Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity;

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~~[(32)]~~ **(34)** "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

~~[(33)]~~ **(35)** "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

~~[(34)]~~ **(36)** "Possessed" or "possessing a controlled substance", a person, with the knowledge of the presence and nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his or her person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one person alone has possession of a substance possession is sole. If two or more persons share possession of a substance, possession is joint;

~~[(35)]~~ **(37)** "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research;

~~[(36)]~~ **(38)** "Production", includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance;

~~[(37)]~~ **(39)** "Registry number", the number assigned to each person registered under the federal controlled substances laws;

~~[(38)]~~ **(40)** "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

~~[(39)]~~ **(41)** "State" when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America;

~~[(40)]~~ **(42)** "Synthetic cannabinoid", includes unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist, including but not limited to any substance listed in paragraph (II) of subdivision (4) of subsection 2 of section 195.017 and any analogues; homologues; isomers, whether optical, positional, or geometric; esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it shall not include any approved pharmaceutical authorized by the United States Food and Drug Administration;

~~[(41)]~~ **(43)** "Ultimate user", a person who lawfully possesses a controlled substance or an imitation controlled substance for his or her own use or for the use of a member of his or her household or immediate family, regardless of whether they live in the same household, or for administering to an animal owned by him or by a member of his or her household. For purposes of this section, the phrase "immediate family" means a husband, wife, parent, child, sibling, stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

~~[(42)]~~ **(44)** "Wholesaler", a person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions.

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**195.017. SUBSTANCES, HOW PLACED IN SCHEDULES — LIST OF SCHEDULED SUBSTANCES — PUBLICATION OF SCHEDULES ANNUALLY — ELECTRONIC LOG OF TRANSACTIONS TO BE MAINTAINED, WHEN — CERTAIN PRODUCTS TO BE LOCATED BEHIND PHARMACY COUNTER — EXEMPTION FROM REQUIREMENTS, WHEN — RULEMAKING AUTHORITY.** — 1. The department of health and senior services shall place a substance in Schedule I if it finds that the substance:

- (1) Has high potential for abuse; and
- (2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

- (1) The controlled substances listed in this subsection are included in Schedule I;
- (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (a) Acetyl-alpha-methylfentanyl;
- (b) Acetylmethadol;
- (c) Allylprodine;
- (d) Alphacetylmethadol;
- (e) Alphameprodine;
- (f) Alphamethadol;
- (g) Alpha-methylfentanyl;
- (h) Alpha-methylthiofentanyl;
- (i) Benzethidine;
- (j) Betacetylmethadol;
- (k) Beta-hydroxyfentanyl;
- (l) Beta-hydroxy-3-methylfentanyl;
- (m) Betameprodine;
- (n) Betamethadol;
- (o) Betaprodine;
- (p) Clonitazene;
- (q) Dextromoramide;
- (r) Diampromide;
- (s) Diethylthiambutene;
- (t) Difenoxin;
- (u) Dimenoxadol;
- (v) Dimepheptanol;
- (w) Dimethylthiambutene;
- (x) Dioxaphetyl butyrate;
- (y) Dipipanone;
- (z) Ethylmethylthiambutene;
- (aa) Etonitazene;
- (bb) Etoxidine;
- (cc) Furethidine;
- (dd) Hydroxypethidine;
- (ee) Ketobemidone;
- (ff) Levomoramide;
- (gg) Levophenacymorphan;

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- (hh) 3-Methylfentanyl;
- (ii) 3-Methylthiofentanyl;
- (jj) Morpheridine;
- (kk) MPPP;
- (ll) Noracymethadol;
- (mm) Norlevorphanol;
- (nn) Normethadone;
- (oo) Norpipanone;
- (pp) Para-fluorofentanyl;
- (qq) PEPAP;
- (rr) Phenadoxone;
- (ss) Phenampromide;
- (tt) Phenomorphan;
- (uu) Phenoperidine;
- (vv) Pir tramide;
- (ww) Proheptazine;
- (xx) Properidine;
- (yy) Propiram;
- (zz) Racemoramide;
- (aaa) Thiofentanyl;
- (bbb) Tilidine;
- (ccc) Trimeperidine;

(3) Any of the following opium derivatives, their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (a) Acetorphine;
- (b) Acetyldihydrocodeine;
- (c) Benzylmorphine;
- (d) Codeine methylbromide;
- (e) Codeine-N-Oxide;
- (f) Cyprenorphine;
- (g) Desomorphine;
- (h) Dihydromorphine;
- (i) Drotebanol;
- (j) Etorphine (except hydrochloride salt);
- (k) Heroin;
- (l) Hydromorphanol;
- (m) Methyl-desorphine;
- (n) Methyl-dihydromorphine;
- (o) Morphine methylbromide;
- (p) Morphine methylsulfonate;
- (q) Morphine-N-Oxide;
- (r) Myorphine;
- (s) Nicocodeine;
- (t) Nicomorphine;
- (u) Normorphine;
- (v) Pholcodine;

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- (w) Thebacon;
- (4) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (a) 4-bromo-2, 5-dimethoxyamphetamine;
  - (b) 4-bromo-2, 5-dimethoxyphenethylamine;
  - (c) 2,5-dimethoxyamphetamine;
  - (d) 2,5-dimethoxy-4-ethylamphetamine;
  - (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
  - (f) 4-methoxyamphetamine;
  - (g) 5-methoxy-3,4-methylenedioxyamphetamine;
  - (h) 4-methyl-2, 5-dimethoxyamphetamine;
  - (i) 3,4-methylenedioxyamphetamine;
  - (j) 3,4-methylenedioxymethamphetamine;
  - (k) 3,4-methylenedioxy-N-ethylamphetamine;
  - (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
  - (m) 3,4,5-trimethoxyamphetamine;
  - (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of isomers;
  - (o) Alpha-ethyltryptamine;
  - (p) Alpha-methyltryptamine;
  - (q) Bufotenine;
  - (r) Diethyltryptamine;
  - (s) Dimethyltryptamine;
  - (t) 5-methoxy-N,N-diisopropyltryptamine;
  - (u) Ibogaine;
  - (v) Lysergic acid diethylamide;
  - (w) Marijuana or marihuana, **except industrial hemp**;
  - (x) Mescaline;
  - (y) Parahexyl;
  - (z) Peyote, to include all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;
    - (aa) N-ethyl-3-piperidyl benzilate;
    - (bb) N-methyl-3-piperidyl benzilate;
    - (cc) Psilocybin;
    - (dd) Psilocyn;
    - (ee) Tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), **except industrial hemp**, as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:
      - a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
      - b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
      - c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;

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d. Any compounds of these structures, regardless of numerical designation of atomic positions covered;

- (ff) Ethylamine analog of phencyclidine;
- (gg) Pyrrolidine analog of phencyclidine;
- (hh) Thiophene analog of phencyclidine;
- (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- (jj) Salvia divinorum;
- (kk) Salvinorin A;
- (ll) Synthetic cannabinoids:

a. Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited to:

- (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
- (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
- (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
- (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
- (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
- (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
- (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;
- (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
- (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
- (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
- (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
- (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent;

c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent;

d. Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Including, but not limited to:

- (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
- (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
- (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
- (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,

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cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Including, but not limited to:

(i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n=4,6, or 7;

f. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Including, but not limited to:

(i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

(ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;

g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

j. CP 50,556-1, or (6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

k. Dimethylheptylpyran, or DMHP;

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Gamma-hydroxybutyric acid;

(b) Mecloqualone;

(c) Methaqualone;

(6) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Aminorex;

(b) N-benzylpiperazine;

(c) Cathinone;

(d) Fenethylamine;

(e) 3-Fluoromethcathinone;

(f) 4-Fluoromethcathinone;

(g) Mephedrone, or 4-methylmethcathinone;

(h) Methcathinone;

(i) 4-methoxymethcathinone;

(j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

(k) Methylenedioxypropylvalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone);

(l) Methylone, or 3,4-Methylenedioxypropylmethcathinone;

(m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;

(n) N-ethylamphetamine;

(o) N,N-dimethylamphetamine;

(7) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

(a) N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers;

(b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers;

(8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.

3. The department of health and senior services shall place a substance in Schedule II if it finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

4. The controlled substances listed in this subsection are included in Schedule II:

(1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts but including the following:

a. Raw opium;

b. Opium extracts;

c. Opium fluid;

d. Powdered opium;

e. Granulated opium;

f. Tincture of opium;

g. Codeine;

h. Ethylmorphine;

i. Etorphine hydrochloride;

j. Hydrocodone;

k. Hydromorphone;

l. Metopon;

m. Morphine;

n. Oxycodone;

o. Oxymorphone;

p. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

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(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

- (a) Alfentanil;
- (b) Alphaprodine;
- (c) Anileridine;
- (d) Bezitramide;
- (e) Bulk dextropropoxyphene;
- (f) Carfentanil;
- (g) Dihydrocodeine;
- (h) Diphenoxylate;
- (i) Fentanyl;
- (j) Isomethadone;
- (k) Levo-alphacetylmethadol;
- (l) Levomethorphan;
- (m) Levorphanol;
- (n) Metazocine;
- (o) Methadone;
- (p) Meperidine;
- (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- (s) Pethidine (meperidine);
- (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (w) Phenazocine;
- (x) Piminodine;
- (y) Racemethorphan;
- (z) Racemorphan;
- (aa) Remifentanil;
- (bb) Sufentanil;
- (cc) Tapentadol;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- (d) Phenmetrazine and its salts;
- (e) Methylphenidate;

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Amobarbital;
- (b) Glutethimide;

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- (c) Pentobarbital;
- (d) Phencyclidine;
- (e) Secobarbital;
- (5) Any material or compound which contains any quantity of nabilone;
- (6) Any material, compound, mixture, or preparation which contains any quantity of the following substances:
  - (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
  - (b) Immediate precursors to phencyclidine (PCP):
    - a. 1-phenylcyclohexylamine;
    - b. 1-piperidinocyclohexanecarbonitrile (PCC);
  - (7) Any material, compound, mixture, or preparation which contains any quantity of the following alkyl nitrites:
    - (a) Amyl nitrite;
    - (b) Butyl nitrite.
- 5. The department of health and senior services shall place a substance in Schedule III if it finds that:
  - (1) The substance has a potential for abuse less than the substances listed in Schedules I and II;
  - (2) The substance has currently accepted medical use in treatment in the United States; and
  - (3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.
- 6. The controlled substances listed in this subsection are included in Schedule III:
  - (1) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:
    - (a) Benzphetamine;
    - (b) Chlorphentermine;
    - (c) Clortermine;
    - (d) Phendimetrazine;
  - (2) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances or salts having a depressant effect on the central nervous system:
    - (a) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances combined with one or more active medicinal ingredients:
      - a. Amobarbital;
      - b. Secobarbital;
      - c. Pentobarbital;
    - (b) Any suppository dosage form containing any quantity or salt of the following:
      - a. Amobarbital;
      - b. Secobarbital;
      - c. Pentobarbital;
    - (c) Any substance which contains any quantity of a derivative of barbituric acid or its salt;
    - (d) Chlorhexadol;
    - (e) Embutramide;
    - (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under Section 505 of the federal Food, Drug, and Cosmetic Act;
    - (g) Ketamine, its salts, isomers, and salts of isomers;**

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- (h) Lysergic acid;
- (i) Lysergic acid amide;
- (j) Methyprylon;
- (k) Sulfondiethylmethane;
- (l) Sulfonethylmethane;
- (m) Sulfonmethane;
- (n) Tiletamine and zolazepam or any salt thereof;
- (3) Nalorphine;
- (4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:
  - (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
  - (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
  - (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
  - (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;
  - (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;
  - (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
  - (g) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;
  - (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- (5) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;
- (6) Anabolic steroids. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subdivision. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, esters and ethers:
  - (a) 3 $\beta$ ,17-dihydroxy-5 $\alpha$ -androstane;
  - (b) 3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane;
  - (c) 5 $\alpha$ -androstan-3,17-dione;

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- (d) 1-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
- (e) 1-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
- (f) 4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-4-ene);
- (g) 5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-5-ene);
- (h) 1-androstenedione ([5 $\alpha$ ]-androst-1-en-3,17-dione);
- (i) 4-androstenedione (androst-4-en-3,17-dione);
- (j) 5-androstenedione (androst-5-en-3,17-dione);
- (k) Bolasterone (7 $\alpha$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (l) Boldenone (17 $\beta$ -hydroxyandrost-1,4,-diene-3-one);
- (m) Boldione;
- (n) Calusterone (7 $\beta$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (o) Clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (p) Dehydrochloromethyltestosterone (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-1,4-dien-3-one);
- (q) Desoxymethyltestosterone;
- (r)  $\Delta$ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);
- (s) 4-dihydrotestosterone (17 $\beta$ -hydroxy-androstan-3-one);
- (t) Drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -androstan-3-one);
- (u) Ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene);
- (v) Fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one);
- (w) Formebolone (2-formyl-17 $\alpha$ -methyl-11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one);
- (x) Furazabol (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrostan[2,3-c]-furazan);
- (y) 13 $\beta$ -ethyl-17 $\beta$ -hydroxygon-4-en-3-one;
- (z) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one);
- (aa) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one);
- (bb) Mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androstan-3-one);
- (cc) Mesterolone (1 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one);
- (dd) Methandienone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one);
- (ee) Methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene);
- (ff) Methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);
- (gg) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstan-3-one);
- (hh) 17 $\alpha$ -methyl-3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstan-3-one);
- (ii) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene;
- (ij) 17 $\alpha$ -methyl-4-hydroxynandrolone (17 $\alpha$ -methyl-4-hydroxy-17 $\beta$ -hydroxyestr-4-en-3-one);
- (kk) Methyldienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9(10)-dien-3-one);
- (ll) Methyltrienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9-11-trien-3-one);
- (mm) Methyltestosterone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (nn) Mibolerone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- (oo) 17 $\alpha$ -methyl- $\Delta$ 1-dihydrotestosterone (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androst-1-en-3-one) (a.k.a. '17 $\alpha$ -methyl-1-testosterone');
- (pp) Nandrolone (17 $\beta$ -hydroxyestr-4-ene-3-one);
- (qq) 19-nor-4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-4-ene);
- (rr) 19-nor-4-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-4-ene);
- (ss) 19-nor-4,9(10)-androstadienedione;
- (tt) 19-nor-5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-5-ene);
- (uu) 19-nor-5-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-5-ene);
- (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);

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(ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);  
 (xx) Norbolethone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4-en-3-one);  
 (yy) Norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one);  
 (zz) Norethandrolone (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
 (aaa) Normethandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
 (bbb) Oxandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-2-oxa-[5 $\alpha$ ]-androstan-3-one);  
 (ccc) Oxymesterone (17 $\alpha$ -methyl-4,17 $\beta$ -dihydroxyandrost-4-en-3-one);  
 (ddd) Oxymethalone (17 $\alpha$ -methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one);  
 (eee) Stanozolol (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androst-2-eno[3,2-c]-pyrazole);  
 (fff) Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5 $\alpha$ ]-androst-1-en-3-one);  
 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);  
 (hhh) Testosterone (17 $\beta$ -hydroxyandrost-4-en-3-one);  
 (iii) Tetrahydrogestrinone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4,9,11-trien-3-one);  
 (jii) Trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one);  
 (kkk) Any salt, ester, or ether of a drug or substance described or listed in this subdivision, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration;

(7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product;

(8) The department of health and senior services may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

7. The department of health and senior services shall place a substance in Schedule IV if it finds that:

- (1) The substance has a low potential for abuse relative to substances in Schedule III;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

8. The controlled substances listed in this subsection are included in Schedule IV:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionyxybutane);

(c) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

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b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Alprazolam;
- (b) Barbitol;
- (c) Bromazepam;
- (d) Camazepam;
- (e) Chloral betaine;
- (f) Chloral hydrate;
- (g) Chlordiazepoxide;
- (h) Clobazam;
- (i) Clonazepam;
- (j) Clorazepate;
- (k) Clotiazepam;
- (l) Cloxazolam;
- (m) Delorazepam;
- (n) Diazepam;
- (o) Dichloralphenazone;
- (p) Estazolam;
- (q) Ethchlorvynol;
- (r) Ethinamate;
- (s) Ethyl loflazepate;
- (t) Fludiazepam;
- (u) Flunitrazepam;
- (v) Flurazepam;
- (w) Fospropofol;
- (x) Halazepam;
- (y) Haloxazolam;
- (z) Ketazolam;
- (aa) Loprazolam;
- (bb) Lorazepam;
- (cc) Lormetazepam;
- (dd) Mebutamate;
- (ee) Medazepam;
- (ff) Meprobamate;
- (gg) Methohexital;
- (hh) Methylphenobarbital (mephobarbital);
- (ii) Midazolam;
- (jj) Nimetazepam;
- (kk) Nitrazepam;
- (ll) Nordiazepam;
- (mm) Oxazepam;
- (nn) Oxazolam;

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- (oo) Paraldehyde;
- (pp) Petrichloral;
- (qq) Phenobarbital;
- (rr) Pinazepam;
- (ss) Prazepam;
- (tt) Quazepam;
- (uu) Temazepam;
- (vv) Tetrazepam;
- (ww) Triazolam;
- (xx) Zaleplon;
- (yy) Zolpidem;
- (zz) Zopiclone;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine;

(4) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

- (a) Cathine ((+)-norpseudoephedrine);
- (b) Diethylpropion;
- (c) Fencamfamin;
- (d) Fenproporex;
- (e) Mazindol;
- (f) Mefenorex;
- (g) Modafinil;
- (h) Pemoline, including organometallic complexes and chelates thereof;
- (i) Phentermine;
- (j) Pipradrol;
- (k) Sibutramine;
- (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts:

- (a) butorphanol;
- (b) pentazocine;

(6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance is the only active medicinal ingredient;

(7) The department of health and senior services may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 and sections 579.015 to 579.086 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

9. The department of health and senior services shall place a substance in Schedule V if it finds that:

(1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

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- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

10. The controlled substances listed in this subsection are included in Schedule V:

(1) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams;

(c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(2) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone;

(3) Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

(4) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

(a) Lacosamide;

(b) Pregabalin.

11. If any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a prescription:

(1) All packages of any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician; and

(2) Any person purchasing, receiving or otherwise acquiring any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least eighteen years of age; and

(3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require any person, prior to such person's purchasing, receiving or otherwise acquiring such compound, mixture, or preparation to furnish suitable photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and showing the date of birth of the person;

(4) The seller shall deliver the product directly into the custody of the purchaser.

12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall implement and maintain an electronic log of each transaction. Such log shall include the following information:

(1) The name, address, and signature of the purchaser;

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

Matter in bold-face type is proposed language.

- (2) The amount of the compound, mixture, or preparation purchased;
  - (3) The date and time of each purchase; and
  - (4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy technician who dispensed the compound, mixture, or preparation to the purchaser.
13. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with transmission methods and frequency established by the department by regulation;
14. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities greater than those specified in this chapter.
15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.
16. The penalties for a knowing or reckless violation of the provisions of subsections 11 to 15 of this section are found in section 579.060.
17. The scheduling of substances specified in subdivision (3) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.
18. The manufacturer of a drug product or another interested party may apply with the department of health and senior services for an exemption from this section. The department of health and senior services may grant an exemption by rule from this section if the department finds the drug product is not used in the illegal manufacture of methamphetamine or other controlled or dangerous substances. The department of health and senior services shall rely on reports from law enforcement and law enforcement evidentiary laboratories in determining if the proposed product can be used to manufacture illicit controlled substances.
19. The department of health and senior services shall revise and republish the schedules annually.
20. The department of health and senior services shall promulgate rules under chapter 536 regarding the security and storage of Schedule V controlled substances, as described in subdivision (3) of subsection 10 of this section, for distributors as registered by the department of health and senior services.
21. Logs of transactions required to be kept and maintained by this section and section 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.

**195.203. INDUSTRIAL HEMP, AUTHORIZATION TO GROW, HARVEST, CULTIVATE, AND PROCESS WITH VALID REGISTRATION.** — **Notwithstanding any other provision of this chapter or chapter 579 to the contrary, any person who has a valid industrial hemp registration as provided under section 195.746 may grow, harvest, cultivate, and process industrial hemp, as defined in section 195.010, in accordance with the requirements of such sections.**

**195.740. DEFINITIONS.** — **For the purposes of sections 195.740 to 195.773, the following terms shall mean:**

- (1) **"Agricultural hemp seed", Cannabis sativa L. seed that meets any labeling, quality, or other standards set by the department of agriculture and that is intended for sale, is sold to, or is purchased by registered growers for planting;**

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- (2) "Crop", industrial hemp grown under a single registration;
- (3) "Department", the Missouri department of agriculture;
- (4) "Grain", Cannabis sativa L. seed used to make an industrial hemp commodity or product;
- (5) "Grower", a person, joint venture, or cooperative who is a Missouri resident or an entity that is domiciled in this state that produces industrial hemp;
- (6) "Handler", a person, joint venture, or cooperative who is a Missouri resident or an entity that is domiciled in this state that receives industrial hemp for processing into commodities, products, feed, or agricultural hemp seed;
- (7) "Industrial hemp plant monitoring system", a reporting system that includes, but is not limited to, testing, transfer reports, and data collection maintained by a grower or handler and available to the department for purposes of monitoring agricultural hemp seed and industrial hemp cultivated as an agricultural product from planting to final packaging.

**195.743. INDUSTRIAL HEMP AGRICULTURAL PILOT PROGRAM CREATED — DEPARTMENT REGULATION.** — 1. There is hereby created an industrial hemp agricultural pilot program, in accordance with federal law, to be implemented by the department to study the growth, cultivation, processing, feeding, and marketing of industrial hemp.

2. Industrial hemp shall be an agricultural product that is subject to regulation by the department, including compliance with an industrial hemp plant monitoring system.

**195.746. REGISTRATION AND PERMITS, REQUIREMENTS — APPLICATION, CONTENTS — ISSUANCE, WHEN.** — 1. Any grower or handler of industrial hemp shall obtain a registration from the department. Growers and handlers engaged in the production of agricultural hemp seed shall obtain an agricultural hemp seed production permit. An agricultural hemp seed production permit shall authorize a grower or handler to produce and handle agricultural hemp seed for sale to registered industrial hemp growers and handlers. The department shall make information that identifies sellers of agricultural hemp seed available to growers, and any seller of agricultural hemp seed shall ensure that the seed complies with any standards established by the department.

2. An application for an industrial hemp registration or agricultural hemp seed production permit shall include:

- (1) The name and address of the applicant;
- (2) The name and address of the industrial hemp or agricultural hemp seed operation;
- (3) The global positioning system coordinates and legal description for the property used for the industrial hemp or agricultural hemp seed operation;
- (4) The application fee, as determined by the department, in an amount sufficient to cover the administration, regulation, and enforcement costs associated with sections 195.740 to 195.773; and
- (5) Any other information the department deems necessary.

3. The department shall issue a registration or permit under this section to an applicant who meets the requirements of this section and section 195.749, who satisfactorily completes a state and federal fingerprint criminal history background check under section 43.543, who signs an acknowledgment that industrial hemp is an experimental crop, and who signs a waiver that holds the department harmless in the event a lawsuit occurs or if the growth, cultivation, processing, feeding, or marketing of industrial hemp or seed is later declared illegal under federal law. The department may charge an applicant an additional fee for the

cost of the fingerprint criminal history background check in addition to the registration or permit fee.

4. Upon issuance of a registration or permit, information regarding all registration and permit holders shall be forwarded to the Missouri state highway patrol.

5. An industrial hemp registration or agricultural hemp seed production permit is:

(1) Nontransferable, except such registration or permit may be transferred to a spouse or child who otherwise meets the requirements of a registrant or permittee, and the spouse or child may operate under the existing registration or permit until the registration or permit expires, at which time the renewal shall reflect the change of the registrant or permittee;

(2) Valid for a three-year term unless revoked by the department; and

(3) Renewable as determined by the department.

**195.749. REGISTRATION AND PERMIT, REVOCATION, REFUSAL TO ISSUE, REFUSAL TO RENEW, WHEN — PENALTY, AMOUNT. — 1.** The department may revoke, refuse to issue, or refuse to renew an industrial hemp registration or agricultural hemp seed production permit and may impose a civil penalty of not less than two thousand five hundred dollars or more than fifty thousand dollars for violation of:

(1) A registration or permit requirement, term, or condition;

(2) Department rules relating to growing or handling industrial hemp;

(3) Any industrial hemp plant monitoring system requirement; or

(4) A final order of the department that is specifically directed to the grower's or handler's industrial hemp operations or activities.

2. A registration or permit shall not be issued to a person who in the five years immediately preceding the application date has been found guilty of, or pled guilty to, a felony offense under any state or federal law regarding the possession, distribution, manufacturing, cultivation, or use of a controlled substance.

3. The department may revoke, refuse to issue, or refuse to renew an industrial hemp registration or an agricultural hemp seed production permit for failing to comply with any provision of this chapter, or for a violation of any department rule relating to agricultural operations or activities other than industrial hemp growing or handling.

4. The department shall refuse to issue an industrial hemp registration or agricultural hemp seed permit to any applicant if approving such registration or permit would authorize the growth or cultivation of industrial hemp or agricultural hemp seed on a plot of land that is less than ten acres or more than forty acres by any single registrant or permittee, or over two thousand acres of land statewide among all registrants or permittees, notwithstanding the twenty acre limitation for institutions of higher education set forth in section 195.767.

**195.752. ADMINISTRATIVE FINE, WHEN, AMOUNT. —** Any person growing industrial hemp who does not have a valid industrial hemp registration issued under section 195.746 shall be subject to an administrative fine of five hundred dollars and shall obtain a valid registration to grow industrial hemp within thirty days. If, during the thirty-day period, such person applies for and receives an industrial hemp registration, the amount of the fine imposed under this section shall be refunded in full. If, during the thirty-day period described in this section, such person fails to obtain an industrial hemp registration, the person shall be fined one thousand dollars per day until such person obtains a registration. After thirty days of failing to obtain an industrial hemp registration and an accumulation of

administrative fines exceeding thirty days, such person shall destroy the industrial hemp crop. The Missouri state highway patrol shall certify such destruction to the department.

**195.755. GROWER MAY RETAIN SEED, WHEN.** — A grower may retain seed from each industrial hemp crop to ensure a sufficient supply of seed for that grower for the following year. A grower shall not be required to obtain an agricultural hemp seed production permit in order to retain seed for future planting. Any seed retained by a grower for future planting shall not be sold or transferred and does not have to meet agricultural hemp seed standards established by the department.

**195.756. PESTICIDES AND AGRICULTURAL CHEMICALS, USE OF — LIMITATIONS ON LIABILITY.** — Notwithstanding sections 281.050 and 281.101 to the contrary, in the growing and handling of industrial hemp consistent with sections 195.740 to 195.773, no retailer of pesticides as defined at 7 U.S.C. Section 136, or agricultural chemicals shall be liable for the sale, application, or handling of such products by a producer or applicator in any manner or for any purpose not approved by applicable state and federal agencies. No producer or applicator may use or apply pesticides or agricultural chemicals in the growing or handling of industrial hemp except as approved by state and federal law.

**195.758. MONITORING SYSTEM, RECORDKEEPING REQUIREMENTS — INSPECTIONS, WHEN — DESTRUCTION OF CROP, WHEN — AERIAL SURVEILLANCE — COORDINATION WITH LOCAL LAW ENFORCEMENT.** — 1. Every grower or handler shall be subject to an industrial hemp plant monitoring system and shall keep industrial hemp crop and agricultural hemp seed records as required by the department. Upon three days' notice, the department may require an inspection or audit during any normal business hours for the purpose of ensuring compliance with:

- (1) Any provision of sections 195.740 to 195.773;
- (2) Department rules and regulations;
- (3) Industrial hemp registration or agricultural hemp seed production permit requirements, terms, or conditions;
- (4) Any industrial hemp plant monitoring system requirement; or
- (5) A final department order directed to the grower's or handler's industrial hemp or agricultural hemp seed operations or activities.

2. In addition to any inspection conducted under subsection 1 of this section, the department may inspect any industrial hemp crop during the crop's growth phase and take a representative sample for field analysis. If a crop contains an average delta-9 tetrahydrocannabinol concentration exceeding three-tenths of one percent or the maximum concentration allowed under federal law, whichever is greater, on a dry weight basis, the department may order any grower or handler to destroy the crop.

3. If such crop is not destroyed within fifteen days of the grower or handler being notified by the department by certified mail that the crop contains concentrations exceeding those set forth in subsection 2 of this section, and directing the grower or handler to destroy the crop, such grower or handler shall be subject to a fine of five thousand dollars per day until such crop is destroyed. Such fine shall be in addition to any criminal liability the grower or handler may incur, except that no such penalty or fine shall be imposed prior to the expiration of the fifteen day notification period.

4. The Missouri state highway patrol may perform aerial surveillance to ensure illegal industrial hemp or marijuana plants are not being cultivated on or near legal, registered industrial hemp plantings.

5. The Missouri state highway patrol may coordinate with local law enforcement agencies to certify the destruction of illegal industrial hemp and marijuana plants.

6. The department shall notify the Missouri state highway patrol and local law enforcement agencies of the need to certify that a crop of industrial hemp deemed illegal through field analysis has been destroyed.

**195.764. FEES, AMOUNT, USE OF — FUND CREATED.** — 1. The department may charge growers and handlers reasonable fees as determined by the department for the purposes of administering sections 195.740 to 195.773. Fees charged for purposes of administering sections 195.740 to 195.773 shall only be used to administer such sections, and shall not provide additional revenue for the department to use to administer any other program or provide staff to the department for any other program. All fees collected under sections 195.740 to 195.773 shall be deposited in the industrial hemp fund created under this section for use by the department to administer sections 195.740 to 195.773.

2. There is hereby created in the state treasury the "Industrial Hemp Fund", which shall consist of money collected under sections 195.740 to 195.773. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of agriculture for the purpose of administering such sections, including reimbursing the Missouri state highway patrol for the enforcement of such sections. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

**195.767. STUDY OF INDUSTRIAL HEMP BY INSTITUTIONS OF HIGHER EDUCATION PERMITTED, REGISTRATION AND PERMIT REQUIRED — REFUSAL TO ISSUE, WHEN.** — 1. An institution of higher education may, in collaboration with the department, engage in the study of the growth, cultivation, or marketing of industrial hemp and agricultural hemp seed. Institutions for higher education shall obtain a registration for the growth of industrial hemp, or a permit for the growth and handling of agricultural hemp seed, from the department as set forth in sections 195.746 and 195.749.

2. The department shall refuse to issue an industrial hemp registration or agricultural hemp seed permit to any institution of higher education if approving such registration or permit would authorize the growth or cultivation of industrial hemp or agricultural hemp seed by institutions of higher education on over twenty acres of land statewide, notwithstanding the two thousand acre limitation set forth in section 195.749. Notwithstanding subsection 4 of section 195.749 to the contrary, the department may issue a registration or permit to an institution of higher education for the growth or cultivation of industrial hemp or agricultural hemp seed on a plot of land that is less than ten acres.

**195.770. INDUSTRIAL HEMP SEED, CERTIFICATION PROGRAM AUTHORIZED — HERITAGE SEED DEVELOPMENT AUTHORIZED.** — 1. **The Missouri Crop Improvement Association, in**

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collaboration with the department, may establish and administer a certification program for agricultural hemp seed in this state. Participation in the certification program shall be voluntary for growers and cultivators of industrial hemp.

2. The Missouri Crop Improvement Association, in collaboration with the department, may develop a Missouri heritage seed for industrial hemp. In developing a Missouri heritage seed, the department may:

- (1) Breed, plant, grow, cultivate, and harvest the plant cannabis; and
- (2) Collect seeds from wild cannabis plants.

**195.773. DEPARTMENT DUTIES — RULEMAKING AUTHORITY. — 1.** The department of agriculture shall execute its responsibilities relating to the cultivation of industrial hemp in the most cost-efficient manner possible, including in establishing permit and registration fees. For the purpose of testing industrial hemp for pesticides, the department shall explore the option of transporting samples from Missouri to departments of agriculture or testing laboratories in contiguous states, which participate in an agricultural pilot program authorized by the federal Agricultural Act of 2014, or any state program authorized by successor federal law. All transport between states shall be in compliance with the federal Agricultural Act of 2014, or any successor federal law, as well as any other applicable state and federal law.

2. The department shall promulgate rules necessary to administer the provisions of sections 195.740 to 195.773. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**196.070. FOOD, WHEN DEEMED ADULTERATED — INDUSTRIAL HEMP CONTENT, EFFECT OF. — 1.** A food shall be deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this subdivision if the quantity of such substance in such food does not ordinarily render it injurious to health; or

(2) If it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of section 196.085; or

(3) If it consists, in whole or in part, of any diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or

(4) If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered diseased, unwholesome, or injurious to health; or

(5) If it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse; or

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(7) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

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- (8) If any substance has been substituted wholly or in part therefor; or
- (9) If damage or inferiority has been concealed in any manner; or
- (10) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is; or
- (11) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one percent, harmless natural wax not in excess of four-tenths of one percent, harmless natural gum, and pectin; provided, that this subdivision shall not apply to any confectionery, by reason of its containing less than five percent by weight of alcohol, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances; or
- (12) If it bears or contains a coal tar color other than one from a batch which has been certified under authority of the federal act.

**2. A food shall not be considered adulterated solely for containing industrial hemp, or an industrial hemp commodity or product.**

Approved June 1, 2018

HB 2101

**Enacts provisions relating to guardian ad litem fees.**

AN ACT to repeal section 514.040, RSMo, and to enact in lieu thereof one new section relating to guardian ad litem fees.

SECTION

A. Enacting clause.

514.040 Plaintiff may sue as pauper, when — counsel assigned him by court — correctional center offenders, costs — waiver of costs and expenses, when.

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

**SECTION A. ENACTING CLAUSE.** — Section 514.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 514.040, to read as follows:

**514.040. PLAINTIFF MAY SUE AS PAUPER, WHEN — COUNSEL ASSIGNED HIM BY COURT — CORRECTIONAL CENTER OFFENDERS, COSTS — WAIVER OF COSTS AND EXPENSES, WHEN. —**

1. Except as provided in subsection 3 of this section, if any court shall, before or after the commencement of any suit pending before it, be satisfied that the plaintiff is a poor person, and unable to prosecute his or her suit, and pay all or any portion of the costs and expenses thereof, such court may, in its discretion, permit him or her to commence and prosecute his or her action as a poor person, and thereupon such poor person shall have all necessary process and proceedings as in other cases, without fees, tax or charge as the court determines the person cannot pay; and the court may assign to such person counsel, who, as well as all other officers of the court, shall perform their duties in such suit without fee or reward as the court may excuse; but if judgment is entered for the plaintiff, costs shall be recovered, which shall be collected for the use of the officers of the court.

2. In any civil action brought in a court of this state by any offender convicted of a crime who is confined in any state prison or correctional center, the court shall not reduce the amount required

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as security for costs upon filing such suit to an amount of less than ten dollars pursuant to this section. This subsection shall not apply to any action for which no sum as security for costs is required to be paid upon filing such suit.

3. Where a party is represented in a civil action by a legal aid society or a legal services or other nonprofit organization funded in whole or substantial part by moneys appropriated by the general assembly of the state of Missouri, which has as its primary purpose the furnishing of legal services to indigent persons, by a law school clinic which has as its primary purpose educating law students through furnishing legal services to indigent persons, or by private counsel working on behalf of or under the auspices of such society, all costs and expenses, **except guardian ad litem fees as provided by this subsection**, related to the prosecution of the suit may be waived without the necessity of a motion and court approval, provided that a determination has been made by such society or organization that such party is unable to pay the costs, fees and expenses necessary to prosecute or defend the action, and that a certification that such determination has been made is filed with the clerk of the court. **In the event an action involving the appointment of a guardian ad litem goes to trial, an updated certification shall be filed prior to the trial commencing. The waiver of guardian ad litem fees for a party who has filed a certification may be reviewed by the court at the conclusion of the action upon the motion of any party requesting the court to apportion guardian ad litem fees.**

4. **Any party may present additional evidence on the financial condition of the parties. Based upon that evidence, if the court finds the certifying party has the present ability to pay, the court may enter judgment ordering the certifying party to pay a portion of the guardian ad litem fees.**

5. **Any failure to pay guardian ad litem fees shall not preclude a certifying party from filing future suits, including motions to modify, and shall not be used as a basis to limit the certifying party's prosecution or defense of the action.**

Approved June 22, 2018

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## SCS HCS HB 2116

### Enacts provisions relating to watercraft.

AN ACT to repeal sections 306.100, 306.125, and 306.126, RSMo, and to enact in lieu thereof three new sections relating to watercraft, with a penalty provision.

#### SECTION

- A. Enacting clause.
- 306.100 Classification of vessels — equipment requirements.
- 306.125 Operation of watercraft, how — restricted areas, certain vessels, speed allowed, penalty for violations — rulemaking authority — exceptions.
- 306.126 Motorboats, regulations as to passenger seating while under way — person in water, flag required, when — slow speed required, when — penalty.

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

**SECTION A. ENACTING CLAUSE.** — Sections 306.100, 306.125, and 306.126, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 306.100, 306.125, and 306.126, to read as follows:

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**306.100. CLASSIFICATION OF VESSELS — EQUIPMENT REQUIREMENTS.** — 1. For the purpose of this section, vessels shall be divided into four classes as follows:

- (1) Class A, less than sixteen feet in length;
- (2) Class 1, at least sixteen and less than twenty-six feet in length;
- (3) Class 2, at least twenty-six and less than forty feet in length;
- (4) Class 3, forty feet and over.

2. All vessels shall display from sunset to sunrise the following lights when under way, and during such time no other lights, continuous spotlights or docking lights, or other nonprescribed lights shall be exhibited:

- (1) Vessels of classes A and 1:
  - (a) A bright white light aft to show all around the horizon;
  - (b) A combined light in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on their respective sides;
- (2) Vessels of classes 2 and 3:
  - (a) A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show the unbroken light over an arc of the horizon of twenty points (225 degrees) of the compass, so fixed as to throw the light ten points (112 1/2 degrees) on each side of the vessel; namely, from right ahead to two points (22 1/2 degrees) abaft the beam on either side;
  - (b) A bright white light aft to show all around the horizon and higher than the white light forward;
  - (c) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points (112 1/2 degrees) of the compass, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on the starboard side; on the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points (112 1/2 degrees) of the compass, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on the portside. The side lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow;
- (3) Vessels of classes A and 1 when propelled by sail alone shall exhibit the combined light prescribed by this section and a twelve point (135 degree) white light aft. Vessels of classes 2 and 3, when so propelled, shall exhibit the colored side lights, suitably screened, prescribed by this section and a twelve point (135 degree) white light aft;
- (4) All vessels between the hours of sunset and sunrise that are not under way, moored at permanent dockage or attached to an immovable object on shore so that they do not extend more than fifty feet from the shore shall display one three-hundred-sixty-degree white light visible three hundred sixty degrees around the horizon;
- (5) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere;
- (6) When propelled by sail and machinery every vessel shall carry the lights required by this section for a motorboat propelled by machinery only.

3. Any watercraft not defined as a vessel shall, from sunset to sunrise, carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

4. Any vessel may carry and exhibit the lights required by the federal regulations for preventing collisions at sea, in lieu of the lights required by subsection 2 of this section.

5. All other watercraft over sixty-five feet in length and those propelled solely by wind effect on the sail shall display lights prescribed by federal regulations.

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6. Any watercraft used by a person engaged in the act of sport fishing is not required to display any lights required by this section if no other vessel is within the immediate vicinity of the first vessel, the vessel is using an electric trolling motor and the vessel is within fifty feet of the shore.

7. Every vessel, except those in class A, shall have on board at least one wearable personal flotation device of type I, II or III for each person on board and each person being towed who is not wearing one. Every such vessel shall also have on board at least one type IV throwable personal flotation device.

8. All class A motorboats and all watercraft traveling on the waters of this state shall have on board at least one type I, II, III or IV personal flotation device for each person on board and each person being towed who is not wearing one.

9. All lifesaving devices required by subsections 7 and 8 of this section shall be United States Coast Guard approved, in serviceable condition and so placed as to be readily accessible. **The operator of any watercraft in violation of this subsection or subsection 7 or 8 of this section is guilty of an infraction and shall be fined not more than twenty-five dollars. Notwithstanding any provision of law or court rule to the contrary, no court costs shall be imposed on any person due to a violation of this subsection or subsection 7 or 8 of this section.**

10. Every vessel which is carrying or using flammable or toxic fluid in any enclosure for any purpose, and which is not an entirely open vessel, shall have an efficient natural or mechanical ventilation system which must be capable of removing resulting gases prior to and during the time the vessel is occupied by any person.

11. Motorboats shall carry on board at least the following United States Coast Guard approved fire extinguishers:

(1) Every class A and every class 1 motorboat carrying or using gasoline or any other flammable or toxic fluid, one B1 type fire extinguisher;

(2) Every class 2 motorboat:

(a) Two B1 type fire extinguishers; or

(b) One B2 type fire extinguisher; or

(c) A fixed fire extinguishing system and one B1 type fire extinguisher; and

(3) Every class 3 motorboat:

(a) Three B1 type fire extinguishers; or

(b) One B2 type and one B1 type fire extinguisher; or

(c) A fixed fire extinguishing system and one B2 type fire extinguisher; or

(d) A fixed fire extinguishing system and two B1 type fire extinguishers.

12. All class 1 and 2 motorboats and vessels shall have a sounding device. All class 3 motorboats and vessels shall have at least a sounding device and one bell.

13. No person shall operate any watercraft which is not equipped as required by this section.

14. A water patrol division officer may direct the operator of any watercraft being operated without sufficient personal flotation devices, fire-fighting devices or in an overloaded or other unsafe condition or manner to take whatever immediate and reasonable steps are necessary for the safety of those aboard when, in the judgment of the officer, such operation creates a hazardous condition. The officer may direct the operator to return the watercraft to the nearest safe mooring and to remain there until the situation creating the hazardous condition is corrected.

15. A water patrol division officer may remove any unmanned or unattended watercraft from the water when, in the judgment of the officer, the watercraft creates a hazardous condition.

16. Nothing in this section shall prohibit the use of additional specialized lighting used in the act of sport fishing.

**306.125. OPERATION OF WATERCRAFT, HOW — RESTRICTED AREAS, CERTAIN VESSELS, SPEED ALLOWED, PENALTY FOR VIOLATIONS — RULEMAKING AUTHORITY — EXCEPTIONS.**

— 1. Every person shall operate a motorboat, vessel or watercraft in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

2. No person shall operate a motorboat, vessel or watercraft at any time from a half-hour after sunset until an hour before sunrise the following day at a speed exceeding thirty miles per hour.

3. Vessels shall not be operated within one hundred feet of any dock, pier, occupied anchored boat or buoyed restricted area on any lake at a speed in excess of slow-no wake speed. **The operator of any watercraft in violation of this subsection is guilty of an infraction and shall be fined not more than twenty-five dollars; however, if the operator cannot be identified, the owner of the watercraft shall be subject to such penalty. Notwithstanding any provision of law or court rule to the contrary, no court costs shall be imposed on any person due to a violation of this subsection.**

4. **The department of public safety shall promulgate all necessary rules and regulations for the implementation and administration of a no wake cove for class 3 vessels in a cove with its main juncture less than 800 feet, measured from shore to shore, at the main channel. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

5. Subsection 1 of this section shall not apply to a motorboat or other boat race authorized under section 306.130.

**306.126. MOTORBOATS, REGULATIONS AS TO PASSENGER SEATING WHILE UNDER WAY — PERSON IN WATER, FLAG REQUIRED, WHEN — SLOW SPEED REQUIRED, WHEN — PENALTY.**

— 1. The operator of a motorboat shall not allow any person to ride or sit on the gunwales, decking over the bow, railing, top of seat back or decking over the back of the motorboat while under way, unless such person is inboard of adequate guards or railing provided on the motorboat to prevent a passenger from being lost overboard. As used in this section, the term "adequate guards or railing" means guards or railings having a height parameter of at least six inches but not more than eighteen inches. Nothing in this section shall be construed to mean that passengers or other persons aboard a motorboat cannot occupy the decking over the bow of the boat to moor it to a mooring buoy or to cast off from such a buoy, or for any other necessary purpose. The provisions of this section shall not apply to vessels propelled by sail **or vessels propelled by jet motors or propellers operating on a stretch of waterway not created or widened by impoundment.**

2. Whenever any person leaves any watercraft, other than a personal watercraft, on the waters of the Mississippi River, the waters of the Missouri River or the lakes of this state and enters the water between the hours of 11:00 a.m. and sunset, the operator of such watercraft shall display on the watercraft a red or orange flag measuring not less than twelve inches by twelve inches. The provisions of this subsection shall not apply to watercraft that is moored or anchored. The flag required by this subsection shall be visible for three hundred sixty degrees around the horizon when displayed and shall be displayed only when an occupant of the watercraft has left the confines of the watercraft and entered the water. The flag required by this subsection shall not be displayed

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

when the watercraft is engaged in towing any person, but shall be displayed when such person has ceased being towed and has reentered the water.

3. No operator shall knowingly operate any watercraft within fifty yards of a flag required by subsection 2 of this section at a speed in excess of a slow-no wake speed.

Approved June 1, 2018

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SS#2 HCS HB 2129

**Enacts provisions relating to public awareness of organ donation.**

AN ACT to amend chapter 170, RSMo, by adding thereto one new section relating to public awareness of organ donation.

SECTION

A. Enacting clause.

170.311 Organ, eye, and tissue donation, instruction on, when — students may opt out of instruction, when.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 170, RSMo, is amended by adding thereto one new section, to be known as section 170.311, to read as follows:

**170.311. ORGAN, EYE, AND TISSUE DONATION, INSTRUCTION ON, WHEN — STUDENTS MAY OPT OUT OF INSTRUCTION, WHEN.** — 1. **If a state or nationally recognized program or organization that provides unbiased information on organ, eye, and tissue donation requests to present information on organ, eye, and tissue donation to a school board or a governing board of a charter school, the school board or governing board shall allow a presentation to be given, and shall allot no less than thirty minutes for the presentation. School boards and governing boards shall then consider the information presented and make a decision on whether to present such information to students and parents in the district or charter school and the manner in which such information shall be presented.**

2. **No student shall be required to participate in any instruction relating to information about organ, eye, and tissue donation if the student has any sincerely held religious or emotional belief which is contrary to such instruction.**

Approved July 5, 2018

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## HCS HB 2171

**Enacts provisions relating to the blind pension fund.**

AN ACT to repeal sections 209.030 and 209.040, RSMo, and to enact in lieu thereof two new sections relating to the blind pension fund.

## SECTION

- A. Enacting clause.
- 209.030 Blind pensions, eligibility requirements — termination of payments for failure to submit to vision test — change of address, notice to department.
- 209.040 Standard of vision, vision test required, exemption — amount of payments, effect of insufficient appropriations — medical assistance — supplemental appropriations, when.

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

**SECTION A. ENACTING CLAUSE.** — Sections 209.030 and 209.040, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 209.030 and 209.040, to read as follows:

**209.030. BLIND PENSIONS, ELIGIBILITY REQUIREMENTS — TERMINATION OF PAYMENTS FOR FAILURE TO SUBMIT TO VISION TEST — CHANGE OF ADDRESS, NOTICE TO DEPARTMENT. — 1.**

Every adult blind person, eighteen years of age or over, of good moral character who shall have been a resident of the state of Missouri for one year or more next preceding the time of making application for the pension herein provided and every adult blind person eighteen years of age or over who may have lost his or her sight while a bona fide resident of this state and who has been a continuous resident thereof since such loss of sight, shall be entitled to receive, when enrolled under the provisions of sections 209.010 to 209.160, an annual pension as provided for herein, payable in equal monthly installments, provided, that no such person shall be entitled to ~~a~~ **or be paid a blind pension** who:

(1) Owns property or has an interest in property to the value of ~~twenty~~ **thirty** thousand dollars or more, or if married and actually living with husband or wife, if the value of his or her interest in property, together with that of such husband or wife, exceeds said amount; **provided that, the first one hundred thousand dollars in an individual's ABLE account under sections 209.600 to 209.645 shall be excluded from such asset limit;** provided, further, that in determining the total value of property owned, the real estate occupied by the blind person or spouse as the home, shall be excluded; ~~or who~~

(2) **Obtains, maintains, or renews a valid driver's license in this or any other state or territory, unless such license has been relinquished to the department of revenue and the person provides satisfactory proof of such relinquishment to the department of social services. The department of social services shall notify eligible blind persons with valid driver's licenses that they shall surrender such licenses within sixty days of approval for a blind pension. Upon receipt of a relinquished license under this subdivision, the department of revenue shall, if requested by the person, issue a nondriver's license card compliant with the provisions of chapter 302 at no charge to the person. The department of social services and the department of revenue shall jointly establish procedures and shall share any information necessary to implement this subdivision;**

(3) **Operates a motor vehicle with or without a valid driver's license;**

(4) **Has a sighted spouse resident in this state who upon the investigation of the family support division may be found to be able to provide for the reasonable support of such applicant~~, or while~~ if the sighted spouse's annual income is equal to or greater than five hundred percent of the federal poverty level for each state fiscal year;**

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

(5) Publicly ~~[soliciting]~~ **solicits** alms in any manner or through any artifice in any part of this state; ~~[and provided, further, that blind persons who are]~~

(6) **Is** maintained in a private or endowed ~~[institutions]~~ **institution** or ~~[who are inmates]~~ **is an inmate** of a public institution ~~[shall not be entitled to the benefits of sections 209.010 to 209.160]~~, except as a patient in a public medical institution; provided, **that** benefits shall not be paid to a blind person under sixty-five years of age, who is a patient in an institution for mental diseases or tuberculosis. In order to comply with federal laws and regulations and state plans in making payments to or on behalf of mentally ill individuals sixty-five years of age, or over, who are patients in a state mental institution, the family support division shall require agreements or other arrangements with the institution to provide a framework for cooperation and to assure that state plan requirements and federal laws and regulations relating to such payment will be observed. In the event the federal laws or regulations will not permit approval of the state plan for benefit payments to or on behalf of an individual who is sixty-five years of age, or over, and is a patient in a state institution for mental diseases, this portion of this ~~[section]~~ **subdivision** shall be inoperative until approval of a state plan is obtained;

(7) **Is otherwise not blind and not eligible for a blind pension under this chapter; or**

(8) **Pleads guilty or has been found to have violated section 209.140.**

2. Any applicant for or any recipient of a blind pension who does not submit, without good cause or as otherwise specified by the department of social services, to a vision test as required under section 209.040 within thirty days of a request by the department shall not be eligible for a blind pension and the department shall terminate payment after notice and an opportunity for a hearing.

3. The applicant for or recipient of a blind pension shall inform the department of any change of address or other contact information and any other change of circumstances that may impact the applicant or recipient's eligibility for a blind pension within ten days of the change. Any notice served on the applicant or recipient shall be sent by certified mail delivered by the United States Postal Service at the applicant's or recipient's address of record and shall be deemed service for all purposes under sections 209.010 to 209.160.

**209.040. STANDARD OF VISION, VISION TEST REQUIRED, EXEMPTION — AMOUNT OF PAYMENTS, EFFECT OF INSUFFICIENT APPROPRIATIONS — MEDICAL ASSISTANCE — SUPPLEMENTAL APPROPRIATIONS, WHEN. — 1.** No person shall be entitled to a **blind** pension under sections 209.010 to 209.160 who ~~[does not have vision with or without properly adjusted glasses, up to but not including]~~ **is not blind as defined in this section. A person is "blind" for purposes of qualifying for a blind pension under this section if his or her vision cannot be corrected to better than five two-hundredths, in the better eye, or [whose best] if his or her visual field is less than or equal to five degrees as tested with five millimeter target on perimeter in the better eye, for a period that lasted or is expected to last at least twelve months.** No person shall be entitled to receive a pension except upon a scientific vision test **as determined by the department of social services and supported by a certificate of an ophthalmologist, a physician skilled in disease of the eye, or an optometrist, designated or approved by the department of social services to make such examination.**

2. **In order** to continue to be eligible to receive a pension under the provisions of this section, a person shall present to the department of social services every fifth year after the initial vision test, **or sooner at the request of the department if the department has reason to believe the person is not eligible for a blind pension,** a new certificate of an ophthalmologist, a physician skilled in disease of the eye, or an optometrist, designated or approved by the department to make

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Matter in bold-face type is proposed language.

a scientific vision test that such person continues to meet the requirements of this section. **The ophthalmologist, physician, or optometrist who conducted the vision test may indicate that a reexamination should be performed in less than five years if the person's vision may reasonably be expected to improve within five years.** Persons who have been deemed by an ophthalmologist, a physician skilled in disease of the eye, or an optometrist to have no usable vision **in the better eye** shall be exempt from the five-year reexamination requirement of this subsection, **but shall not be exempt from reexamination at the request of the department if the department has reasonable cause to believe that the person may not be blind.**

3. Every person ~~passing the vision test and having the other qualifications provided in~~ **who is eligible for a blind pension under** sections 209.010 to 209.160 shall be entitled to receive a monthly pension in an amount established by appropriations made by the general assembly for that purpose but not less than three hundred forty dollars; except that pensions to the blind as provided herein shall not be payable to a blind person unless such person has been declared ineligible to receive aid under the federal supplemental security income program, nor shall pensions to the blind as provided herein be payable to any person who is receiving general relief assistance.

~~[2-]~~ 4. If the funds at the disposal of or which may be obtained by the department of social services for the payment of benefits under this section shall at any time become insufficient to pay the full amount of benefits to each person entitled thereto, the amount of benefits of each one of such persons shall be reduced pro rata in proportion to such deficiency in the total amount available or to become available for such purpose.

~~[3-]~~ 5. Medical assistance for blind recipients eligible for such assistance under the provisions of sections 208.151 to 208.158 shall be payable as provided in sections 208.151 to 208.158 without regard to any durational residence requirement for eligibility out of funds designated for such medical assistance and not from the blind pension fund.

~~[4-]~~ 6. The monthly pension provided in subsection 1 of this section shall be ~~increased~~ **set** by the general assembly **annually and may be adjusted** by ~~aa~~ **a supplemental** appropriation bill ~~by a monthly pension amount which equals~~ **. The department of social services shall submit to the general assembly a projected estimate of the monthly pension payment for each upcoming fiscal year with the department's proposed budget request for each upcoming fiscal year. The estimate may consider projected revenues from the tax levied under section 209.130, the projected balance in the blind pension fund, projected cash flow estimates to the blind pension fund, and estimates of the number of persons eligible to receive blind pension payments in each upcoming fiscal year. The department may consult with the state treasurer, the department of revenue, and other sources in estimating projected revenues under this subsection. The estimated change in the monthly pension payment for each upcoming fiscal year shall be calculated as follows: one-twelfth of the quotient obtained by dividing seventy-five percent of the annual ~~growth~~ **change in the amount** of funds in the blind pension fund for the preceding fiscal year by the **projected** number of persons eligible to receive the monthly pension provided in subsection 1 of this section.**

Approved June 1, 2018

HB 2183

**Enacts provisions relating to licensure of healthcare facilities.**

AN ACT to repeal sections 197.052, 197.305, and 536.031, RSMo, and to enact in lieu thereof three new sections relating to licensure of healthcare facilities.

SECTION

- A. Enacting clause.
- 197.052 Adjacent property, hospital may revise premises of campus for licensure purposes.
- 197.305 Definitions.
- 536.031 Code to be published — to be revised monthly — incorporation by reference authorized.

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

**SECTION A. ENACTING CLAUSE.** — Sections 197.052, 197.305, and 536.031, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 197.052, 197.305, and 536.031, to read as follows:

**197.052. ADJACENT PROPERTY, HOSPITAL MAY REVISE PREMISES OF CAMPUS FOR LICENSURE PURPOSES.** — An applicant for or holder of a hospital license may define or revise the premises of a hospital campus to include tracts of property which are adjacent but for a common street, **single intersection**, or highway, as **such terms are** defined in section 300.010, and its accompanying public right-of-way.

**197.305. DEFINITIONS.** — As used in sections 197.300 to 197.366, the following terms mean:

- (1) "Affected persons", the person proposing the development of a new institutional health service, the public to be served, and health care facilities within the service area in which the proposed new health care service is to be developed;
- (2) "Agency", the certificate of need program of the Missouri department of health and senior services;
- (3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;
- (4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;
- (5) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;
- (6) "Expenditure minimum" shall mean:
  - (a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198 and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment, provided, however, that prior to January 1, 2003, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012 shall be zero, subject to the provisions of subsection 7 of section 197.318;
  - (b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

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Matter in bold-face type is proposed language.

(c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;

(7) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(8) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(9) "New institutional health service":

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (12) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility **licensed under chapter 198** which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period, **provided that any such health care facility seeking a nonapplicability review for an increase in total beds or total bed capacity in an amount less than described in this paragraph shall be eligible for such review only if the facility has had no patient care class I deficiencies within the last eighteen months and has maintained at least an eighty-five percent average occupancy rate for the previous six quarters;**

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(10) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(11) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(12) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.

**536.031. CODE TO BE PUBLISHED — TO BE REVISED MONTHLY — INCORPORATION BY REFERENCE AUTHORIZED.** — 1. There is established a publication to be known as the "Code of State Regulations", which shall be published in a format and medium as prescribed and in writing upon request by the secretary of state as soon as practicable after ninety days following January 1, 1976, and may be republished from time to time thereafter as determined by the secretary of state.

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2. The code of state regulations shall contain the full text of all rules of state agencies in force and effect upon the effective date of the first publication thereof, and effective September 1, 1990, it shall be revised no less frequently than monthly thereafter so as to include all rules of state agencies subsequently made, amended or rescinded. The code may also include citations, references, or annotations, prepared by the state agency adopting the rule or by the secretary of state, to any intraagency ruling, attorney general's opinion, determination, decisions, order, or other action of the administrative hearing commission, or any determination, decision, order, or other action of a court interpreting, applying, discussing, distinguishing, or otherwise affecting any rule published in the code.

3. The code of state regulations shall be published in looseleaf form in one or more volumes upon request and a format and medium as prescribed by the secretary of state with an appropriate index, and revisions in the text and index may be made by the secretary of state as necessary and provided in written format upon request.

4. An agency may incorporate by reference rules, regulations, standards, and guidelines of an agency of the United States or a nationally or state-recognized organization or association without publishing the material in full. The reference in the agency rules shall fully identify the incorporated material by publisher, address, and date in order to specify how a copy of the material may be obtained, and shall state that the referenced rule, regulation, standard, or guideline does not include any later amendments or additions~~[;]~~, except that~~[;]~~ :

**(1) Hospital licensure regulations promulgated under this chapter and chapter 197 may incorporate by reference Medicare conditions of participation, as defined in section 197.005, and later additions or amendments to such conditions of participation; and**

**(2) Hospital licensure regulations governing life safety code standards promulgated under this chapter and chapter 197 to implement section 197.065 may incorporate, by reference, later additions or amendments to such rules, regulations, standards, or guidelines as needed to consistently apply current standards of safety and practice.**

5. The agency adopting a rule, regulation, standard, or guideline under this section shall maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction. The secretary of state may omit from the code of state regulations such material incorporated by reference in any rule the publication of which would be unduly cumbersome or expensive.

~~[5-]~~ 6. The courts of this state shall take judicial notice, without proof, of the contents of the code of state regulations.

Approved July 6, 2018

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SS SCS HCS HB 2280, 2120, 1468 & 1616

**Enacts provisions relating to MO HealthNet benefits for pregnant women.**

AN ACT to repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet benefits for pregnant women.

SECTION

- A. Enacting clause.  
208.151 Medical assistance, persons eligible — rulemaking authority.

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

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

**SECTION A. ENACTING CLAUSE.**— Section 208.151, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.151, to read as follows:

**208.151. MEDICAL ASSISTANCE, PERSONS ELIGIBLE — RULEMAKING AUTHORITY.** — 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

- (1) All participants receiving state supplemental payments for the aged, blind and disabled;
- (2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in drug court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;
- (3) All participants receiving blind pension benefits;
- (4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;
- (5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;
- (6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (7) All persons eligible to receive nursing care benefits;
- (8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;
- (9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;
- (10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;
- (11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal

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poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. **Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;**

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a

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Matter in bold-face type is proposed language.

joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

(26) Effective August 28, 2013, persons who are in foster care under the responsibility of the state of Missouri on the date such persons ~~attain~~ **attained** the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, without regard to income or assets, if such persons:

- (a) Are under twenty-six years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- (c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the six months immediately preceding the month in which

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such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(I).

Approved June 1, 2018

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HB 2330

**Enacts provisions relating to the designation of a memorial highway.**

AN ACT to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

SECTION

A. Enacting clause.

227.539 Officer Blake Snyder Memorial Highway designated for a portion of State Highway 30 in St. Louis County.

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

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

**SECTION A. ENACTING CLAUSE.** — Chapter 227, RSMo, is amended by adding thereto one new section, to be known as section 227.539, to read as follows:

**227.539. OFFICER BLAKE SNYDER MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 30 IN ST. LOUIS COUNTY.** — **The portion of State Highway 30 from State Highway 21 continuing east to State Highway P in St. Louis County shall be designated as "Officer Blake Snyder Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.**

Approved June 1, 2018

SCS HB 2347

**Enacts provisions relating to designation of memorial infrastructure.**

AN ACT to amend chapter 227, RSMo, by adding thereto six new sections relating to designation of memorial infrastructure.

SECTION

- A. Enacting clause.
- 227.538 Deputy Edward Culver Memorial Highway designated for a portion of State Highway 45 in Platte County.
- 227.539 Officer Blake Snyder Memorial Highway designated for a portion of State Highway 30 in St. Louis County.
- 227.540 Captain Aaron J. Eidem Memorial Highway designated for a portion of I-44 in Greene County.
- 227.541 Highway Patrol Sgt. Benjamin Booth Memorial Highway designated for a portion of I-70 in Boone County.
- 227.542 Sheriff Roger I. Wilson Memorial Highway designated for a portion of I-70 in Boone County.
- 227.544 PFC Ralph A. Branson, Jr. Memorial Highway designated for a portion of State Highway 42 in Maries County.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 227, RSMo, is amended by adding thereto six new sections, to be known as sections 227.538, 227.539, 227.540, 227.541, 227.542, and 227.544, to read as follows:

**227.538. DEPUTY EDWARD CULVER MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 45 IN PLATTE COUNTY.** — **The portion of State Highway 45 Spur from State Highway 45 continuing north to State Highway 92 in Platte County shall be designated as "Deputy Edward Culver Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.**

**227.539. OFFICER BLAKE SNYDER MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 30 IN ST. LOUIS COUNTY.** — **The portion of State Highway 30 from State Highway 21 continuing east to State Highway P in St. Louis County shall be designated as "Officer Blake Snyder Memorial Highway". The department of transportation shall**

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erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

**227.540. CAPTAIN AARON J. EIDEM MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-44 IN GREENE COUNTY.** — The portion of Interstate 44 from State Highway 360 west to State Highway PP in Greene County shall be designated as "Captain Aaron J. Eidem Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs of such designation to be paid by private donations.

**227.541. HIGHWAY PATROL SGT. BENJAMIN BOOTH MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-70 IN BOONE COUNTY.** — The portion of Interstate 70 from Rangeline Street continuing west to Business Loop 70 in Boone County shall be designated as "Highway Patrol Sgt. Benjamin Booth Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

**227.542. SHERIFF ROGER I. WILSON MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-70 IN BOONE COUNTY.** — The portion of Interstate Highway 70 from the eastern edge of the intersection of U.S. Highway 63 and Interstate 70 continuing west to Rangeline Street in Boone County shall be designated as "Sheriff Roger I. Wilson Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

**227.544. PFC RALPH A. BRANSON, JR. MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 42 IN MARIES COUNTY.** — The portion of State Highway 42 within Maries County that is located within the city limits of Vienna shall be designated as "PFC Ralph A. Branson, Jr. Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

Approved June 1, 2018

SCS HCS HB 2540

**Enacts provisions relating to individual income taxes.**

AN ACT to repeal sections 143.011, 143.022, 143.151, 143.161, and 143.171, RSMo, and to enact in lieu thereof five new sections relating to individual income taxes, with an effective date.

SECTION

- A. Enacting clause.
  - 143.011 Resident individuals — tax rates.
  - 143.022 Deduction for business income — business income defined — increase in percentage of subtraction, when.
  - 143.151 Missouri personal exemptions.
  - 143.161 Missouri dependency exemptions.
  - 143.171 Federal income tax deduction, amount, corporate and individual taxpayers.
- B. Effective date.

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

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

**SECTION A. ENACTING CLAUSE.** — Sections 143.011, 143.022, 143.151, 143.161, and 143.171, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 143.011, 143.022, 143.151, 143.161, and 143.171, to read as follows:

**143.011. RESIDENT INDIVIDUALS — TAX RATES.** — 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 ½% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 ½% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. ~~[The top rate of tax shall not be reduced below five and one-half percent.]~~ **No more than five reductions shall be made under this subsection.** Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half ~~[of a]~~ percent, **and the top remaining rate of tax shall apply to all income in excess of the income in the second highest remaining income bracket.**

3. (1) **In addition to the rate reductions under subsection 2 of this section, beginning with the 2019 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by four-tenths of one percent. Such reduction in the rate of tax shall take effect on January first of the 2019 calendar year.**

(2) **The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.**

(3) **The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.**

4. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications

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to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

[4-] 5. As used in this section, the following terms mean:

- (1) "CPI", the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index;
- (2) "CPI for the preceding calendar year", the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;
- (3) **"Net general revenue collected", all revenue deposited into the general revenue fund, less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;**
- (4) "Percent increase in inflation", the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015.

**143.022. DEDUCTION FOR BUSINESS INCOME — BUSINESS INCOME DEFINED — INCREASE IN PERCENTAGE OF SUBTRACTION, WHEN.** — 1. As used in this section, "business income" means the income greater than zero arising from transactions in the regular course of all of a taxpayer's trade or business and shall be limited to the Missouri source net profit from the combination of the following:

(1) The total combined profit as properly reported to the Internal Revenue Service on each Schedule C, or its successor form, filed; and

(2) The total partnership and S corporation income or loss properly reported to the Internal Revenue Service on Part II of Schedule E, or its successor form.

2. In addition to all other modifications allowed by law, there shall be subtracted from the federal adjusted gross income of an individual taxpayer a percentage of such individual's business income, to the extent that such amounts are included in federal adjusted gross income when determining such individual's Missouri adjusted gross income.

3. In the case of an S corporation described in section 143.471 or a partnership computing the deduction allowed under subsection 2 of this section, taxpayers described in subdivision (1) or (2) of this subsection shall be allowed such deduction apportioned in proportion to their share of ownership of the business as reported on the taxpayer's Schedule K-1, or its successor form, for the tax period for which such deduction is being claimed when determining the Missouri adjusted gross income of:

- (1) The shareholders of an S corporation as described in section 143.471;
- (2) The partners in a partnership.

4. The percentage to be subtracted under subsection 2 of this section shall be increased over a period of years. Each increase in the percentage shall be by five percent and no more than one increase shall occur in a calendar year. The maximum percentage that may be subtracted is ~~twenty-five~~ **twenty** percent of business income. Any increase in the percentage that may be subtracted shall take effect on January first of a calendar year and such percentage shall continue in effect until the next percentage increase occurs. An increase shall only apply to tax years that begin on or after the increase takes effect.

5. An increase in the percentage that may be subtracted under subsection 2 of this section shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

6. The first year that a taxpayer may make the subtraction under subsection 2 of this section is 2017, provided that the provisions of subsection 5 of this section are met. If the provisions of subsection 5 of this section are met, the percentage that may be subtracted in 2017 is five percent.

**143.151. MISSOURI PERSONAL EXEMPTIONS.** — For all taxable years beginning before January 1, 1999, a resident shall be allowed a deduction of one thousand two hundred dollars for himself or herself and one thousand two hundred dollars for his or her spouse if he or she is entitled to a deduction for such personal exemptions for federal income tax purposes. For all taxable years beginning on or after January 1, 1999, a resident shall be allowed a deduction of two thousand one hundred dollars for himself or herself and two thousand one hundred dollars for his or her spouse if he or she is entitled to a deduction for such personal exemptions for federal income tax purposes, **provided that the exemption amount as defined under 26 U.S.C. 151 is not zero.** For all tax years beginning on or after January 1, 2017, a resident with a Missouri adjusted gross income of less than twenty thousand dollars shall be allowed an additional deduction of five hundred dollars for himself or herself and an additional five hundred dollars for his or her spouse if he or she is entitled to a deduction for such personal exemptions for federal income tax purposes, **provided that the exemption amount as defined under 26 U.S.C. 151 is not zero,** and his or her spouse's Missouri adjusted gross income is less than twenty thousand dollars.

**143.161. MISSOURI DEPENDENCY EXEMPTIONS.** — 1. For all taxable years beginning after December 31, 1997, a resident may deduct one thousand two hundred dollars for each dependent for whom such resident is entitled to a dependency exemption deduction for federal income tax purposes, **provided that the exemption amount as defined under 26 U.S.C. 151 is not zero.** In the case of a dependent who has attained sixty-five years of age on or before the last day of the taxable year, if such dependent resides in the taxpayer's home or the dependent's own home or if such dependent does not receive Medicaid or state funding while residing in a facility licensed pursuant to chapter 198, the taxpayer may deduct an additional one thousand dollars.

2. For all taxable years beginning on or after January 1, 1999, a resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional one thousand four hundred dollars.

3. For all taxable years beginning on or after January 1, 2015, for each birth for which a certificate of birth resulting in stillbirth has been issued under section 193.165, a taxpayer may claim the exemption under subsection 1 of this section only in the taxable year in which the stillbirth occurred, if the child otherwise would have been a member of the taxpayer's household.

**143.171. FEDERAL INCOME TAX DEDUCTION, AMOUNT, CORPORATE AND INDIVIDUAL TAXPAYERS.** — 1. For all tax years beginning on or after January 1, 1994, **and ending on or before December 31, 2018,** an individual taxpayer shall be allowed a deduction for his **or her** federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by **26 U.S.C. Section 31 [(tax withheld on wages)], 26 U.S.C. Section 27 [(tax of foreign country and United States possessions)], and 26 U.S.C. Section 34 [(tax on certain uses of gasoline, special fuels, and lubricating oils)].**

2. Notwithstanding any other provision of law to the contrary, for all tax years beginning on or after January 1, 2019, an individual taxpayer shall be allowed a deduction equal to a percentage of his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34. The deduction percentage is determined according to the following table:

If the Missouri adjusted gross income on the return is:	The deduction percentage is:
\$25,000 or less	35 percent
From \$25,001 to \$50,000	25 percent
From \$50,001 to \$100,000	15 percent
From \$100,001 to \$125,000	5 percent
\$125,001 or more	0 percent

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by **26 U.S.C. Section 31** [(tax withheld on wages)], **26 U.S.C. Section 27** [(tax of foreign country and United States possessions)], and **26 U.S.C. Section 34** [(tax on certain uses of gasoline, special fuels and lubricating oils)].

[3-] 4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

**SECTION B. EFFECTIVE DATE.** — Section A of this act shall become effective January 1, 2019.

Approved July 12, 2018

SS#5 SB 564

**Enacts provisions relating to public utilities.**

AN ACT to repeal sections 386.266, 386.390, and 393.170, RSMo, and to enact in lieu thereof twelve new sections relating to public utilities, with an emergency clause for a certain section.

SECTION

- A. Enacting clause.
  - 386.266 Rate schedules for interim energy charges or periodic rate adjustment — application for approval, procedure — adjustment mechanisms — rulemaking authority — task force to be appointed — surveillance monitoring, requirements.
  - 386.390 Complaint, who may make — procedure to hear — service of process, how had — time and place of hearing, how fixed.
  - 393.137 Electrical corporation rate adjustment, one time — definitions — when, how calculated — alternative deferral, when, how calculated.
  - 393.170 Approval of incorporation and franchises — certificate.
  - 393.1400 Deferral of depreciation to regulatory asset — return for qualifying electric plant recorded to plant-in-service on utility's books — definitions — regulatory asset balances — requirements — grid modernization projects — expiration date.
  - 393.1610 Small scale and private innovative technology investments — definitions.
  - 393.1640 Growth project, discount rate, when — requirements — expiration date.
  - 393.1650 Construction-related services, contractor qualification process — definitions — requirements — report.
  - 393.1655 Rate modifications, limitations on — definitions.
  - 393.1665 Utility-owned solar facilities in Missouri, investment in, when — expiration date.
  - 393.1670 Solar rebates, amount — limitations — recovery of costs — rulemaking authority — definitions — expiration date.
    - 1. Nonseverability clause.
- B. Emergency clause.

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

**SECTION A. ENACTING CLAUSE.** — Sections 386.266, 386.390, and 393.170, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 386.266, 386.390, 393.137, 393.170, 393.1400, 393.1610, 393.1640, 393.1650, 393.1655, 393.1665, 393.1670, and 1, to read as follows:

**386.266. RATE SCHEDULES FOR INTERIM ENERGY CHARGES OR PERIODIC RATE ADJUSTMENT — APPLICATION FOR APPROVAL, PROCEDURE — ADJUSTMENT MECHANISMS — RULEMAKING AUTHORITY — TASK FORCE TO BE APPOINTED — SURVEILLANCE MONITORING, REQUIREMENTS.** — 1. Subject to the requirements of this section, any electrical corporation may make an application to the commission to approve rate schedules authorizing an interim energy charge, or periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in its prudently incurred fuel and purchased-power costs, including transportation. The commission may, in accordance with existing law, include in such rate schedules features designed to provide the electrical corporation with incentives to improve the efficiency and cost-effectiveness of its fuel and purchased-power procurement activities.

2. Subject to the requirements of this section, any electrical, gas, or water corporation may make an application to the commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in its prudently

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incurred costs, whether capital or expense, to comply with any federal, state, or local environmental law, regulation, or rule. Any rate adjustment made under such rate schedules shall not exceed an annual amount equal to two and one-half percent of the electrical, gas, or water corporation's Missouri gross jurisdictional revenues, excluding gross receipts tax, sales tax and other similar pass-through taxes not included in tariffed rates, for regulated services as established in the utility's most recent general rate case or complaint proceeding. In addition to the rate adjustment, the electrical, gas, or water corporation shall be permitted to collect any applicable gross receipts tax, sales tax, or other similar pass-through taxes, and such taxes shall not be counted against the two and one-half percent rate adjustment cap. Any costs not recovered as a result of the annual two and one-half percent limitation on rate adjustments may be deferred, at a carrying cost each month equal to the utilities net of tax cost of capital, for recovery in a subsequent year or in the corporation's next general rate case or complaint proceeding.

3. Subject to the requirements of this section, any gas or **electrical** corporation may make an application to the commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings to [reflect the nongas revenue effects] **adjust rates of customers in eligible customer classes to account for the impact on utility revenues** of increases or decreases in residential and commercial customer usage due to variations in either weather, conservation, or both. **No electrical corporation shall make an application to the commission under this subsection if such corporation has provided notice to the commission under subsection 5 of section 393.1400. For purposes of this section: for electrical corporations, eligible customer classes means the residential class and classes that are not demand metered; and for gas corporations, eligible customer classes means the residential class and the smallest general service class. As used in this subsection, "revenues" means the revenues recovered through base rates, and does not include revenues collected through a rate adjustment mechanism authorized by this section or any other provisions of law. This subsection shall apply to electrical corporations beginning January 1, 2019, and shall expire for electrical corporations on January 1, 2029.**

4. The commission shall have the power to approve, modify, or reject adjustment mechanisms submitted under subsections 1 to 3 of this section only after providing the opportunity for a full hearing in a general rate proceeding, including a general rate proceeding initiated by complaint. The commission may approve such rate schedules after considering all relevant factors which may affect the costs or overall rates and charges of the corporation, provided that it finds that the adjustment mechanism set forth in the schedules:

(1) Is reasonably designed to provide the utility with a sufficient opportunity to earn a fair return on equity;

(2) Includes provisions for an annual true-up which shall accurately and appropriately remedy any over- or under-collections, including interest at the utility's short-term borrowing rate, through subsequent rate adjustments or refunds;

(3) In the case of an adjustment mechanism submitted under subsections 1 and 2 of this section, includes provisions requiring that the utility file a general rate case with the effective date of new rates to be no later than four years after the effective date of the commission order implementing the adjustment mechanism. However, with respect to each mechanism, the four-year period shall not include any periods in which the utility is prohibited from collecting any charges under the adjustment mechanism, or any period for which charges collected under the adjustment mechanism must be fully refunded. In the event a court determines that the adjustment mechanism is unlawful and all moneys collected thereunder are fully refunded, the utility shall be relieved of any obligation under that adjustment mechanism to file a rate case;

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(4) In the case of an adjustment mechanism submitted under subsection 1 or 2 of this section, includes provisions for prudence reviews of the costs subject to the adjustment mechanism no less frequently than at eighteen-month intervals, and shall require refund of any imprudently incurred costs plus interest at the utility's short-term borrowing rate.

5. Once such an adjustment mechanism is approved by the commission under this section, it shall remain in effect until such time as the commission authorizes the modification, extension, or discontinuance of the mechanism in a general rate case or complaint proceeding.

6. Any amounts charged under any adjustment mechanism approved by the commission under this section shall be separately disclosed on each customer bill.

7. The commission may take into account any change in business risk to the corporation resulting from implementation of the adjustment mechanism in setting the corporation's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the corporation.

8. In the event the commission lawfully approves an incentive- or performance-based plan, such plan shall be binding on the commission for the entire term of the plan. This subsection shall not be construed to authorize or prohibit any incentive- or performance-based plan.

9. [Prior to August 28, 2005,] The commission shall have the authority to promulgate rules under the provisions of chapter 536 as it deems necessary, to govern the structure, content and operation of such rate adjustments, and the procedure for the submission, frequency, examination, hearing and approval of such rate adjustments. Such rules shall be promulgated no later than one hundred fifty days after the initiation of such rulemaking proceeding. Any electrical, gas, or water corporation may apply for any adjustment mechanism under this section whether or not the commission has promulgated any such rules.

10. Nothing contained in this section shall be construed as affecting any existing adjustment mechanism, rate schedule, tariff, incentive plan, or other ratemaking mechanism currently approved and in effect.

11. Each of the provisions of this section is severable. In the event any provision or subsection of this section is deemed unlawful, all remaining provisions shall remain in effect.

12. The [provisions of this section shall take effect on January 1, 2006, and the] commission shall have previously promulgated rules to implement the application process for any rate adjustment mechanism under this section prior to the commission issuing an order for any **such** rate adjustment.

13. The public service commission shall appoint a task force, consisting of all interested parties, to study and make recommendations on the cost recovery and implementation of conservation and weatherization programs for electrical and gas corporations.

**14. Each public utility operating under a mechanism proposed and approved under subsection 3 of this section shall quarterly file a surveillance monitoring, consisting of five parts. Each part, except the rate base quantifications report, shall contain information for the last twelve month period and the last quarter data for total company electric operations and Missouri jurisdictional operations. Rate base quantifications shall contain only information for the ending date of the period being reported.**

**(1) Part one of the surveillance monitoring report shall be the rate base quantifications report. The quantification of rate base items in part one shall be consistent with the methods or procedures used in the most recent rate proceeding unless otherwise specified. The report shall consist of specific rate base quantifications of:**

**(a) Plant in service;**

**(b) Reserve for depreciation;**

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- (c) Materials and supplies;
  - (d) Cash working capital;
  - (e) Fuel inventory, if applicable;
  - (f) Prepayments;
  - (g) Other regulatory assets;
  - (h) Customer advances;
  - (i) Customer deposits;
  - (j) Accumulated deferred income taxes;
  - (k) Any other item included in the electrical corporation's rate base in its most recent rate proceeding;
  - (l) Net operating income from part three; and
  - (m) Calculation of the overall return on rate base.
- (2) Part two of the surveillance monitoring report shall be the capitalization quantifications report, which shall consist of specific capitalization quantifications of:
- (a) Common stock equity (net);
  - (b) Preferred stock, par or stated value outstanding;
  - (c) Long-term debt, including current maturities;
  - (d) Short-term debt; and
  - (e) Weighted cost of capital, including component costs.
- (3) Part three of the surveillance monitoring report shall be the income statement, which shall consist of an income statement containing specific quantification of:
- (a) Operating revenues to include sales to industrial, commercial, and residential customers, sales for resale, and other components of total operating revenues;
  - (b) Operating and maintenance expenses for fuel expense, production expenses, purchased power energy and capacity, if applicable;
  - (c) Transmission expenses;
  - (d) Distribution expenses;
  - (e) Customer accounts expenses;
  - (f) Customer service and information expenses;
  - (g) Sales expenses;
  - (h) Administrative and general expenses;
  - (i) Depreciation, amortization, and decommissioning expense;
  - (j) Taxes other than income taxes;
  - (k) Income taxes; and
  - (l) Quantification of heating degree and cooling degree days, actual and normal.
- (4) Part four of the surveillance monitoring report shall be the jurisdictional allocation factor report, which shall consist of a listing of jurisdictional allocation factors for the rate base, capitalization quantification reports, and income statement.
- (5) Part five of the surveillance monitoring report shall be the financial data notes, which shall consist of notes to financial data including, but not limited to:
- (a) Out of period adjustments;
  - (b) Specific quantification of material variances between actual and budget financial performance;
  - (c) Material variances between current twelve month period and prior twelve month period revenue;
  - (d) Expense level of items ordered by the commission to be tracked under the order **establishing the rate adjustment mechanism;**

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- (e) Budgeted capital projects; and
  - (f) Events that materially affect debt or equity surveillance components.
- (6) This subsection shall expire on January 1, 2029.

**386.390. COMPLAINT, WHO MAY MAKE — PROCEDURE TO HEAR — SERVICE OF PROCESS, HOW HAD — TIME AND PLACE OF HEARING, HOW FIXED.** — 1. Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility[, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility,] in violation, or claimed to be in violation, of any provision of law **subject to the commission's authority**, [or] of any rule **promulgated by the commission, of any utility tariff, or of any order or decision of the commission**; provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, sewer, or telephone corporation, unless the same be signed by the public counsel or the mayor or the president or chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electricity, water, sewer or telephone service.

2. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or decisions of the commission the same rule shall apply with regard to the joinder of causes and parties as herein provided.

3. The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the public utility, corporation or person complained of.

4. Service in all hearings, investigations and proceedings pending before the commission may be made upon any person upon whom summons may be served in accordance with the provisions of the code of civil procedure of this state, and may be made personally or by mailing in a sealed envelope with postage prepaid.

5. The commission shall fix the time when and the place where a hearing will be had upon the complaint and shall serve notice thereof, not less than ten days before the time set for such hearing, unless the commission shall find that the public necessity requires that such hearing be held at an earlier date.

**393.137. ELECTRICAL CORPORATION RATE ADJUSTMENT, ONE TIME — DEFINITIONS — WHEN, HOW CALCULATED — ALTERNATIVE DEFERRAL, WHEN, HOW CALCULATED.** — 1. **This section applies to electrical corporations that do not have a general rate proceeding pending before the commission as of the later of February 1, 2018, or the effective date of this section.**

2. **For purposes of this section, the following terms shall mean:**

- (1) **"Commission", the public service commission;**
- (2) **"Electrical corporation", the same as defined in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110.**

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3. If the rates of any electrical corporation to which this section applies have not already been adjusted to reflect the effects of the federal 2017 Tax Cut and Jobs Act, Pub. L. No. 115-97, 94 Stat. 2390, the commission shall have one time authority that shall be exercised within ninety days of the effective date of this section to adjust such electrical corporation's rates prospectively so that the income tax component of the revenue requirement used to set such an electrical corporation's rates is based upon the provisions of such federal act without considering any other factor as otherwise required by section 393.270. The commission shall also require electrical corporations to which this section applies, as provided for under subsection 1 of this section, to defer to a regulatory asset the financial impact of such federal act on the electrical corporation for the period of January 1, 2018, through the date the electrical corporation's rates are adjusted on a one-time basis as provided for in the immediately preceding sentence. The amounts deferred under this subsection shall be included in the revenue requirement used to set the electrical corporation's rates in its subsequent general rate proceeding through an amortization over a period determined by the commission.

4. Upon good cause shown by the electrical corporation, the commission may, as an alternative to requiring a one-time rate change and deferral under subsection 2 of this section, allow a deferral, in whole or in part, of such federal act's financial impacts to a regulatory asset starting January 1, 2018, through the effective date of new rates in such electrical corporation's next general rate proceeding. The deferred amounts shall be included in the revenue requirement used to set the electrical corporation's rates in its subsequent general rate proceeding through an amortization over a period determined by the commission.

**393.170. APPROVAL OF INCORPORATION AND FRANCHISES — CERTIFICATE.** — 1. No gas corporation, electrical corporation, water corporation or sewer corporation shall begin construction of a gas plant, electric plant, water system or sewer system, **other than an energy generation unit that has a capacity of one megawatt or less**, without first having obtained the permission and approval of the commission.

2. No such corporation shall exercise any right or privilege under any franchise hereafter granted, or under any franchise heretofore granted but not heretofore actually exercised, or the exercise of which shall have been suspended for more than one year, without first having obtained the permission and approval of the commission. Before such certificate shall be issued a certified copy of the charter of such corporation shall be filed in the office of the commission, together with a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities.

3. The commission shall have the power to grant the permission and approval herein specified whenever it shall after due hearing determine that such construction or such exercise of the right, privilege or franchise is necessary or convenient for the public service. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary. Unless exercised within a period of two years from the grant thereof, authority conferred by such certificate of convenience and necessity issued by the commission shall be null and void.

**393.1400. DEFERRAL OF DEPRECIATION TO REGULATORY ASSET — RETURN FOR QUALIFYING ELECTRIC PLANT RECORDED TO PLANT-IN-SERVICE ON UTILITY'S BOOKS — DEFINITIONS — REGULATORY ASSET BALANCES — REQUIREMENTS — GRID**

MODERNIZATION PROJECTS — EXPIRATION DATE. — 1. For purposes of this section, the following terms shall mean:

- (1) "Commission", the public service commission;
- (2) "Electrical corporation", the same as defined in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110;
- (3) "Qualifying electric plant", all rate base additions, except rate base additions for new coal-fired generating units, new nuclear generating units, new natural gas units, or rate base additions that increase revenues by allowing service to new customer premises;
- (4) "Rate base cutoff date", the date rate base additions are accounted for in a general rate proceeding. In the absence of a commission order that specifies the rate base cutoff date, such date as reflected in any jointly proposed procedural schedule submitted by the parties in the applicable general rate proceeding, or as otherwise agreed to by such parties, shall be used;
- (5) "Weighted average cost of capital", the return on rate base used to determine the revenue requirement in the electrical corporation's most recently completed general rate proceeding; provided, that in the absence of a commission determination of the return on rate base within the three-year period prior to the effective date of this section, the weighted average cost of capital shall be determined using the electrical corporation's actual capital structure as of December 31, 2017, excluding short-term debt, the electrical corporation's actual cost of long-term debt and preferred stock as of December 31, 2017, and a cost of common equity of nine and one-half percent.

2. (1) Notwithstanding any other provision of chapter 393 to the contrary, electrical corporations shall defer to a regulatory asset eighty-five percent of all depreciation expense and return associated with all qualifying electric plant recorded to plant-in-service on the utility's books commencing on or after the effective date of this section, if the electrical corporation has made the election provided for by subsection 5 of this section by that date, or on the date such election is made if the election is made after the effective date of this section. In each general rate proceeding concluded after the effective date of this section, the balance of the regulatory asset as of the rate base cutoff date shall be included in the electrical corporation's rate base without any offset, reduction, or adjustment based upon consideration of any other factor, other than as provided for in subdivision (2) of this subsection, with the regulatory asset balance arising from deferrals associated with qualifying electric plant placed in service after the rate base cutoff date to be included in rate base in the next general rate proceeding. The expiration of this section shall not affect the continued inclusion in rate base and amortization of regulatory asset balances that arose under this section prior to such expiration.

(2) The regulatory asset balances arising under this section shall be adjusted to reflect any prudence disallowances ordered by the commission. The provisions of this section shall not be construed to affect existing law respecting the burdens of production and persuasion in general rate proceedings for rate base additions.

(3) Parts of regulatory asset balances created under this section that are not yet being recovered through rates shall include carrying costs at the electrical corporation's weighted average cost of capital, plus applicable federal, state, and local income or excise taxes. Regulatory asset balances arising under this section and included in rate base shall be recovered in rates through a twenty-year amortization beginning on the date new rates reflecting such amortization take effect.

3. (1) Depreciation expense deferred under this section shall account for all qualifying electric plant placed into service less retirements of plant replaced by such qualifying electric plant.

(2) Return deferred under this section shall be determined using the weighted average cost of capital applied to the change in plant-related rate base caused by the qualifying electric plant, plus applicable federal, state, and local income or excise taxes. In determining the return deferred, the electrical corporation shall account for changes in all plant-related accumulated deferred income taxes and changes in accumulated depreciation, excluding retirements.

4. Beginning February 28, 2019, and by each February twenty-eighth thereafter while the electrical corporation is allowed to make the deferrals provided for by subsection 2 of this section, electrical corporations that defer depreciation expense and return authorized under this section shall submit to the commission a five-year capital investment plan setting forth the general categories of capital expenditures the electrical corporation will pursue in furtherance of replacing, modernizing, and securing its infrastructure. The plan shall also include a specific capital investment plan for the first year of the five-year plan consistent with the level of specificity used for annual capital budgeting purposes. For each of the first five years that an electrical corporation is allowed to make the deferrals provided for by subsection 2 of this section, the purchase and installation of smart meters shall constitute no more than six percent of the electrical corporation's total capital expenditures during any given year under the corporation's specific capital investment plan. At least twenty-five percent of the cost of each year's capital investment plan shall be comprised of grid modernization projects, including but not limited to:

(1) Increased use of digital information and controls technology to improve reliability, security, and efficiency of the electric grid;

(2) Dynamic optimization of grid operations and resources, with full cyber-security;

(3) Deployment and integration of distributed resources and generation, including renewable resources;

(4) Development and incorporation of demand response, demand-side resources, and energy-efficiency resources;

(5) Deployment of "smart" technologies (real-time, automated, interactive technologies that optimize the physical operation of appliances and consumer devices) for metering, communications, concerning grid operations and status, and distribution automation;

(6) Integration of "smart" appliances and devices;

(7) Deployment and integration of advanced electricity storage and peak-shaving technologies, including plug-in electric and hybrid electric vehicles, and thermal storage air conditioning;

(8) Provision of timely information and control options to consumer;

(9) Development of standards for communication and interoperability of appliances and equipment connected to the electric grid, including the infrastructure serving the grid; and

(10) Identification and lowering of unreasonable or unnecessary barriers to adoption of smart grid technologies, practices, and services.

**Project specific information need not be included for the five-year period covered by the plan. Within thirty days of the filing of any capital investment plan or annual update to an existing plan, the electrical corporation shall host a public stakeholder meeting to answer questions and receive feedback about the plan. After feedback is received, the electrical**

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corporation shall file a notice with the commission of any modifications to the capital investment plan it has accepted. Changes to the plan, its implementation, or the level of investments made shall not constitute evidence of imprudence of the investments made under such plan. The submission of a capital investment plan under this section shall not affect in any way the commission's authority with respect to the grant or denial of a certificate of convenience and necessity under section 393.170. By February twenty-eighth following each year in which the electrical corporation submits a capital investment plan, the electrical corporation shall submit a report to the commission detailing actual capital investments made the previous year.

5. This section shall only apply to any electrical corporation that has filed a notice with the commission of the electrical corporation's election to make the deferrals for which this section provides. No electrical corporation shall file a notice with the commission under this subsection if such corporation has made an application under subsection 3 of section 386.266, and such application has been approved. An electrical corporation's election shall allow it to make the deferrals provided for by subsection 2 of this section until December 31, 2023, unless the electrical corporation requests and the commission approves the continuation of such deferrals beyond that date and approves continuation of the discounts authorized by section 393.1640 beyond that date as hereinafter provided. An electrical corporation that wishes to continue to make the deferrals provided for by subsection 2 of this section from January 1, 2024, through December 31, 2028, shall obtain the commission's approval to do so, shall be subject to the compound annual growth rate limitations set forth under section 393.1655, and shall also obtain the commission's approval to continue to provide the discounts authorized by section 393.1640 in a commission order issued on or before December 31, 2023. The commission shall have the authority to grant or deny such approval based upon the commission's evaluation of the costs and benefits of such continuation to electrical corporations and consumers, but shall not be authorized to condition such approval or otherwise modify the deferrals authorized by subsection 2 of this section, or the discounts authorized by section 393.1640. In deciding whether to extend the program for an additional five years, the commission shall develop an objective analytical framework to determine whether there is a continuing need. The commission shall make a finding about whether there is a continuing need after hearing. Failure to obtain such commission approval shall not affect deferrals made through December 31, 2023, or the regulatory and ratemaking treatment of the regulatory assets arising from such deferrals as provided for by this section.

6. This section shall expire on December 31, 2028, except that the amortization of the regulatory asset balances arising under this section shall continue to be reflected in the electrical corporation's rates and remaining regulatory asset balances shall be included in the electrical corporation's rate base consistent with the ratemaking treatment and amortization previously approved by the commission pursuant to this section.

**393.1610. SMALL SCALE AND PRIVATE INNOVATIVE TECHNOLOGY INVESTMENTS — DEFINITIONS. — 1. The commission may approve investments by an electrical corporation in small scale or pilot innovative technology projects, including but not limited to renewable generation, micro grids, or energy storage, if the small scale or pilot project is designed to advance the electrical corporation's operational knowledge of deploying such technologies, including to gain operating efficiencies that result in customer savings and benefits as the technology is scaled across the grid or network.**

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2. For purposes of this section, "electrical corporation" and "commission" shall mean the same as defined in section 386.020, but an "electrical corporation" shall not include an electrical corporation as described in subsection 2 of section 393.110.

**393.1640. GROWTH PROJECT, DISCOUNT RATE, WHEN — REQUIREMENTS — EXPIRATION DATE.** — 1. Subject to the limitations provided for in subsection 2 of this section, and upon proper application by an eligible customer prior to public announcement of a growth project, a new or existing account meeting the following criteria shall be considered for qualification for the discount set forth in this subsection if:

(1) The customer adds incremental load, net of any offsetting load reductions due to the termination of other accounts of the customer or an affiliate of the customer within twelve months prior to the commencement of service to the new load, with average monthly demand that is reasonably projected to be at least three hundred kilowatts with a load factor of at least fifty-five percent within two years after the date the application is submitted;

(2) The customer receives local, regional, or state economic development incentives in conjunction with the incremental load; and

(3) The customer meets the criteria set forth in the electrical corporation's economic development rider tariff sheet, as approved by the commission, that are not inconsistent with the provisions of this subsection.

The discount shall be a percentage applied to all base rate components of the bill. The percentage shall be fixed for each year of service under the discount for a period of up to five years. Subject to the remaining provisions of this subsection, the average of the annual discount percentages shall equal forty percent and shall not be less than thirty percent nor more than fifty percent in any year. The discount shall be applied to such incremental load from the date when the meter has been permanently set until the date that such incremental load no longer meets the criteria required to qualify for the discount, as determined under the provisions of subsection 2 of this section. An eligible customer shall also receive a ten percent discount of all base rate components of the bill applied to such incremental load for one year after the initial discount period ends if the electrical corporation determines that the customer is taking service from an under-utilized circuit. In no event shall a customer receive a discount under this subsection after the date this section expires. The electrical corporation may include in its tariff additional or alternative terms and conditions to a customer's utilization of the discount, subject to approval of such terms and conditions by the commission. The customer, on forms supplied by the electrical corporation, shall apply for the discount provided for by this subsection at least ninety days prior to the date the customer requests that the incremental demand receive the discounts provided for by this subsection. If the incremental demand is not separately metered, the electrical corporation's determination of the incremental demand shall control. Notwithstanding the foregoing provisions of this subsection, the cents per kilowatt-hour realization resulting from application of any such discounted rate as calculated shall be higher than the electrical corporation's variable cost to serve such accounts in aggregate and the discounted rate also shall make a positive contribution to fixed costs associated with such service. If in a subsequent general rate proceeding the commission determines that application of such discounted rate is not adequate to cover the electrical corporation's variable cost to serve such accounts and provide a positive contribution to fixed costs then the commission shall increase the rate prospectively to the extent necessary to do so.

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2. In each general rate proceeding concluded after the effective date of this section, the reduced level of revenues arising from the application of discounted rates provided for by subsection 1 of this section shall be allocated to all the electrical corporation's customer classes, including the classes with customers that qualify for discounts under this section. This increase shall be implemented through the application of a uniform percentage adjustment to the revenue requirement responsibility of all customer classes. To qualify for the discounted rates provided for in this section, if incremental load is separately metered, customers shall meet the applicable criteria within twenty-four months after the date the meter is permanently set based on metering data for calendar months thirteen through twenty-four and annually thereafter. If such data indicates that the customer did not meet the criteria for any applicable twelve-month period, it shall thereafter no longer qualify for the discounted rate. The provisions of this section do not supersede or limit the ability of an electrical corporation to continue to utilize economic development or retention tariffs previously approved by the commission that are in effect on the effective date of this section. If, however, a customer is receiving any economic development or retention-related discounts as of the date it would otherwise qualify for a discount provided for by this section, the customer shall agree to relinquish the prior discount concurrently with the date it begins to receive a discount under this section; otherwise, the customer shall not be eligible to receive any discount under this section. Customer demand existing at the time the customer begins to receive discounted rates under this section shall not constitute incremental demand. The discounted rates provided for by this section apply only to base rate components, with the charges or credits arising from any rate adjustment mechanism authorized by law to be applied to customers qualifying for discounted rates under this section in the same manner as such rate adjustments would apply in the absence of this section.

3. For purposes of this section, "electrical corporation" shall mean the same as defined in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110.

4. This section shall expire on December 31, 2028, provided, that unless the electrical corporation has timely obtained the order provided for by subsection 5 of section 393.1400, the electrical corporation's customers shall, after December 31, 2023, no longer receive the discounts provided under this section.

**393.1650. CONSTRUCTION-RELATED SERVICES, CONTRACTOR QUALIFICATION PROCESS — DEFINITIONS — REQUIREMENTS — REPORT. — 1. For purposes of this section, the following terms shall mean:**

(1) "Commission", the Missouri public service commission established under section 386.040;

(2) "Electrical corporation", a corporation with more than one million Missouri retail electric customers in the year in which this section becomes effective and that otherwise meets the definition of "electrical corporation" in section 386.020.

2. Electrical corporations shall develop a qualification process and make such process open to all contractors seeking to provide construction and construction-related services for projects on the electrical corporation's distribution system. Contractors shall have the opportunity to register on the electrical corporation's vendor registration site and be evaluated for bid opportunities. Under the qualification process, electrical corporations may specify eligibility requirements typically accepted by the industry, including but not limited

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to, experience, performance criteria, safety policies, and insurance requirements to be met by any contractor seeking to participate in competitive bidding to provide construction and construction-related services for distribution system projects, and the electrical corporation shall not weight any contractor favorably or unfavorably due to affiliation with a labor organization or union, except if the work is being performed pursuant to a union-only project labor agreement which requires that participating contractors use union represented labor. Contractors that meet the eligibility requirements set by electrical corporations shall be eligible to participate in the competitive bidding process for providing construction and construction-related services for distribution system projects, and the contractor making the lowest and best bid shall be awarded such contract.

3. Within thirty days after the effective date of this section, electrical corporations shall file a verified statement with the commission confirming that they have established a qualification process for the competitive bidding of construction and construction-related services for distribution system projects, and that such process conforms with the requirements of this section. The commission shall have the authority to verify the statement to ensure compliance with this section. Whenever the electrical corporation files a general rate proceeding, it shall submit concurrently with its submission of the rate schedules that initiate such general rate proceeding a verified statement confirming that it is using the qualification process for the competitive bidding of construction and construction-related services for distribution system projects required by this section for no less than ten percent of the combined external installation expenditures made by the electrical corporation's operating units in Missouri for construction and construction-related services for distribution system projects, and that such process conforms with the requirements set forth in this section to ensure compliance with this subsection.

4. Nothing in this section shall be construed as requiring any electrical corporation to use a qualified contractor or competitive bidding process in the case of an emergency project, or to terminate any existing contract with a contractor prior to its expiration, provided that the use of any pre-existing contract for construction or construction-related services for distribution system projects shall not qualify as fulfilling the ten percent requirement set forth in subsection 3 of this section. For contractors not qualifying through the competitive bid process, the electrical corporation, upon request from the contractor, shall provide information from the process in which the contractor can be informed as to how to be better positioned to qualify for such bid opportunities in the future.

5. By December 31, 2020, and annually thereafter, the commission shall submit a report to the general assembly on the effects of this section, including electrical corporation compliance, potential legislative action regarding this section, the costs of constructing distribution system projects prior to the implementation of this section compared to after the implementation of this section, and any other information regarding the processes established under this section that the commission deems necessary.

**393.1655. RATE MODIFICATIONS, LIMITATIONS ON — DEFINITIONS. — 1. This section applies to an electrical corporation that has elected to exercise any option under section 393.1400 and that has more than two hundred thousand Missouri retail customers in the year in which this section becomes effective, and shall continue to apply to such electrical corporation until December 31, 2023, if the commission has not issued an order approving continuation of the deferrals authorized by subsection 2 of section 393.1400, and continuation of the discounts authorized by section 393.1640 as authorized by subsection 5**

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of section 393.1400 with respect to the electrical corporation, or until December 31, 2028, if the commission has issued such an order with respect to the electrical corporation.

2. Notwithstanding any other provision of law and except as otherwise provided for by this section, an electrical corporation's base rates shall be held constant for a period starting on the date new base rates were established in the electrical corporation's last general rate proceeding concluded prior to the date the electrical corporation gave notice under subsection 5 of section 393.1400 and ending on the third anniversary of that date, unless a force majeure event as determined by the commission occurs. Whether a force majeure event has occurred shall be subject to commission review and approval in a general rate proceeding, and shall not preclude the commission from reviewing the prudence of any revenue reductions or costs incurred during any proceeding to set rates. This subsection shall not affect the electrical corporation's ability to adjust its nonbase rates during the three-year period provided for in this subsection as authorized by its commission-approved rate adjustment mechanisms arising under sections 386.266, 393.1030, or 393.1075, or as authorized by any other rate adjustment mechanism authorized by law.

3. This subsection shall apply to electrical corporations that have a general rate proceeding pending before the commission as of the later of February 1, 2018, or the effective date of this section. If the difference between (a) the electrical corporation's average overall rate at any point in time while this section applies to the electrical corporation, and (b) the electrical corporation's average overall rate as of the date new base rates are set in the electrical corporation's most recent general rate proceeding concluded prior to the date the electrical corporation gave notice under section 393.1400, reflects a compound annual growth rate of more than three percent, the electrical corporation shall not recover any amount in excess of such three percent as a performance penalty.

4. This section shall apply to electrical corporations that do not have a general rate proceeding pending before the commission as of the later of February 1, 2018, or the effective date of this section. If the difference between (a) the electrical corporation's average overall rate at any point in time while this section applies to the electrical corporation, and (b) the average of (i) the electrical corporation's average overall rate as of the date new base rates are set in the electrical corporation's most recent general rate proceeding concluded prior to the date the electrical corporation gave notice under section 393.1400, and (ii) the electrical corporation's average overall rate set under section 393.137, reflects a compound annual growth rate of more than two and eighty-five hundredths percent, the electrical corporation shall not recover any amount in excess of such two and eighty-five hundredths percent as a performance penalty.

5. If a change in any rates charged under a rate adjustment mechanism approved by the commission under sections 386.266 and 393.1030 would cause an electrical corporation's average overall rate to exceed the compound annual growth rate limitation set forth in subsection 3 or 4 of this section, the electrical corporation shall reduce the rates charged under that rate adjustment mechanism in an amount sufficient to ensure that the compound annual growth rate limitation set forth in subsection 3 or 4 of this section is not exceeded due to the application of the rate charged under such mechanism and the performance penalties under such subsections are not triggered. Sums not recovered under any such mechanism because of any reduction in rates under such a mechanism pursuant to this subsection shall be deferred to and included in the regulatory asset arising under section 393.1400 or, if applicable, under the regulatory and ratemaking treatment ordered by the commission

under section 393.1400, and recovered through an amortization in base rates in the same manner as deferrals under that section or order are recovered in base rates.

6. If the difference between (a) the electrical corporation's class average overall rate at any point in time while this section applies to the electrical corporation, and (b) the electrical corporation's class average overall rate as of the date rates are set in the electrical corporation's most recent general rate proceeding concluded prior to the date the electrical corporation gave notice under subsection 5 of section 393.1400, reflects a compound annual growth rate of more than two percent for the large power service rate class, the class average overall rate shall increase by an amount so that the increase shall equal a compound annual growth rate of two percent over such period for such large power service rate class, with the reduced revenues arising from limiting the large power service class average overall rate increase to two percent to be allocated to all the electrical corporation's other customer classes through the application of a uniform percentage adjustment to the revenue requirement responsibility of all the other customer classes.

7. For purposes of this section, the following terms shall mean:

(1) "Average base rate", a rate calculated by dividing the total retail revenue requirement for all the electrical corporation's rate classes by the total sales volumes stated in kilowatt-hours for all such rate classes used to set rates in the applicable general rate proceeding, exclusive of gross receipts tax, sales tax, and other similar pass-through taxes;

(2) "Average overall rate", a rate equal to the sum of the average base rate and the average rider rate;

(3) "Average rider rate", a rate calculated by dividing the total of the sums to be recovered from all customer classes under the electrical corporation's rate adjustment mechanisms in place other than a rate adjustment mechanism under section 393.1075 by the total sales volumes stated in kilowatt-hours for all of the electrical corporation's rate classes used to set rates under such rate adjustment mechanisms, exclusive of gross receipts tax, sales tax, and other similar pass-through taxes;

(4) "Class average base rate", a rate calculated by dividing the retail revenue requirement from the applicable general rate proceeding that is allocated to the electrical corporation's large power service rate class in that general rate proceeding, by the total sales volumes stated in kilowatt-hours for that class used to set rates in that general rate proceeding, exclusive of gross receipts tax, sales tax, and other similar pass-through taxes;

(5) "Class average overall rate", a rate equal to the sum of the class average base rate and the class average rider rate;

(6) "Class average rider rate", a rate calculated by dividing the total of the sums allocated for recovery from the large power service rate class under the electrical corporation's rate adjustment mechanisms in place other than a rate adjustment mechanism under section 393.1075 by the total sales volumes stated in kilowatt-hours for that class used to set rates under such rate adjustment mechanisms, exclusive of gross receipts tax, sales tax, and other similar pass-through taxes;

(7) "Force majeure event", an event or circumstance that occurs as a result of a weather event, an act of God, war, terrorism, or other event which threatens the financial integrity of the electrical corporation that causes a reduction in revenues, an increase in the cost of providing electrical service, or some combination thereof, and the event has an associated fiscal impact on the electrical corporation's operations equal to three percent or greater of the total revenue requirement established in the electrical corporation's last general rate proceeding after taking into account the financial impact specified in section 393.137. **Any**

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force majeure event shall be subject to commission review and approval, and shall not preclude the commission from reviewing the prudence of any revenue reductions or costs incurred during any proceeding to set rates;

(8) "Large power service rate class", the rate class of each corporation that requires the highest minimum monthly billing demand of all of the electrical corporation's rate classes in order to qualify as a member of such rate class, and that applies to qualifying customers only if they utilize the electrical corporation's distribution system.

**393.1665. UTILITY-OWNED SOLAR FACILITIES IN MISSOURI, INVESTMENT IN, WHEN — EXPIRATION DATE. — 1.** For purposes of this section, "electrical corporation" shall mean the same as defined in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110.

2. An electrical corporation with one million or more Missouri electric customers shall invest in the aggregate no less than fourteen million dollars in utility-owned solar facilities located in Missouri or in an adjacent state during the period between the effective date of this section and December 31, 2023. An electrical corporation with less than one million but more than two-hundred thousand Missouri electric customers shall invest in the aggregate no less than four million dollars in utility-owned solar facilities located in Missouri or in an adjacent state during the period between the effective date of this section and December 31, 2023. An electrical corporation with two hundred thousand or fewer Missouri electric customers shall invest in the aggregate no less than three million five hundred thousand dollars in utility-owned solar facilities located in Missouri or in an adjacent state during the period between the effective date of this section and December 31, 2023. If the rate impact of the electrical corporation's investment in such facilities would cause the electrical corporation to exceed the one percent maximum average retail rate increase limitation required by subdivision (1) of subsection 2 of section 393.1030, that part of such costs that would cause such one percent limitation to be exceeded shall be deferred by the electrical corporation to a regulatory asset. Carrying costs at the electrical corporation's weighted average cost of capital shall be added to the regulatory asset balance and the regulatory asset shall be recovered through rates set under section 393.150 or through a rate adjustment mechanism under section 393.1030, as soon as is practical.

3. An electrical corporation's decision to invest in utility-owned solar facilities consistent with subsection 2 of this section shall be deemed to be prudent. An electrical corporation shall not be required to obtain the permission of the commission to construct the facilities required by this section, notwithstanding the provisions of section 393.170. The commission shall retain the authority to review the specific costs incurred to construct and own the facilities to ensure that rates are based only on prudently incurred costs.

4. Nothing in this section shall preclude an electrical corporation from recovering costs of investing in or purchasing electricity from additional solar facilities beyond those provided for under subsection 2 of this section.

5. This section shall expire on December 31, 2023, provided that after such expiration the electrical corporation shall be entitled to recover any remaining regulatory asset balance as provided in subsection 2 of this section.

**393.1670. SOLAR REBATES, AMOUNT — LIMITATIONS — RECOVERY OF COSTS — RULEMAKING AUTHORITY — DEFINITIONS — EXPIRATION DATE. — 1.** Notwithstanding the provisions of subdivision (1) of subsection 2 of section 393.1030 and section 393.1045 to the

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contrary, and subject to the limitations provided for in this section, an electrical corporation shall, commencing January 1, 2019, make solar rebates available in the amounts specified in this section. For systems becoming operational between January 1, 2019, and June 30, 2019, the solar rebate shall be fifty cents per watt, and for systems that become operational after June 30, 2019, through December 31, 2023, the solar rebate shall be twenty-five cents per watt. The rebates provided for by this section shall apply to new or expanded solar electric systems up to a maximum of twenty-five kilowatts per system for residential customers and up to one hundred fifty kilowatts per system for nonresidential customers. Customers shall be eligible for rebates on new or expanded systems for the increment of new or extended capacity and not for capacity on which rebates offered under any other provision of law have previously been paid, up to the system kilowatt limits set forth in this section. However, an electrical corporation's obligation to make solar rebate payments under this section shall not exceed the following limitations:

(1) Electrical corporations with one million or more Missouri retail customers as of the effective date of this section shall not be obligated to pay solar rebates in any calendar year from 2019 through 2023 in an amount exceeding five million six hundred thousand dollars or in an aggregate amount during those calendar years exceeding twenty-eight million dollars;

(2) Electrical corporations with less than one million but more than two hundred thousand Missouri retail customers as of the effective date of this section shall not be obligated to pay solar rebates in any calendar year from 2019 through 2023 in an amount exceeding one million six hundred thousand dollars or in an aggregate amount during those calendar years exceeding eight million dollars; and

(3) Electrical corporations with two hundred thousand or less Missouri retail customers as of the effective date of this section shall not be obligated to pay solar rebates in any calendar year from 2019 through 2023 in an amount exceeding one million four hundred thousand dollars or in an aggregate amount during those calendar years exceeding seven million dollars.

2. At its election, the electrical corporation shall be permitted to recover the cost of all solar rebate payments it has made through either base rates or through a rate adjustment mechanism under section 393.1030, and shall, also at its election, be permitted to defer and amortize the recovery of such costs, including interest at the electric corporation's short-term borrowing rate, through either base rates or a surcharge over a period of the electrical corporation's choice not to exceed five years; provided that, if recovery of such costs in such manner and over such a time period would cause the electrical corporation to exceed the one percent maximum average retail rate increase limitation required by subdivision (1) of subsection 2 of section 393.1030, that part of recovery of such costs that would exceed such one percent limitation shall be deferred by the electrical corporation to a regulatory asset, to which carrying costs at the electrical corporation's weighted average cost of capital shall be added and recovered through base rates or through a rate adjustment mechanism under section 393.1030, as soon as practicable.

3. Solar rebates in the amounts specified for each calendar year and in the aggregate for calendar years 2019 through 2023 referred to in this section shall become available effective January 1, 2019. The solar rebate provision of subsection 3 of section 393.1030, including any commission orders relating to such provisions applicable to an electrical corporation, are unaffected by this section.

4. Reductions in electrical corporation loads as a result of the installation of solar systems not owned by the electrical corporation that provide electricity to the electrical corporation's customers constitute conservation.

5. The commission shall have the authority to promulgate rules for the implementation of this section, but only to the extent that such rules are consistent with, and do not delay the implementation of, the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

6. For purposes of this section, "electrical corporation" and "commission" shall mean the same as defined in section 386.020, but an "electrical corporation" shall not include an electrical corporation as described in subsection 2 of section 393.110.

7. This section shall expire on December 31, 2023; provided however, that after such expiration, the electrical corporation shall be entitled to recover any remaining regulatory asset balance as provided in subsection 2 of this section.

**SECTION 1. NONSEVERABILITY CLAUSE.** — Notwithstanding the provisions of section 1.140 to the contrary, the provisions of this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to reduce the electric bills of consumers due to the implementation of federal tax cuts, the enactment of section 393.137 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 393.137 of this act shall be in full force and effect upon its passage and approval.

Approved June 1, 2018

SS SCS SB 568

**Enacts provisions relating to salaries of county officials.**

AN ACT to repeal sections 50.327 and 50.333, RSMo, and to enact in lieu thereof two new sections relating to salaries of county officials.

**SECTION**

- A. Enacting clause.
- 50.327 Base salary schedules for county officials — salary commission responsible for computation of county official salaries, except for charter counties — salary increases, when.
- 50.333 Salary commission, duties of clerk or court administrator, meetings, notice of, members, duties, report, form, failure to meet, effect of — mileage allowance — maximum compensation allowable, defined (noncharter counties).

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

**SECTION A. ENACTING CLAUSE.** — Sections 50.327 and 50.333, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 50.327 and 50.333, to read as follows:

**50.327. BASE SALARY SCHEDULES FOR COUNTY OFFICIALS — SALARY COMMISSION RESPONSIBLE FOR COMPUTATION OF COUNTY OFFICIAL SALARIES, EXCEPT FOR CHARTER COUNTIES — SALARY INCREASES, WHEN.** — **1.** Notwithstanding any other provisions of law to the contrary, the salary schedules contained in section 49.082, sections 50.334 and 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, 57.317, 58.095, and 473.742 shall be set as a base schedule for those county officials. Except when it is necessary to increase newly elected or reelected county officials' salaries, in accordance with Section 13, Article VII, Constitution of Missouri, to comply with the requirements of this section, the salary commission in all counties except charter counties in this state shall be responsible for the computation of salaries of all county officials; provided, however, that any percentage salary adjustments in a county shall be equal for all such officials in that county.

**2.** Upon majority approval of the salary commission, the annual compensation of part-time prosecutors contained in section 56.265 and the county offices contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and 473.742 may be increased by up to two thousand dollars greater than the compensation provided by the salary schedules; provided, however, that any vote to increase compensation be effective for all county offices in that county.

**3.** Upon majority approval of the salary commission, the annual compensation of a county sheriff as provided in section 57.317 may be increased by up to six thousand dollars greater than the compensation provided by the salary schedule of such section.

**4.** The salary commission of any county of the third classification may amend the base schedules for the computation of salaries for county officials referenced in subsection 1 of this section to include assessed valuation factors in excess of three hundred million dollars; provided that the percentage of any adjustments in assessed valuation factors shall be equal for all such officials in that county.

**50.333. SALARY COMMISSION, DUTIES OF CLERK OR COURT ADMINISTRATOR, MEETINGS, NOTICE OF, MEMBERS, DUTIES, REPORT, FORM, FAILURE TO MEET, EFFECT OF — MILEAGE ALLOWANCE — MAXIMUM COMPENSATION ALLOWABLE, DEFINED (NONCHARTER COUNTIES).** — **1.** There shall be a salary commission in every nonchartered county.

**2.** The clerk or court administrator of the circuit court of the judicial circuit in which such county is located shall set a date, time and place for the salary commission meeting and serve as temporary chairman of the salary commission until the members of the commission elect a chairman from their number. Upon written request of a majority of the salary commission members the clerk or court administrator of the circuit court shall forthwith set the earliest date possible for a meeting of the salary commission. The circuit clerk or court administrator shall give notice of the time and place of any meeting of the salary commission. Such notice shall be published in a newspaper of general circulation in such county at least five days prior to such meeting. Such notice shall contain a general description of the business to be discussed at such meeting.

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3. The members of the salary commission shall be:
  - (1) The recorder of deeds if the recorder's office is separate from that of the circuit clerk;
  - (2) The county clerk;
  - (3) The prosecuting attorney;
  - (4) The sheriff;
  - (5) The county commissioners;
  - (6) The collector or treasurer ex officio collector;
  - (7) The treasurer or treasurer ex officio collector;
  - (8) The assessor;
  - (9) The auditor;
  - (10) The public administrator; and
  - (11) The coroner.

Members of the salary commission shall receive no additional compensation for their services as members of the salary commission. A majority of members shall constitute a quorum.

4. Notwithstanding the provisions of sections 610.021 and 610.022, all meetings of a county salary commission shall be open meetings and all votes taken at such meetings shall be open records. Any vote taken at any meeting of the salary commission shall be taken by recorded yeas and nays.

5. In every county, the salary commission shall meet at least once before November thirtieth of each odd-numbered year **and may meet in any even-numbered year**. The salary commission may meet as many times as it deems necessary and may meet after November thirtieth and prior to December fifteenth of any odd-numbered year if the commission has met at least once prior to November thirtieth of that year. At any meeting of the salary commission, the members shall elect a chairman from their number. The county clerk shall present a report on the financial condition of the county to the commission once the chairman is elected, and shall keep the minutes of the meeting.

6. For purposes of this section, the 1988 base compensation is the compensation paid on September 1, 1987, plus the same percentage increase paid or allowed, whichever is greater, to the presiding commissioner or the sheriff, whichever is greater, of that county for the year beginning January 1, 1988. Such increase shall be expressed as a percentage of the difference between the maximum allowable compensation and the compensation paid on September 1, 1987. At its meeting in 1987 and at any meeting held in 1988, the salary commission shall determine the compensation to be paid to every county officer holding office on January 1, 1988. The salary commission shall establish the compensation for each office at an amount not greater than that set by law as the maximum compensation. If the salary commission votes to increase compensation, but not to pay the maximum amount authorized by law for any officer or office, then the increase in compensation shall be the same percentage increase for all officers and offices and shall be expressed as a percentage of the difference between the maximum allowable compensation and the compensation being received at the time of the vote. If two-thirds of the members of the salary commission vote to decrease the compensation being received at the time of the vote below that compensation, all officers shall receive the same percentage decrease. The commission may vote not to increase or decrease the compensation and that compensation shall continue to be the salary of such offices and officers during the subsequent term of office.

7. For the year 1989 and every second year thereafter, the salary commission shall meet in every county as many times as it deems necessary on or prior to November thirtieth of any such year for the purpose of determining the amount of compensation to be paid to county officials. For

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each year in which the commission meets, the members shall elect a chairman from their number. The county clerk shall present a report on the financial condition of the county to the commission once the chairman is elected, and shall keep minutes of the meeting. The salary commission shall then consider the compensation to be paid for the next term of office for each county officer to be elected at their next general election. If the commission votes not to increase or decrease the compensation, the salary being paid during the term in which the vote was taken shall continue as the salary of such offices and officers during the subsequent term of office. If the salary commission votes to increase the compensation, all officers or offices whose compensation is being considered by the commission at that time shall receive the same percentage of the maximum allowable compensation. However, for any county in which all offices' and officers' salaries have been set at one hundred percent of the maximum allowable compensation, the commission may vote to increase the compensation of all offices except that of full-time prosecuting attorneys at that or any subsequent meeting of the salary commission without regard to any law or maximum limitation established by law. Such increase shall be expressed as a percentage of the compensation being paid during the term of office when the vote is taken, and each officer or office whose compensation is being established by the salary commission at that time shall receive the same percentage increase over the compensation being paid for that office during the term when the vote is taken. This increase shall be in addition to any increase mandated by an official's salary schedule because of changes in assessed valuation during the current term. If the salary commission votes to decrease the compensation, a vote of two-thirds or more of all the members of the salary commission shall be required before the salary or other compensation of any county office shall be decreased below the compensation being paid for the particular office on the date the salary commission votes, and all officers and offices shall receive the same percentage decrease.

8. The salary commission shall issue, not later than December fifteenth of any year in which it meets, a report of compensation to be paid to each officer and the compensation so set shall be paid beginning with the start of the subsequent term of office of each officer. The report of compensation shall be certified to the clerk of the county commission for the county and shall be in substantially the following form:

The salary commission for \_\_\_\_\_ County hereby certifies that it has met pursuant to law to establish compensation for county officers to be paid to such officers during the next term of office for the officers affected. The salary commission reports that there shall be (no increase in compensation) (an increase of \_\_\_\_\_ percent) (a decrease of \_\_\_\_\_ percent) (county officer's salaries set at \_\_\_\_\_ percent of the maximum allowable compensation).

Salaries shall be adjusted each year on the official's year of incumbency for any change in the last completed assessment that would affect the maximum allowable compensation for that office.

9. For the meeting in 1989 and every meeting thereafter, in the event a salary commission in any county fails, neglects or refuses to meet as provided in this section, or in the event a majority of the salary commission is unable to reach an agreement and so reports or fails to certify a salary report to the clerk of the county commission by December fifteenth of any year in which a report is required to be certified by this section, then the compensation being paid to each affected office or officer on such date shall continue to be the compensation paid to the affected office or officer during the succeeding term of office.

10. Other provisions of law notwithstanding, in every instance where an officer or employee of any county is paid a mileage allowance or reimbursement, the county commission shall allow or reimburse such officers or employees out of the county treasury at the highest rate paid to any

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county officer for each mile actually and necessarily traveled in the performance of their official duties. The county commission of any county may elect to pay a mileage allowance for any county commissioner for travel going to and returning from the place of holding commission meetings and for all other necessary travel on official county business in the personal motor vehicle of the commissioner presenting the claim. The governing body of any county of the first classification not having a charter form of government may provide by order for the payment of mileage expenses of elected and appointed county officials by payment of a certain amount monthly which would reflect the average monthly mileage expenses of such officer based on the amount allowed pursuant to state law for the payment of mileage for state employees. Any order entered for such purpose shall not be construed as salary, wages or other compensation for services rendered.

11. The term "maximum allowable compensation" as used in this section means the highest compensation which may be paid to the specified officer or office in the particular county based on the salary schedule established by law for the specified officer or office. If the salary commission at its meeting in 1987 voted for one hundred percent of the maximum allowable compensation and does not change such vote at its meeting held within thirty days after May 13, 1988, as provided in subsection 6 of this section, the one hundred percent shall be calculated on the basis of the total allowable compensation permitted after May 13, 1988.

12. At the salary commission meeting which establishes the percentage rate to be applied to county officers during the next term of office, the salary commission may authorize the further adjustment of such officers' compensation as a cost-of-living component and effective January first of each year, the compensation for county officers may be adjusted by the county commission, and if the adjustment of compensation is authorized, the percentage increase shall be the same for all county officers, not to exceed the percentage increase given to the other county employees. The compensation for all county officers may be set as a group, although the change in compensation will not become effective until the next term of office for each officer.

13. At the salary commission meeting in 1997 which establishes the salaries for those officers to be elected at the general election in 1998, the salary commission of each noncharter county may provide salary increases for associate county commissioners elected in 1996. This one-time increase is necessitated by the change from two- to four-year terms for associate commissioners pursuant to house bill 256, passed by the first regular session of the eighty-eighth general assembly in 1995.

Approved July 5, 2018

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SB 573

**Enacts provisions relating to the armed services.**

AN ACT to repeal sections 8.012, 30.750, 30.756, 41.1010, 253.048, and 620.515, RSMo, and to enact in lieu thereof eleven new sections relating to the armed services, with an existing penalty provision.

SECTION

- A. Enacting clause.
- 8.012 Flags authorized to be displayed at all state buildings.
- 30.750 Definitions.

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- 30.756 Lending institution receiving linked deposits, requirements and limitations — false statements as to use for loan, penalty — eligible student borrowers — eligibility, student renewal loans, repayment method — priority for reduced-rate loans.
- 41.1010 Missouri military preparedness and enhancement commission established, purpose, members, duties.
- 42.380 Rights of veterans.
- 143.175 Military personnel, reserves and inactive duty training, deduction, amount.
- 253.048 Flags authorized for display in state parks.
- 285.250 Hiring preference for veterans and spouses of disabled or deceased veterans, nonpublic employers.
- 620.515 Show-Me heroes program established to assist active duty military personnel and members of the National Guard and their families — rulemaking authority.
- 620.3250 Boots-to-business program, veteran-owned small businesses — assignment of a mentor — rulemaking authority.
- 620.3300 Citation of law — definitions — program established, purpose — fund created, use of moneys — grants — rulemaking authority.

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

**SECTION A. ENACTING CLAUSE.** — Sections 8.012, 30.750, 30.756, 41.1010, 253.048, and 620.515, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 8.012, 30.750, 30.756, 41.1010, 42.380, 143.175, 253.048, 285.250, 620.515, 620.3250, and 620.3300, to read as follows:

**8.012. FLAGS AUTHORIZED TO BE DISPLAYED AT ALL STATE BUILDINGS. — 1.** At all state buildings and upon the grounds thereof, the board of public buildings [may] **shall** accompany the display of the flag of the United States and the flag of this state with the display of the POW/MIA flag, which is designed to commemorate the service and sacrifice of the members of the Armed Forces of the United States who were prisoners of war or missing in action and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States.

**2. If a state building does not possess a POW/MIA flag, the board shall reach out to local veterans organizations to obtain a donated flag.**

**3. If the state building is unable to obtain a donated flag or if displaying the flag on the existing flagpole would in any circumstance be inconsistent with the provisions of the state of Missouri policy for display of national and state flags, the state building shall be exempt from this section.**

**30.750. DEFINITIONS.** — As used in sections 30.750 to 30.765, the following terms mean:

(1) "Eligible agribusiness", a person engaged in the processing or adding of value to agricultural products produced in Missouri;

(2) "Eligible alternative energy consumer", an individual who wishes to borrow moneys for the purchase, installation, or construction of facilities or equipment related to the production of fuel or power primarily for the individual's own use from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass;

(3) "Eligible alternative energy operation", a business enterprise engaged in the production of fuel or power from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass. Such business enterprise shall conform to the characteristics of paragraphs (a), (b), and (d) of subdivision (6) of this section;

(4) "Eligible beginning farmer":

(a) For any beginning farmer who seeks to participate in the linked deposit program alone, a **farmer who:**

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- a. Is a Missouri resident;
  - b. Wishes to borrow for a farm operation located in Missouri;
  - c. Is at least eighteen years old; and
  - d. In the preceding five years has not owned, either directly or indirectly, farm land greater than fifty percent of the average size farm in the county where the proposed farm operation is located or farm land with an appraised value greater than four hundred fifty thousand dollars. A farmer who qualifies as an eligible farmer under this provision may utilize the proceeds of a linked deposit loan to purchase agricultural land, farm buildings, new and used farm equipment, livestock and working capital;
- (b) For any beginning farmer who is participating in both the linked deposit program and the beginning farmer loan program administered by the Missouri agriculture and small business development authority, a farmer who:
- a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal tax-exempt financing, including the limitations on the use of loan proceeds; and
  - b. Meets all other requirements established by the Missouri agriculture and small business development authority;
- (5) "Eligible facility borrower", a borrower qualified under section 30.860 to apply for a reduced-rate loan under sections 30.750 to 30.765;
- (6) "Eligible farming operation", any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010 that has all of the following characteristics:
- (a) Is headquartered in this state;
  - (b) Maintains offices, operating facilities, or farming operations and transacts business in this state;
  - (c) Employs less than ten employees;
  - (d) Is organized for profit;
- (7) "Eligible governmental entity", any political subdivision of the state seeking to finance capital improvements, capital outlay, or other significant programs through an eligible lending institution;
- (8) "Eligible higher education institution", any approved public or private institution as defined in section 173.205;
- (9) "Eligible job enhancement business", a new, existing, or expanding firm operating in Missouri, or as a condition of accepting the linked deposit, will locate a facility or office in Missouri associated with said linked deposit, which employs ten or more employees in Missouri on a yearly average and which, as nearly as possible, is able to establish or retain at least one job in Missouri for each fifty thousand dollars received from a linked deposit loan except when the applicant can demonstrate significant costs for equipment, capital outlay, or capital improvements associated with the physical expansion, renovation, or modernization of a facility or equipment. In such cases, the maximum amount of the linked deposit shall not exceed fifty thousand dollars per job created or retained plus the initial cost of the physical expansion, renovation or capital outlay;
- (10) "Eligible lending institution", a financial institution that is eligible to make commercial or agricultural or student loans or discount or purchase such loans, is a public depository of state funds or obtains its funds through the issuance of obligations, either directly or through a related entity, eligible for the placement of state funds under the provisions of Section 15, Article IV, Constitution of Missouri, and agrees to participate in the linked deposit program;

(11) "Eligible livestock operation", any person engaged in production of livestock or poultry in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010;

(12) "Eligible locally owned business", any person seeking to establish a new firm, partnership, cooperative company, or corporation that shall retain at least fifty-one percent ownership by residents in a county in which the business is headquartered, that consists of the following characteristics:

(a) The county has a median population of twelve thousand five hundred or less; and

(b) The median income of residents in the county are equal to or less than the state median income; or

(c) The unemployment rate of the county is equal to or greater than the state's unemployment rate;

(13) "Eligible marketing enterprise", a business enterprise operating in this state which is in the process of marketing its goods, products or services within or outside of this state or overseas, which marketing is designed to increase manufacturing, transportation, mining, communications, or other enterprises in this state, which has proposed its marketing plan and strategy to the department of economic development and which plan and strategy has been approved by the department for purposes of eligibility pursuant to sections 30.750 to 30.765. Such business enterprise shall conform to the characteristics of paragraphs (a), (b) and (d) of subdivision (6) of this section and also employ less than twenty-five employees;

(14) "Eligible multitenant development enterprise", a new enterprise that develops multitenant space for targeted industries as determined by the department of economic development and approved by the department for the purposes of eligibility pursuant to sections 30.750 to 30.765;

(15) "Eligible residential property developer", an individual who purchases and develops a residential structure of either two or four units, if such residential property developer uses and agrees to continue to use, for at least the five years immediately following the date of issuance of the linked deposit loan, one of the units as his principal residence or if such person's principal residence is located within one-half mile from the developed structure and such person agrees to maintain the principal residence within one-half mile of the developed structure for at least the five years immediately following the date of issuance of the linked deposit loan;

(16) "Eligible residential property owner", a person, firm or corporation who purchases, develops or rehabilitates a multifamily residential structure;

(17) "Eligible small business", a person engaged in an activity with the purpose of obtaining, directly or indirectly, a gain, benefit or advantage and which conforms to the characteristics of paragraphs (a), (b) and (d) of subdivision (6) of this section, and also employs less than one hundred employees **or a veteran-owned small business as defined in subdivision (19) of this section;**

(18) "Eligible student borrower", any person attending, or the parent of a dependent undergraduate attending, an eligible higher education institution in Missouri who may or may not qualify for need-based student financial aid calculated by the federal analysis called Congressional Methodology Formula pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986);

(19) **"Eligible veteran-owned small business", any business owned by an honorably discharged veteran and Missouri resident who has agreed to locate his or her business in Missouri for a minimum of three years and employs less than one hundred employees, a majority of whom are Missouri residents;**

(20) "Eligible water supply system", a water system which serves fewer than fifty thousand persons and which is owned and operated by:

(a) A public water supply district established pursuant to chapter 247; or

(b) A municipality or other political subdivision; or

(c) A water corporation; and which is certified by the department of natural resources in accordance with its rules and regulations to have suffered a significant decrease in its capacity to meet its service needs as a result of drought;

[(20)] (21) "Farming", using or cultivating land for the production of agricultural crops, livestock or livestock products, forest products, poultry or poultry products, milk or dairy products, or fruit or other horticultural products;

[(21)] (22) "Linked deposit", a certificate of deposit, or in the case of production credit associations, the subscription or purchase outright of obligations described in Section 15, Article IV, Constitution of Missouri, placed by the state treasurer with an eligible lending institution at rates otherwise provided by law in section 30.758, provided the institution agrees to lend the value of such deposit, according to the deposit agreement provided in sections 30.750 to 30.765, to eligible multitenant development enterprises, eligible small businesses, eligible alternative energy operations, eligible alternative energy consumers, eligible locally owned businesses, farming operations, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, eligible governmental entities, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water supply systems at below the present borrowing rate applicable to each multitenant development enterprise, small business, alternative energy operation, alternative energy consumer, farming operation, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, or supply system at the time of the deposit of state funds in the institution;

[(22)] (23) "Market rate", the interest rate more specifically described in subsection 6 of section 30.260;

[(23)] (24) "Professional forester", any individual who holds a bachelor of science degree in forestry from a regionally accredited college or university with a minimum of two years of professional forest management experience;

[(24)] (25) "Qualified biomass", any agriculture-derived organic material or any wood-derived organic material harvested in accordance with a site-specific forest management plan focused on long-term forest sustainability developed by a professional forester and qualified, in consultation with the conservation commission, by the agriculture and small business development authority;

[(25)] (26) "Water corporation", as such term is defined in section 386.020;

[(26)] (27) "Water system", as such term is defined in section 386.020.

**30.756. LENDING INSTITUTION RECEIVING LINKED DEPOSITS, REQUIREMENTS AND LIMITATIONS — FALSE STATEMENTS AS TO USE FOR LOAN, PENALTY — ELIGIBLE STUDENT BORROWERS — ELIGIBILITY, STUDENT RENEWAL LOANS, REPAYMENT METHOD — PRIORITY FOR REDUCED-RATE LOANS. — 1.** An eligible lending institution that desires to receive a linked deposit shall accept and review applications for linked deposit loans from eligible multitenant enterprises, eligible farming operations, eligible alternative energy consumers, eligible alternative energy operations, eligible locally owned businesses, eligible small businesses, eligible job

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enhancement businesses, eligible marketing enterprises, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible residential property developers, eligible residential property owners, eligible governmental entities, eligible student borrowers, eligible facility borrowers, and eligible water supply systems. An eligible residential property owner shall certify on his or her loan application that the reduced rate loan will be used exclusively to purchase, develop or rehabilitate a multifamily residential property. The lending institution shall apply all usual lending standards to determine the creditworthiness of each eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entities, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system. No linked deposit loan made to any eligible multitenant development enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible livestock operation, eligible agribusiness, eligible beginning farmer, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible student borrower, eligible water supply system, or eligible small business shall exceed a dollar limit determined by the state treasurer in the state treasurer's best judgment, except as otherwise limited. Any link deposit loan made to an eligible facility borrower shall be in accordance with the loan amount and loan term requirements in section 30.860.

2. An eligible farming operation, small business or job enhancement business shall certify on its loan application that the reduced rate loan will be used exclusively for necessary production expenses or the expenses listed in subsection 2 of section 30.753 or the refinancing of an existing loan for production expenses or the expenses listed in subsection 2 of section 30.753 of an eligible farming operation, small business or job enhancement business. Whoever knowingly makes a false statement concerning such application is guilty of a class A misdemeanor. An eligible water supply system shall certify on its loan application that the reduced rate loan shall be used exclusively to pay the costs of upgrading or repairing an existing water system, constructing a new water system, or making other capital improvements to a water system which are necessary to improve the service capacity of the system.

3. In considering which eligible farming operations should receive reduced-rate loans, the eligible lending institution shall give priority to those farming operations which have suffered reduced yields due to drought or other natural disasters and for which the receipt of a reduced-rate loan will make a significant contribution to the continued operation of the recipient farming operation.

**4. In considering which eligible small businesses should receive reduced-rate loans, the eligible lending institution shall give priority to those small businesses that are owned by veterans.**

5. The eligible financial institution shall forward to the state treasurer a linked deposit loan package, in the form and manner as prescribed by the state treasurer. The package shall include such information as required by the state treasurer, including the amount of each loan requested. The institution shall certify that each applicant is an eligible multitenant development enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer,

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eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, and shall, for each eligible multitenant development enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, certify the present borrowing rate applicable.

[5.] 6. The eligible lending institution shall be responsible for determining if a student borrower is an eligible student borrower. A student borrower shall be eligible for an initial or renewal reduced-rate loan only if, at the time of the application for the loan, the student is a citizen or permanent resident of the United States, a resident of the state of Missouri as defined by the coordinating board for higher education, is enrolled or has been accepted for enrollment in an eligible higher education institution, and establishes that the student has financial need. In considering which eligible student borrowers may receive reduced-rate loans, the eligible lending institution may give priority to those eligible student borrowers whose income, or whose family income, if the eligible student borrower is a dependent, is such that the eligible student borrower does not qualify for need-based student financial aid pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986). The eligible lending institution shall require the eligible student borrower to document that the student has applied for and has obtained all need-based student financial aid for which the student is eligible prior to application for a reduced-rate loan pursuant to this section. In no case shall the combination of all financial aid awarded to any student in any particular enrollment period exceed the total cost of attendance at the institution in which the student is enrolled. No eligible lending institution shall charge any additional fees, including but not limited to an origination, service or insurance fee on any loan agreement under the provisions of sections 30.750 to 30.765.

[6.] 7. The eligible lending institution making an initial loan to an eligible student borrower may make a renewal loan or loans to the student. The total of such reduced-rate loans from eligible lending institutions made pursuant to this section to any individual student shall not exceed the cumulative totals established by 20 U.S.C. 1078, as amended. An eligible student borrower shall certify on his or her loan application that the reduced-rate loan shall be used exclusively to pay the costs of tuition, incidental fees, books and academic supplies, room and board and other fees directly related to enrollment in an eligible higher education institution. The eligible lending institution shall make the loan payable to the eligible student borrower and the eligible higher education institution as co-payees. The method of repayment of the loan shall be the same as for repayment of loans made pursuant to sections 173.095 to 173.186.

[7.] 8. Beginning August 28, 2005, in considering which eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system should receive reduced-rate loans, the eligible lending institution shall give priority to an eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible

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agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system that has not previously received a reduced-rate loan through the linked deposit program. However, nothing shall prohibit an eligible lending institution from making a reduced-rate loan to any entity that previously has received such a loan, if such entity otherwise qualifies for such a reduced-rate loan.

**41.1010. MISSOURI MILITARY PREPAREDNESS AND ENHANCEMENT COMMISSION ESTABLISHED, PURPOSE, MEMBERS, DUTIES.** — 1. There is hereby established the "Missouri Military Preparedness and Enhancement Commission". The commission shall have as its purpose the design and implementation of measures intended to protect, retain, and enhance the present and future mission capabilities at the military posts or bases within the state. The commission shall consist of nine members:

- (1) Five members to be appointed by the governor;
- (2) Two members of the house of representatives, one appointed by the speaker of the house of representatives, and one appointed by the minority floor leader;
- (3) Two members of the senate, one appointed by the president pro tempore, and one appointed by the minority floor leader;
- (4) The director of the department of economic development or the director's designee, ex officio;
- (5) The chairman of the Missouri veterans' commission or the chairman's designee, ex officio.

No more than three of the five members appointed by the governor shall be of the same political party. To be eligible for appointment by the governor, a person shall have demonstrated experience in economic development, the defense industry, military installation operation, environmental issues, finance, local government, or the use of air space for future military missions. Appointed members of the commission shall serve three-year terms, except that of the initial appointments made by the governor, two shall be for one-year terms, two shall be for two-year terms, and one shall be for a three-year term. No appointed member of the commission shall serve more than six years total. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

2. Members of the commission shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's official duties.

3. A chair of the commission shall be selected by the members of the commission.

4. The commission shall meet at least quarterly and at such other times as the chair deems necessary.

5. The commission shall be funded by an appropriation limited to that purpose. Any expenditure constituting more than ten percent of the commission's annual appropriation shall be based on a competitive bid process.

6. The commission shall:

(1) Advise the governor and the general assembly on military issues and economic and industrial development related to military issues;

(2) Make recommendations regarding:

(a) Developing policies and plans to support the long-term viability and prosperity of the military, active and retiree, and civilian military employees, in this state, including promoting strategic regional alliances that may extend over state lines;

(b) Developing methods to improve private and public employment opportunities for former members of the military and their families residing in this state; and

(c) Developing methods to assist defense-dependent communities in the design and execution of programs that enhance a community's relationship with military installations and defense-related businesses;

(3) Provide information to communities, the general assembly, the state's congressional delegation, and state agencies regarding federal actions affecting military installations and missions;

(4) Serve as a clearinghouse for:

(a) Defense economic adjustment and transition information and activities; and

(b) Information concerning the following:

a. Issues related to the operating costs, missions, and strategic value of federal military installations located in the state;

b. Employment issues for communities that depend on defense bases and in defense-related businesses; and

c. Defense strategies and incentive programs that other states are using to maintain, expand, and attract new defense contractors;

(5) Provide assistance to communities that have experienced a defense-related closure or realignment;

(6) Assist communities in the design and execution of programs that enhance a community's relationship with military installations and defense-related businesses, including regional alliances that may extend over state lines;

(7) Assist communities in the retention and recruiting of defense-related businesses, including fostering strategic regional alliances that may extend over state lines;

(8) Prepare a biennial strategic plan that:

(a) Fosters the enhancement of military value of the contributions of Missouri military installations to national defense strategies;

(b) Considers all current and anticipated base realignment and closure criteria; and

(c) Develops strategies to protect the state's existing military missions and positions the state to be competitive for new and expanded military missions;

(9) Encourage economic development in this state by fostering the development of industries related to defense affairs.

**7. The commission shall evaluate and approve or reject, as it deems necessary, all applications presented to it for grants of funding through the department of economic development's Missouri military community reinvestment grant program, as authorized in section 620.3300. The commission shall develop procedures with the department of economic development that will govern its consideration of all applications.**

**8.** The commission shall prepare and present an annual report to the governor and the general assembly by December thirty-first of each year.

[8.] **9.** The department of economic development shall furnish administrative support and staff for the effective operation of the commission.

**42.380. RIGHTS OF VETERANS. — 1. This section shall be known and may cited as "The Veterans' Bill of Rights".**

**2. Veterans in this state have a right to:**

**(1) Receive assistance from a local veterans service officer in completing applications for state and federal benefits;**

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- (2) Receive counseling from veterans service officers and receive information about compensation, pensions, education benefits, life insurance medical benefits, state benefits, and burial benefits;
- (3) Preference in public employment as described in section 36.220;
- (4) Be treated with dignity and respect and to receive accurate, courteous, and timely service; and
- (5) Receive fair and equal treatment without regard to sex, race, religion, handicap, ethnicity, or national origin.

**143.175. MILITARY PERSONNEL, RESERVES AND INACTIVE DUTY TRAINING, DEDUCTION, AMOUNT.** — 1. For all tax years beginning on or after January 1, 2020, for purposes of calculating the Missouri taxable income as required under section 143.011, a percentage of the income received by any person as salary or compensation:

- (1) In performance of inactive duty for training (IDT) of the National Guard or annual training status (AT) of the National Guard; or
- (2) In reserve components of the Armed Forces of the United States;

and to the extent that such income is included in the federal adjusted gross income, may be deducted from the taxpayer's Missouri adjusted gross income to determine such taxpayer's Missouri taxable income. If such person files a combined return with a spouse, a percentage of any military income received while engaging in the performance of National Guard or reserve military duty may be deducted from their Missouri combined adjusted gross income. Such military income shall be deducted as follows:

- (a) For the tax year beginning on or after January 1, 2020, twenty percent of such military income;
- (b) For the tax year beginning on or after January 1, 2021, forty percent of such military income;
- (c) For the tax year beginning on or after January 1, 2022, sixty percent of such income;
- (d) For the tax year beginning on or after January 1, 2023, eighty percent of such income;
- (e) For all tax years beginning on January 1, 2024, and thereafter, one hundred percent of such income.

2. Notwithstanding the provisions of this section or any other provision of law to the contrary, the deduction authorized by this section shall not apply to compensation received while engaging in civilian federal service, including civil service positions requiring the wearing of military uniform and military affiliation.

**253.048. FLAGS AUTHORIZED FOR DISPLAY IN STATE PARKS.** — 1. Within the state parks, the department [may] **shall** accompany the display of the flag of the United States and the flag of this state with the display of the MIA/POW flag, which is designed to commemorate the service and sacrifice of members of the Armed Forces of the United States who were prisoners of war or missing in action and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States.

2. **If a state park does not possess a POW/MIA flag, the department shall reach out to local veterans organizations to obtain a donated flag.**

3. **If the state park is unable to obtain a donated flag or if displaying the flag on the existing flagpole would in any circumstance be inconsistent with the provisions of the state**

of Missouri policy for display of national and state flags, the state park shall be exempt from this section.

**285.250. HIRING PREFERENCE FOR VETERANS AND SPOUSES OF DISABLED OR DECEASED VETERANS, NONPUBLIC EMPLOYERS. — 1. A private, nonpublic employer may grant preference to a veteran in hiring and promoting employees.**

**2. A private, nonpublic employer may grant preference in hiring and promotion to a spouse of a disabled veteran who has a service-connected permanent and total disability or to a surviving spouse of a deceased veteran. For the purposes of this subsection, a "disabled veteran" means a person who has a compensable, service-connected disability as adjudicated by the United States Veterans Administration or by the retirement board of one of the branches of the armed forces.**

**3. Granting preference under subsections 1 and 2 of this section shall not violate any state equal employment opportunity law.**

**620.515. SHOW-ME HEROES PROGRAM ESTABLISHED TO ASSIST ACTIVE DUTY MILITARY PERSONNEL AND MEMBERS OF THE NATIONAL GUARD AND THEIR FAMILIES — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Show-Me Heroes" program, the purpose of which is to:**

(1) Assist the spouse of an active duty National Guard or reserve component service member reservist and active duty United States military personnel to address immediate needs and employment in an attempt to keep the family from falling into poverty while the primary income earner is on active duty, and during the [one-year] **five-year** period following discharge from deployment; and

(2) Assist returning National Guard troops or reserve component service member reservists and recently separated United States military personnel with finding work in situations where an individual needs to rebuild business clientele or where an individual's job has been eliminated while such individual was deployed, or where the individual otherwise cannot return to his or her previous employment.

2. Subject to appropriation, the department of economic development shall operate the Show-Me heroes program through existing programs. Eligibility for the program shall be based on the following criteria:

(1) Eligible participants in the program shall be those families where:

(a) The primary income earner was called to active duty in defense of the United States for a period of more than four months;

(b) The family's primary income is no longer available;

(c) The family is experiencing significant hardship due to financial burdens; and

(d) The family has no outside resources available to assist with such hardships;

(2) Services that may be provided to the family will be aimed at ameliorating the immediate crisis and providing a path for economic stability while the primary income is not available due to the active military commitment. Services shall be made available up to [one year] **five years** following discharge from deployment. Services may include, but not be limited to the following:

(a) Financial assistance to families facing financial crisis from overdue bills;

(b) Help paying day care costs to pursue training and or employment;

(c) Help covering the costs of transportation to training and or employment;

(d) Vocational evaluation and vocational counseling to help the individual choose a visible employment goal;

- (e) Vocational training to acquire or upgrade skills needed to be marketable in the workforce;
- (f) Paid internships and subsidized employment to train on the job; and
- (g) Job placement assistance for those who don't require skills training.

3. [The department shall structure any contract such that payment will be based on delivering the services described in this section as well as performance to guarantee the greatest possible effectiveness of the program.

4.] The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

**620.3250. BOOTS-TO-BUSINESS PROGRAM, VETERAN-OWNED SMALL BUSINESSES — ASSIGNMENT OF A MENTOR — RULEMAKING AUTHORITY. — 1. Any veteran who receives a small business loan through the state treasurer's linked deposit program set forth in sections 30.750 to 30.765 shall also be subject to the provisions of this section.**

**2. After receiving a loan from an eligible lending institution, as that term is defined in subdivision (10) of section 37.750, the owner of a veteran-owned small business shall complete a boots-to-business program that is approved by the department.**

**3. After receiving a loan from an eligible lending institution, as that term is defined in subdivision (10) of section 37.750, the owner of a veteran-owned small business will be assigned a mentor for the three hundred sixty five days following the date of approval. The owner shall meet with his or her mentor at least once every ninety days.**

**4. The department may adopt rules in establishing or approving boots-to-business programs under subsection 2 of this section and mentor programs under subsection 3 of this section.**

**5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**620.3300. CITATION OF LAW — DEFINITIONS — PROGRAM ESTABLISHED, PURPOSE — FUND CREATED, USE OF MONEYS — GRANTS — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Missouri Military Community Reinvestment Program Act".**

**2. As used in this section, the following terms shall mean:**

**(1) "Commission", the Missouri military preparedness and enhancement commission authorized under section 41.1010;**

**(2) "Community-based organization", a Missouri corporation in good standing with the state that is organized under chapter 355 and which has as its primary or substantial purposes the support and sustainment of a military installation or installations;**

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- (3) "Department", the department of economic development;
- (4) "Eligible applicant", any community-based organization or local government located in a military community;
- (5) "Grantee", the recipient of a Missouri military community reinvestment program grant;
- (6) "Local government", any Missouri county, city, town, or village;
- (7) "Military community", any county, city, town, or village or defined combination thereof that is heavily dependent on military employment and economic activity provided by a military installation;
- (8) "Military installation", a facility subject to the custody, jurisdiction, or administration of any United States Department of Defense component. This term includes, but is not limited to, military reservations, installations, bases, posts, camps, stations, arsenals, vessels or ships, or laboratories where the Department of Defense or a component thereof has operation responsibility for facility security and defense;
- (9) "Program", the Missouri military community reinvestment program created by this section.

3. There is hereby established the Missouri military community reinvestment program in the department of economic development. Its purpose shall be to assist military communities in supporting and sustaining their installations, to encourage the communities to initiate coordinated response programs and action plans in advance of future federal government realignment and closure decisions, and to support community efforts to attract new or expanded military missions.

4. (1) There is hereby created in the state treasury the "Missouri Military Community Reinvestment Grant Program Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section. The amount in such fund shall not exceed three hundred thousand dollars. Moneys in the fund in excess of three hundred thousand dollars shall be invested by the state treasurer and any income therefrom shall be deposited to the credit of the general revenue fund.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. The department shall implement the program as provided in this section. The department and the commission shall invite public comments on how the program should be administered and shall jointly develop and establish procedures for the solicitation, evaluation, and approval of grant applications received from eligible applicants.

6. The department shall evaluate each application and make recommendations to the commission, which shall have the authority to approve or reject any application so recommended. Upon approval by the commission, the department shall administer grant awards, including the tracking and monitoring of grantee administration of the grant funds and whether grantees have achieved the goals set forth in their grant applications.

7. Grants provided by this program shall not exceed three hundred thousand dollars per year. The eligible amount for grants shall include the following match requirements:

(1) For an eligible applicant in operation for five or more years, one dollar of state grant funds may be provided for every one dollar of funds provided or raised by the eligible applicant, including the value of in-kind services, supplies, or equipment; or

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Matter in bold-face type is proposed language.

(2) For an eligible applicant in operation for fewer than five years, two dollars of state grant funds may be provided for every one dollar of funds provided or raised by the eligible applicant, including the value of in-kind services, supplies, or equipment.

8. Applications for grants under this section shall include a coordinated program of work or a plan of action delineating how the project shall be administered and accomplished, which shall include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement. Uses for the grants may include, but are not limited to, the following activities:

(1) Developing and implementing public-to-public partnerships with military installations, including agreements that reduce installation costs and increase funding available for mission performance;

(2) Developing local or regional marketing plans, techniques, and activities, including those that communicate the nature and value of military installations and military service;

(3) Implementing programs to assist with diversification of the economy of the military installation community by increasing nondefense economic development and employment;

(4) Performing in-depth research and analysis regarding local or regional employment, housing, infrastructure, education, healthcare, and other factors that affect the attractiveness of the community for future military investments;

(5) Leading or participating in programs or activities to develop or improve the quality of life in military communities, including the areas of education, transportation, health care, and infrastructure development and transportation; and

(6) Developing plans for the reuse of closed or realigned military installations or facilities, including any plans necessary for infrastructure improvements needed to facilitate related marketing activities.

9. The department may promulgate rules to assist in the implementation of the provisions of this section, including rules on behalf of the commission, if necessary. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

Approved June 1, 2018

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HCS SB 581

**Enacts provisions relating to landlord tenant actions.**

AN ACT to repeal sections 512.180, 535.030, 535.110, 535.170, 535.200, 535.210, and 535.300, RSMo, and to enact in lieu thereof seven new sections relating to landlord tenant actions.

SECTION

A. Enacting clause.

512.180 Appeals from cases tried before associate circuit judge.

535.030 Service of summons — court date included in summons.

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

- 535.110 Appeals, defendant to furnish bond to stay execution — additional conditions.
- 535.170 Lessee barred from relief, when — appeal permitted, when.
- 535.200 Landlord-tenant court authorized in City of St. Louis, jurisdiction — landlord-tenant commissioners, powers and qualifications — landlord-tenant court procedures.
- 535.210 Landlord-tenant court authorized in Jackson County, jurisdiction — landlord-tenant commissioners, powers and qualifications — landlord-tenant court procedures.
- 535.300 Security deposits, limitation — holding of security deposits, requirements — return of deposit or notice of damages, when — withholding deposit, when — tenant's right to damages — security deposit defined.

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

**SECTION A. ENACTING CLAUSE.** — Sections 512.180, 535.030, 535.110, 535.170, 535.200, 535.210, and 535.300, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 512.180, 535.030, 535.110, 535.170, 535.200, 535.210, and 535.300, to read as follows:

**512.180. APPEALS FROM CASES TRIED BEFORE ASSOCIATE CIRCUIT JUDGE.** — 1. Any person aggrieved by a judgment in a civil case tried without a jury before an associate circuit judge, other than an associate circuit judge sitting in the probate division or who has been assigned to hear the case on the record under procedures applicable before circuit judges, shall have the right of a trial de novo in all cases tried before municipal court or under the provisions of chapter 482 **or 535**.

2. In all other contested civil cases tried with or without a jury before an associate circuit judge or on assignment under such procedures applicable before circuit judges or in any misdemeanor case or county ordinance violation case a record shall be kept, and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

**535.030. SERVICE OF SUMMONS — COURT DATE INCLUDED IN SUMMONS.** — 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than twenty-one business days from the date the summons is issued unless at the time of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

2. In addition to attempted personal service, the plaintiff may request, and thereupon the clerk of the court shall make an order directing that the officer, or other person empowered to execute the summons, shall also serve the same by securely affixing a copy of such summons and the complaint in a conspicuous place on the dwelling of the premises in question at least ten days before the court date in such summons, and by also mailing a copy of the summons and complaint to the defendant at the defendant's last known address by ordinary mail at least ten days before the court date. If the officer, or other person empowered to execute the summons, shall return that the defendant is not found, or that the defendant has absconded or vacated his or her usual place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure set forth in this section.

3. If the plaintiff does not request service of the original summons by posting and mailing as provided in subsection 2 of this section, and if the officer, or other person empowered to execute the summons, makes return that the defendant is not found, or that the defendant has absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an alias summons and service of the same by posting and mailing in the time and manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a copy of the summons in the time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons and the complaint, the judge shall proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure provided in subsection 2 of this section.

4. The defendant has ten days from the date of the judgment to file a motion to set aside the judgment **or to file an application for a trial de novo** and unless the judgment is set aside **or an application for a trial de novo is filed** within ten days, the judgment for possession will become final and the defendant will be subject to eviction from the premises without further notice. On the date judgment is rendered if the defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address by ordinary mail a notice informing the defendant of the foregoing.

**535.110. APPEALS, DEFENDANT TO FURNISH BOND TO STAY EXECUTION — ADDITIONAL CONDITIONS.** — Applications for **trials de novo** and appeals shall be allowed and conducted in the manner provided [as in other civil cases] **in chapter 512**; but no application for **a trial de novo or an appeal** shall stay execution unless the defendant give bond, with security sufficient to secure the payment of all damages, costs and rent then due, into court within ten days after an entry of the judgment by the trial court, all other provisions of law to the contrary notwithstanding. Additional conditions of the appeal bond shall be to stay waste and to pay all subsequently accruing rent, if any, into court within ten days after it becomes due, pending determination of the **trial de novo or appeal**. Execution for the purposes of restoring possession shall be stayed pending an appeal if the losing party posts a sufficient appeal bond.

**535.170. LESSEE BARRED FROM RELIEF, WHEN — APPEAL PERMITTED, WHEN.** — After the execution of any judgment for possession pursuant to this chapter, the lessee and the lessee's assignees, and all other persons deriving title under the lease from such lessee, shall be barred from reentry of such premises and from all relief, and except for error in the record or proceedings, the landlord shall from that day hold the demised premises discharged from the lease. Nothing in this section shall preclude an aggrieved party from perfecting an appeal **or securing a trial de novo** as to any judgment rendered, and may as a result of such appeal **or trial de novo** recover any damage incurred, including damages incurred from an unlawful dispossession.

**535.200. LANDLORD-TENANT COURT AUTHORIZED IN CITY OF ST. LOUIS, JURISDICTION — LANDLORD-TENANT COMMISSIONERS, POWERS AND QUALIFICATIONS — LANDLORD-TENANT COURT PROCEDURES.** — 1. In the twenty-second judicial circuit, upon adoption of an ordinance by the City of St. Louis providing for expenditure of city funds for such purpose, a majority of the circuit judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may authorize the appointment of not more than two landlord-

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tenant court commissioners. The landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the mayor of the City of St. Louis, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the landlord-tenant court judicial commission shall be established by circuit court rule.

2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving or taking of possession of residential property and any other equitable relief necessary to resolve disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant commissioners may not, by *ex parte* means, hear cases and issue orders.

3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of the City of St. Louis, and shall receive as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not accept or handle cases in their practice of law which are inconsistent with their duties as a landlord-tenant commissioner and shall not be a judge or prosecutor for any other court. Landlord-tenant commissioners shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

4. A majority of the judges of the circuit, en banc, shall establish operating procedures for the landlord-tenant court. Proceedings in the landlord-tenant court shall be conducted as in cases tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner without jury, and the commissioner shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

5. The parties to a cause of action before a commissioner of the landlord-tenant court are entitled to file with the court a motion for a hearing in associate circuit court within ten days after the mailing, or within ten days after service.

6. Operating procedures shall be provided for electronic recording of proceedings at city expense. Any person aggrieved by a judgment in a case decided under this section shall have a right to a **trial de novo in circuit court**, or an appeal to the appropriate appellate court, in the same manner as would a person aggrieved by a decision of an associate circuit judge under section 535.110. The procedures for perfecting the right of a **trial de novo** or an appeal shall be the same as that provided pursuant to sections 512.180 to 512.320.

7. Any summons issued for the proceedings in the landlord-tenant court shall have a return date of ten days. The sheriff must attempt to serve any summons within four days of the date of issuance.

8. All costs to establish and operate a landlord-tenant court under this section shall be borne by the City of St. Louis.

**535.210. LANDLORD-TENANT COURT AUTHORIZED IN JACKSON COUNTY, JURISDICTION — LANDLORD-TENANT COMMISSIONERS, POWERS AND QUALIFICATIONS — LANDLORD-TENANT COURT PROCEDURES.** — 1. In the sixteenth judicial circuit, upon adoption of an ordinance by Jackson County providing for expenditure of county funds for such purpose, a

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Matter in bold-face type is proposed language.

majority of the circuit court judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may authorize the appointment of not more than two landlord-tenant court commissioners. The landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of Jackson County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the landlord-tenant court judicial commission shall be established by circuit court rule.

2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving or taking of possession of residential property and any other equitable relief necessary to resolve disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant commissioners may not, by ex parte means, hear cases and issue orders.

3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of Jackson County, and shall receive as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not accept or handle cases in their practice of law which are inconsistent with their duties as a landlord-tenant commissioner and shall not be a judge or prosecutor for any other court. Landlord-tenant commissioners shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

4. A majority of the judges of the circuit court, en banc, shall establish operating procedures for the landlord-tenant court. Proceedings in the landlord-tenant court, shall be conducted as in cases tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner without jury, and the commissioner shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

5. The parties to a cause of action before a commissioner of the landlord-tenant court are entitled to file with the court a motion for a hearing in associate circuit court within ten days after the mailing, or within ten days after service.

6. Operating procedures shall be provided for electronic recording of proceedings at county expense. Any person aggrieved by a judgment in a case decided under this section shall have a right to **a trial de novo in circuit court, or** an appeal to the appropriate appellate court, in the same manner as would a person aggrieved by a decision of an associate circuit judge under section 535.110. The procedures for perfecting the right of **a trial de novo or** an appeal shall be the same as that provided pursuant to sections 512.180 to 512.320.

7. Any summons issued for the proceedings in the landlord-tenant court shall have a return date of ten days from the date of service. Service must be attempted within four days of the date of issuance.

8. All costs to establish and operate a landlord-tenant court under this section shall be borne by Jackson County.

**535.300. SECURITY DEPOSITS, LIMITATION — HOLDING OF SECURITY DEPOSITS, REQUIREMENTS — RETURN OF DEPOSIT OR NOTICE OF DAMAGES, WHEN — WITHHOLDING DEPOSIT, WHEN — TENANT'S RIGHT TO DAMAGES — SECURITY DEPOSIT DEFINED.** — 1. A landlord may not demand or receive a security deposit in excess of two months' rent.

2. All security deposits shall be held by the landlord for the tenant, who is a party to the rental agreement, in a bank, credit union, or depository institution which is insured by an agency of the federal government. [Security deposits shall not be commingled with other funds of the landlord. All security deposits shall be held in a trust established by the landlord and deposited in a bank, credit union, or depository institution account in the name of the trustee.] Any interest earned on a security deposit shall be the property of the landlord. [A landlord licensed under and subject to the requirements of chapter 339, in lieu of complying with this subsection, shall maintain all tenant security deposits in a bank, credit union, financial or depository institution account, and shall not commingle such security deposits with other funds of the landlord except as provided in section 339.105.] A housing authority created under section 99.040 or any other government entity acting as a landlord shall not be subject to this subsection.

3. Within thirty days after the date of termination of the tenancy, the landlord shall:

- (1) Return the full amount of the security deposit; or
- (2) Furnish to the tenant a written itemized list of the damages for which the security deposit or any portion thereof is withheld, along with the balance of the security deposit.

The landlord shall have complied with this subsection by mailing such statement and any payment to the last known address of the tenant.

4. The landlord may withhold from the security deposit only such amounts as are reasonably necessary for the following reasons:

(1) To remedy a tenant's default in the payment of rent due to the landlord, pursuant to the rental agreement;

(2) To restore the dwelling unit to its condition at the commencement of the tenancy, ordinary wear and tear excepted; provided, however, that this subdivision does not preclude a landlord and tenant from agreeing, in the rental agreement between them, upon amounts or fees to be charged for cleaning of the carpet, and such amounts actually expended for carpet cleaning can be withheld from the security deposit, so long as the rental agreement also includes a provision notifying the tenant that he or she may be liable for actual costs for carpet cleaning that exceed ordinary wear and tear, which may also be withheld from the security deposit. Within thirty days of the end of the tenancy, the landlord shall provide the tenant a receipt for the actual carpet cleaning costs; or

(3) To compensate the landlord for actual damages sustained as a result of the tenant's failure to give adequate notice to terminate the tenancy pursuant to law or the rental agreement; provided that the landlord makes reasonable efforts to mitigate damages.

5. The landlord shall give the tenant or his representative reasonable notice in writing at his last known address or in person of the date and time when the landlord will inspect the dwelling unit following the termination of the rental agreement to determine the amount of the security deposit to be withheld, and the inspection shall be held at a reasonable time. The tenant shall have the right to be present at the inspection of the dwelling unit at the time and date scheduled by the landlord.

6. If the landlord wrongfully withholds all or any portion of the security deposit in violation of this section, the tenant shall recover as damages twice the amount wrongfully withheld.

7. Nothing in this section shall be construed to limit the right of the landlord to recover actual damages in excess of the security deposit, or to permit a tenant to apply or deduct any portion of the security deposit at any time in lieu of payment of rent.

8. As used in this section, the term "security deposit" means any deposit of money or property, however denominated, which is furnished by a tenant to a landlord to secure the performance of any part of the rental agreement, including damages to the dwelling unit. This term does not include any money or property denominated as a deposit for a pet on the premises.

Approved July 13, 2018

CCS SS#2 SCS SB 590

**Enacts provisions relating to historic buildings.**

AN ACT to repeal sections 253.545, 253.550, 253.559, and 620.1900, RSMo, and to enact in lieu thereof four new sections relating to historic buildings.

SECTION

- A. Enacting clause.
- 253.545 Definitions.
- 253.550 Tax credits, qualified persons or entities, maximum amount, limitations — exceptions.
- 253.559 Procedure for approval of tax credit — eligibility, how determined — certificate required — rehabilitation of property, evidence of capacity to finance required — commencement of rehabilitation, when — issuance of credits.
- 620.1900 Fee imposed on tax credit recipients, amount, deposited where — economic development advancement fund created, use of moneys.

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

**SECTION A. ENACTING CLAUSE.** — Sections 253.545, 253.550, 253.559, and 620.1900, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 253.545, 253.550, 253.559, and 620.1900, to read as follows:

**253.545. DEFINITIONS.** — As used in sections 253.545 to 253.559, the following terms mean, unless the context requires otherwise:

- (1) "Certified historic structure", a property located in Missouri and listed individually on the National Register of Historic Places;
- (2) "Deed in lieu of foreclosure or voluntary conveyance", a transfer of title from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;
- (3) "Eligible property", property located in Missouri and offered or used for residential or business purposes;
- (4) "Leasehold interest", a lease in an eligible property for a term of not less than thirty years;
- (5) "Principal", a managing partner, general partner, or president of a taxpayer;
- (6) **"Projected net fiscal benefit", the total net fiscal benefit to the state or municipality, less any state or local benefits offered to the taxpayer for a project, as determined by the department of economic development;**
- (7) **"Qualified census tract", a census tract with a poverty rate of twenty percent or higher as determined by a map and listing of census tracts which shall be published by the**

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department of economic development and updated on a five-year cycle, and which map and listing shall depict census tracts with twenty percent poverty rate or higher, grouped by census tracts with twenty percent to forty-two percent poverty, and forty-two percent to eighty-one percent poverty as determined by the most current five-year figures published by the American Community Survey conducted by the United States Census Bureau;

(8) "Structure in a certified historic district", a structure located in Missouri which is certified by the department of natural resources as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior;

[(7)] (9) "Taxpayer", any person, firm, partnership, trust, estate, limited liability company, or corporation.

**253.550. TAX CREDITS, QUALIFIED PERSONS OR ENTITIES, MAXIMUM AMOUNT, LIMITATIONS — EXCEPTIONS. — 1.** Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, may, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

2. (1) During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections [3] 4 and [8] 10 of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, **but ending before June 30, 2018**, the department of economic development shall not approve applications for tax credits under the provisions of subsections [3] 4 and [8] 10 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. **For each fiscal year beginning on or after July 1, 2018, the department of economic development shall not approve applications for tax credits under the provisions of subsections 4 and 10 of section 253.559 which, in the aggregate, exceed ninety million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559.** The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection [3] 4 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

(2) **For each fiscal year beginning on or after July 1, 2018, the department shall authorize an amount up to, but not to exceed, an additional thirty million dollars in tax credits issued under subsections 4 and 10 of section 253.559, provided that such tax credits are authorized solely for projects located in a qualified census tract.**

(3) **For each fiscal year beginning on or after July 1, 2018, if the maximum amount of tax credits allowed in any fiscal year as provided under subdivisions (1) and (2) of this**

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Matter in bold-face type is proposed language.

subsection is authorized, the maximum amount of tax credits allowed under subdivision (1) of this subsection shall be adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers, or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. Only one such adjustment shall be made for each instance in which the provisions of this subdivision apply. The director of the department of economic development shall publish such adjusted amount.

3. For all applications for tax credits approved on or after January 1, 2010, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

4. The limitations on tax credit authorization provided under the provisions of [subsections] **subsection 2** [and 3] of this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to [January 1, 2010] **October 1, 2018**; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before [January 1, 2010] **October 1, 2018**, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.

**253.559. PROCEDURE FOR APPROVAL OF TAX CREDIT — ELIGIBILITY, HOW DETERMINED — CERTIFICATE REQUIRED — REHABILITATION OF PROPERTY, EVIDENCE OF CAPACITY TO FINANCE REQUIRED — COMMENCEMENT OF REHABILITATION, WHEN — ISSUANCE OF CREDITS.** — 1. To obtain approval for tax credits allowed under sections 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the department of economic development. Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection 8 of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each application shall be reviewed by the department of economic development for approval. In order to receive approval, an application, other than applications submitted under the provisions of subsection [8] **10** of this section, shall include:

(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a closing statement. Proof of site control may be evidenced by a leasehold interest or an option to acquire such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property;

(2) Floor plans of the existing structure, architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;

(3) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated project start date, and the estimated project completion date;

(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district; [and]

(5) **A copy of all land use and building approvals reasonably necessary for the commencement of the project; and**

(6) Any other information which the department of economic development may reasonably require to review the project for approval.

Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department of economic development shall notify the taxpayer in writing of the decision to remove such application. Disapproved applications shall lose priority in the review process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.

3. **(1) In evaluating an application for tax credits submitted under this section, the department of economic development shall also consider:**

**(a) The amount of projected net fiscal benefit of the project to the state and local municipality, and the period in which the state and municipality would realize such net fiscal benefit;**

**(b) The overall size and quality of the proposed project, including the estimated number of new jobs to be created by the project, the potential multiplier effect of the project, and similar factors;**

**(c) The level of economic distress in the area; and**

**(d) Input from the local elected officials in the local municipality in which the proposed project is located as to the importance of the proposed project to the municipality. For any proposed project in any city not within a county, input from local elected officials shall include, but shall not be limited to, the president of the board of aldermen;**

**(2) The provisions of this subsection shall not apply to applications for projects to receive less than two hundred seventy-five thousand dollars in tax credits.**

4. If the department of economic development deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits. **If the department of economic development disapproves an application, the taxpayer shall be notified in writing of the reasons for such disapproval. A disapproved application may be resubmitted.**

[4.] **5.** Following approval of an application, the identity of the taxpayer contained in such application shall not be modified except:

(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long as the principal remains the same, provided however, that subsequent to the

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commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or

(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy.

[5.] **6.** In the event that the department of economic development grants approval for tax credits equal to the total amount available under subsection 2 of section 253.550, or sufficient that when totaled with all other approvals, the amount available under subsection 2 of section 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter submitted for approval shall be notified by the department of economic development that no additional approvals shall be granted during the fiscal year and shall be notified of the priority given to such taxpayer's application then awaiting approval. Such applications shall be kept on file by the department of economic development and shall be considered for approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of approvals or when a new fiscal year's allocation of credits becomes available for approval.

**7. All taxpayers with applications receiving approval on or after July 1, 2019, shall submit within sixty days following the award of credits evidence of the capacity of the applicant to finance the costs and expenses for the rehabilitation of the eligible property in the form of a line of credit or letter of commitment subject to the lender's termination for a material adverse change impacting the extension of credit. If the department of economic development determines that a taxpayer has failed to comply with the requirements under this subsection, then the department shall notify the applicant of such failure and the applicant shall have a thirty day period from the date of such notice to submit additional evidence to remedy the failure.**

[6.] **8.** All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation within [two years] **nine months** of the date of issuance of the letter from the department of economic development granting the approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in which actual physical work, contemplated by the architectural plans submitted with the application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. If the department of economic development determines that a taxpayer has failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded and such amount of tax credits shall then be included in the total amount of tax credits, provided under subsection 2 of section 253.550, from which approvals may be granted. Any taxpayer whose approval shall be subject to rescission shall be notified of such from the department of economic development and, upon receipt of such notice, may submit a new application for the project.

[7.] **9.** To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with approval shall apply for final approval and issuance of tax credits from the department of economic development which, in consultation with the department of natural resources, shall determine the final amount of eligible rehabilitation costs and expenses and whether the completed rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. For financial institutions credits authorized pursuant to sections 253.550 to 253.561 shall be deemed to be economic development credits for purposes of section 148.064. The approval of all applications and the issuing of certificates of eligible credits to taxpayers shall be

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performed by the department of economic development. The department of economic development shall inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

[8.] **10.** Except as expressly provided in this subsection, tax credit certificates shall be issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within the twelve-month period immediately following the conclusion of such rehabilitation. In the event the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's approval granted under subsection [3] **4** of this section, such taxpayer may apply to the department for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax credits in excess of the amount provided under a taxpayer's application shall be made on a form prescribed by the department. Such applications shall be subject to all provisions regarding priority provided under subsection 1 of this section.

[9.] **11.** The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.

**620.1900. FEE IMPOSED ON TAX CREDIT RECIPIENTS, AMOUNT, DEPOSITED WHERE — ECONOMIC DEVELOPMENT ADVANCEMENT FUND CREATED, USE OF MONEYS. — 1.** The department of economic development may charge a fee to the recipient of any tax credits issued by the department, in an amount up to two and one-half percent of the amount of tax credits issued, **or for tax credits issued under sections 253.545 to 253.559 in an amount equal to four percent of the amount of tax credits issued.** The fee shall be paid by the recipient upon the issuance of the tax credits. However, no fee shall be charged for the tax credits issued under section 135.460, or section 208.770, or under sections 32.100 to 32.125, if issued for community services, crime prevention, education, job training, or physical revitalization.

2. **(1)** All fees received by the department of economic development under this section shall be deposited solely to the credit of the economic development advancement fund, created under subsection 3 of this section.

**(2) Thirty-seven and one-half percent of the revenue derived from the four percent fee charged on tax credits issued under sections 253.545 to 253.559 shall be appropriated from the economic development advancement fund for business recruitment and marketing.**

3. There is hereby created in the state treasury the "Economic Development Advancement Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. Such fund shall consist of any fees charged under subsection 1 of this section, any gifts, contributions, grants, or bequests received from federal, private, or other sources, fees or administrative charges from private activity bond allocations, moneys transferred or paid to the department in return for goods or services provided by the department, and any appropriations to the fund.

5. At least fifty percent of the fees and other moneys deposited in the fund shall be appropriated for marketing, technical assistance, and training, contracts for specialized economic development services, and new initiatives and pilot programming to address economic trends. The remainder may be appropriated toward the costs of staffing and operating expenses for the program activities of the department of economic development, and for accountability functions.

Approved June 1, 2018

SS SCS SB 592

**Enacts provisions relating to elections.**

AN ACT to repeal sections 65.610, 65.620, 88.770, 94.900, 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.078, 115.124, 115.125, 115.127, 115.155, 115.157, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, 115.910, and 162.441, RSMo, and to enact in lieu thereof forty-seven new sections relating to elections, with existing penalty provisions and effective dates for certain sections.

SECTION

- A. Enacting clause.
- 65.610 Abolition of township organization — procedure.
- 65.620 Abolition of township government — effect.
- 88.770 Street lighting system — electric or gas works.
- 94.900 Sales tax authorized (Blue Springs, Centralia, Excelsior Springs, Harrisonville, Lebanon, St. Joseph, and certain other fourth class cities) — proceeds to be used for public safety purposes — ballot language — collection of tax, procedure
- 115.003 Purpose clause.
- 115.005 Scope of act.
- 115.007 Presumption against implied repealer.
- 115.013 Definitions.
- 115.023 Election authority to conduct all elections — which authority, how determined.
- 115.049 Number of employees and salaries authorized — salary adjustments, when.
- 115.063 Political subdivision or special district, cost of elections — state to share proportionately, when — exceptions.
- 115.065 Proportion of cost for two or more political subdivisions or special districts, how computed — exceptions — definitions — election services fund, when used.
- 115.077 Election costs to be paid to election authority, by whom, when, procedure — failure to pay costs, penalty — state payments, fund for, transfers from general revenue.
- 115.078 Election administration improvements fund created, use of moneys — elections improvements revolving loan fund created, use of moneys.
- 115.124 Nonpartisan election in political subdivision or special district, no election required if number of candidates filing is same as number of positions to be filled — exceptions — random drawing filing procedure followed when election is required — municipal elections, certain municipalities may submit requirements of subsection 1 to voters.
- 115.125 Notice of election, when given — facsimile transmission used when, exceptions — late notification, procedure.
- 115.127 Notice of election, how, when given — striking names or issues from ballot, requirements — declaration of candidacy, officers for political subdivisions or special elections, filing date, when, notice requirements, exceptions for certain home rule cities — candidate withdrawing, ballot reprinting, cost, how paid.
- 115.155 Registration — oath.

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- 115.157 Registration information may be computerized, information required — voter lists may be sold — candidates may receive list for reasonable fee — computerized registration system, requirements — voter history and information, how entered, when released — records closed, when.
- 115.177 Registrations in effect January 1, 1978, to remain valid, exception.
- 115.225 Automated equipment to be approved by secretary of state — standards to be met — rules, promulgation, procedure.
- 115.227 Consistent provisions of general law to apply to electronic voting systems.
- 115.243 President and vice president to be considered one candidate — ballot, how printed, contents of.
- 115.247 Election authority to provide all ballots — error in ballot, procedure to correct — number of ballots provided — return of unused ballots — all ballots printed at public expense.
- 115.279 Application for absentee ballot, how made.
- 115.284 Absentee voting process for permanently disabled persons established — election authority, duties — application, form — list of qualified voters established.
- 115.287 Absentee ballot, how delivered.
- 115.299 Absentee ballots, how counted.
- 115.329 Time for filing of petitions.
- 115.335 Validity of signatures, who shall determine — verification of signatures, procedures — rules authorized.
- 115.359 Withdrawal of candidacy, deadline for, how made.
- 115.361 Filing to be reopened, when — death or withdrawal of only candidate to create vacancy on ballot, when — removal of name from ballot, when.
- 115.363 Party nominating committee to select candidate, when.
- 115.373 Candidates selected by committee to be filed with election authority, when — death of candidate selected by committee, effect of.
- 115.379 Death of candidate after filing deadline and before election, procedure to be followed.
- 115.421 Duties of election judges to be performed prior to opening of the polls.
- 115.429 Person not allowed to vote — appeal, how taken — voter may be required to sign affidavit, when — false affidavit a class one offense.
- 115.453 Procedure for counting votes for candidates.
- 115.507 Announcement of results by verification board, contents, when due — abstract of votes to be official returns.
- 115.515 Tie vote in primary election, procedure to be followed.
- 115.629 Four classes of election offenses.
- 115.631 Class one election offenses.
- 115.637 Class four election offenses.
- 115.641 Failure to perform a duty under sections 115.001 to 115.641 and sections 51.450 and 51.460 a class four offense — exceptions.
- 115.642 Complaint procedures.
- 115.910 Application procedure.
- 162.441 Annexation — procedure, alternative — form of ballot.
- 115.001 Short title.
- 115.002 Citation of law.
- 115.009 Effective date of act January 1, 1978.
- 115.061 State to pay all costs of election, when.
- B. Effective date.
- C. Effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 65.610, 65.620, 88.770, 94.900, 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.078, 115.124, 115.125, 115.127, 115.155, 115.157, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, 115.910, and 162.441, RSMo, are repealed and forty-seven

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new sections enacted in lieu thereof, to be known as sections 65.610, 65.620, 88.770, 94.900, 115.003, 115.005, 115.007, 115.013, 115.023, 115.049, 115.063, 115.065, 115.077, 115.078, 115.124, 115.125, 115.127, 115.155, 115.157, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, 115.910, and 162.441, to read as follows:

**65.610. ABOLITION OF TOWNSHIP ORGANIZATION — PROCEDURE.** — 1. Upon the petition of at least ten percent of voters at the last general election of any county having heretofore adopted township organization, praying therefor, the county commission shall submit the question of the abolition of township organization to the voters of the county at a general or special election. **The question shall include a countywide tax levy for road and bridge purposes.** The total vote for governor at the last general election before the filing of the petition where a governor was elected shall be used to determine the number of voters necessary to sign the petition. If the petition is filed six months or more prior to a general election, the proposition shall be submitted at a special election to be ordered by the county commission within sixty days after the petition is filed; if the petition is filed less than six months before a general election, then the proposition shall be submitted at the general election next succeeding the filing of the petition. The election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to elections of county officers. The clerk of the county commission shall give notice that a proposition for the abolition of township organization form of county government in the county is to be voted upon by causing a copy of the order of the county commission authorizing such election to be published at least once each week for three successive weeks, the last insertion to be not more than one week prior to the election, in some newspaper published in the county where the election is to be held, if there is a newspaper published in the county and, if not, by posting printed or written handbills in at least two public places in each election precinct in the county at least twenty-one days prior to the date of election. The clerk of the county commission shall provide the ballot which shall be printed and in substantially the following form:

OFFICIAL BALLOT

(Check the one for which you wish to vote)

Shall township organization form of county government be abolished in \_\_\_\_\_ County **and a countywide ..... tax at a rate of ..... collected for road and bridge purposes?**

YES

NO

If a majority of the electors voting upon the proposition shall vote for the abolition thereof the township organization form of county government shall be declared to have been abolished; and township organization shall cease in said county; and except as provided in section 65.620 all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.

2. No election or any proposal for either the adoption of township organization or for the abolition of township organization in any county shall be held within two years after an election is held under this section.

**65.620. ABOLITION OF TOWNSHIP GOVERNMENT — EFFECT.** — 1. Whenever any county abolishes township organization the county treasurer and ex officio collector shall immediately settle his accounts as treasurer with the county commission and shall thereafter perform all duties,

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exercise all powers, have all rights and be subject to all liabilities imposed and conferred upon the county collector of revenue under chapter 52 until the first Monday in March after the general election next following the abolishment of township organization and until a collector of revenue for the county is elected and qualified. The person elected collector at the general election as aforesaid, if that election is not one for collector of revenue under chapter 52, shall serve until the first Monday in March following the election and qualification of a collector of revenue under chapter 52. Upon abolition of township organization a county treasurer shall be appointed to serve until the expiration of the term of such officer pursuant to chapter 54.

2. Upon abolition of township organization, title to all property of all kinds theretofore owned by the several townships of the county shall vest in the county and the county shall be liable for all outstanding obligations and liabilities of the several townships.

3. The terms of office of all township officers shall expire on the abolition of township organization and the township trustee of each township shall immediately settle his accounts with the county clerk and all township officers shall promptly deliver to the appropriate county officers, as directed by the county commission, all books, papers, records and property pertaining to their offices.

[4. For a period of one calendar year following the abolition of the townships or until the voters of the county have approved a tax levy for road and bridge purposes, whichever occurs first, the county collector shall continue to collect a property tax on a countywide basis in an amount equal to the tax levied by the township that had the lowest total tax rate in the county immediately prior to the abolishment of the townships. The continued collection of the tax shall be considered a continuation of an existing tax and shall not be considered a new tax levy.]

**88.770. STREET LIGHTING SYSTEM — ELECTRIC OR GAS WORKS.** — 1. The board of aldermen may provide for and regulate the lighting of streets and the erection of lamp posts, poles and lights therefor, and may make contracts with any person, association or corporation, either private or municipal, for the lighting of the streets and other public places of the city with gas, electricity or otherwise, except that each initial contract shall be ratified by a majority of the voters of the city voting on the question and any renewal contract or extension shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of section 88.251. The board of aldermen may erect, maintain and operate gas works, electric light works, or light works of any other kind or name, and to erect lamp posts, electric light poles, or any other apparatus or appliances necessary to light the streets, avenues, alleys or other public places, and to supply private lights for the use of the inhabitants of the city and its suburbs, and may regulate the same, and may prescribe and regulate the rates to be paid by the consumers thereof, and may acquire by purchase, donation or condemnation suitable grounds within or without the city upon which to erect such works and the right-of-way to and from such works, and also the right-of-way for laying gas pipes, electric wires under or above the grounds, and erecting posts and poles and such other apparatus and appliances as may be necessary for the efficient operation of such works. The board of aldermen may, in its discretion, grant the right to any person, persons or corporation, to erect such works and lay the pipe, wires, and erect the posts, poles and other necessary apparatus and appliances therefor, upon such terms as may be prescribed by ordinance. Such rights shall not extend for a longer time than twenty years, but may be renewed for another period or periods not to exceed twenty years per period. Every initial grant shall be approved by a majority of the voters of the municipality voting on the question, and each renewal or extension of such rights shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of section 88.251. Nothing herein contained shall be so construed as to prevent the

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board of aldermen from contracting with any person, persons or corporation for furnishing the city with gas or electric lights in cities where franchises have already been granted, and where gas or electric light plants already exist, without a vote of the people, except that the board of aldermen may sell, convey, encumber, lease, abolish or otherwise dispose of any public utilities owned by the city including electric light systems, electric distribution systems or transmission lines, or any part of the electric light systems, electric or other heat systems, electric or other power systems, electric or other railways, gas plants, telephone systems, telegraph systems, transportation systems of any kind, waterworks, equipments and all public utilities not herein enumerated and everything acquired therefor, after first having passed an ordinance setting forth the terms of the sale, conveyance or encumbrance and when ratified by two-thirds of the voters voting on the question, **except for the sale of a water or wastewater system, or the sale of a gas plant, which shall be authorized by a simple majority vote of the voters voting on the question. In the event of the proposed sale of a water or wastewater system, or a gas plant, the board of alderman shall hold a public meeting on such proposed sale at least thirty days prior to the vote. The municipality in question shall notify its customers of the informational meeting through radio, television, newspaper, regular mail, electronic mail, or any combination of notification methods to most effectively notify customers at least fifteen days prior to the informational meeting.**

2. The ballots shall be substantially in the following form and shall indicate the property, or portion thereof, and whether the same is to be sold, leased or encumbered:

Shall \_\_\_\_\_ (Indicate the property by stating whether electric distribution system, electric transmission lines or waterworks, etc.) be \_\_\_\_\_ (Indicate whether sold, leased or encumbered.)?

**94.900. SALES TAX AUTHORIZED (BLUE SPRINGS, CENTRALIA, EXCELSIOR SPRINGS, HARRISONVILLE, LEBANON, ST. JOSEPH, AND CERTAIN OTHER FOURTH CLASS CITIES) — PROCEEDS TO BE USED FOR PUBLIC SAFETY PURPOSES — BALLOT LANGUAGE — COLLECTION OF TAX, PROCEDURE — 1.** (1) The governing body of the following cities may impose a tax as provided in this section:

(a) Any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants;

(b) Any city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants;

(c) Any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

(d) Any home rule city with more than forty-eight thousand but fewer than forty-nine thousand inhabitants;

(e) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants;

(f) Any city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants; [or]

(g) Any city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants;

**(h) Any city of the fourth classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants; or**

**(i) Any city of the third classification with more than thirteen thousand but fewer than fifteen thousand inhabitants and located in any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants.**

(2) The governing body of any city listed in subdivision (1) of this subsection is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of \_\_\_\_\_ (city's name) impose a citywide sales tax of \_\_\_\_\_ (insert amount) for the purpose of improving the public safety of the city?

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public

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Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

**115.003. PURPOSE CLAUSE.** — The purpose of [sections 115.001 to 115.801] **this chapter** is to simplify, clarify and harmonize the laws governing elections. It shall be construed and applied so as to accomplish its purpose.

**115.005. SCOPE OF ACT.** — Notwithstanding any other provision of law to the contrary, [sections 115.001 to 115.801] **the provisions of this chapter** shall apply to all public elections in the state, except elections for which ownership of real property is required by law for voting.

**115.007. PRESUMPTION AGAINST IMPLIED REPEALER.** — No [part of sections 115.001 to 115.801] **provision of this chapter** shall be construed as impliedly amended or repealed by subsequent legislation if such construction can be reasonably avoided.

**115.013. DEFINITIONS.** — As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

(1) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;

(2) "Ballot", the ballot card, paper ballot, or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;

(3) "Ballot card", a ballot which is voted by making a [punch or sensor] mark which can be tabulated by automatic tabulating equipment;

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- (4) "Ballot label", the card, paper, booklet, page, or other material containing the names of all offices and candidates and statements of all questions to be voted on;
- (5) "Counting location", a location selected by the election authority for the automatic processing or counting, or both, of ballots;
- (6) "County", any [one of the several counties of] **county in** this state or [the City of St. Louis] **any city not within a county**;
- (7) "Disqualified", a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;
- (8) "District", an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policy-making body with representatives of other areas in the state or political subdivision;
- (9) "Electronic voting machine", any part of an electronic voting system on which a voter is able to cast a ballot under this chapter;
- (10) "Electronic voting system", a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment, [and includes] **including** computerized voting systems;
- (11) "Established political party" for the state, a political party which, at either of the last two general elections, polled for its candidate for any statewide office more than two percent of the entire vote cast for the office. "Established political party" for any district or political subdivision shall mean a political party which polled more than two percent of the entire vote cast at either of the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its area;
- (12) "Federal office", the office of presidential elector, United States senator, or representative in Congress;
- (13) "Independent", a candidate who is not a candidate of any political party and who is running for an office for which **political** party candidates may run;
- (14) "Major political party", the political party whose candidates received the highest or second highest number of votes at the last general election;
- (15) "Marking device", [either an apparatus in which ballots are inserted and voted by use of a punch apparatus, or] any approved device which will enable the votes to be counted by automatic tabulating equipment;
- (16) "Municipal" or "municipality", a city, village, or incorporated town of this state;
- (17) "New party", any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;
- (18) "Nonpartisan", a candidate who is not a candidate of any political party and who is running for an office for which party candidates may not run;
- (19) "Political party", any established political party and any new party;
- (20) "Political subdivision", a county, city, town, village, or township of a township organization county;
- (21) "Polling place", the voting place designated for all voters residing in one or more precincts for any election;
- (22) "Precincts", the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;
- (23) "Public office", any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district **thereof**, but does not include any office in the reserve forces or the National Guard or the

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office of notary public or city attorney in cities of the third classification or cities of the fourth classification;

(24) "Question", any measure on the ballot which can be voted "YES" or "NO";

(25) ["Relative within the first degree by consanguinity or affinity", a spouse, parent, or child of a person;

(26)] "Relative within the second degree by consanguinity or affinity", a spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law;

[(27)] **(26)** "Special district", any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with taxing authority, or other district formed pursuant to the laws of Missouri to provide limited, specific services;

[(28)] **(27)** "Special election", elections called by any school district, water district, fire protection district, or other district formed pursuant to the laws of Missouri to provide limited, specific services; and

[(29)] **(28)** "Voting district", the one or more precincts within which all voters vote at a single polling place for any election.

**115.023. ELECTION AUTHORITY TO CONDUCT ALL ELECTIONS — WHICH AUTHORITY, HOW DETERMINED.** — 1. Except as provided in subsections 2 and 3 of this section, each election authority shall conduct all public elections within its jurisdiction.

2. When an election is to be conducted for a political subdivision or special district, and the political subdivision or special district is located within the jurisdiction of more than one election authority, the election authority of the jurisdiction with the greatest proportion of the political subdivision's or special district's registered voters shall be responsible for publishing any legal notice required in this chapter.

3. When an election is to be conducted for a political subdivision or special district, and the political subdivision or special district is located within the jurisdiction of more than one election authority, the affected election authorities may, by contract, authorize one of their number to conduct the election for all or any part of the political subdivision or special district. In any election conducted pursuant to this subsection, the election authority conducting part of an election in an area outside its jurisdiction may consolidate precincts across jurisdiction lines and shall have all powers and duties granted pursuant to this chapter, except the provisions of sections 115.133 to [115.223] **115.221** and sections 115.279 and 115.297, in the area outside its jurisdiction.

4. Notwithstanding [the provision of section 493.030] **the provisions of sections 493.025 and 493.027 to the contrary**, whenever the publication of a legal advertisement, legal notice, order of court or public notice of any kind is allowed or required pursuant to this chapter, a newspaper publishing such notice shall charge and receive not more than its regular local classified advertising rate. The regular local classified advertising rate is that rate shown by the newspaper's rate schedule as offered to the public, and shall have been in effect for at least thirty days preceding publication of the particular notice to which it is applied.

**115.049. NUMBER OF EMPLOYEES AND SALARIES AUTHORIZED — SALARY ADJUSTMENTS, WHEN.** — 1. Each board of election commissioners in existence on January 1, 1978, shall set the salaries of its employees. Except as provided in subsection 3 of this section, the number of employees of each board and the total yearly amount of all salaries paid to the board's employees shall not exceed the number of employees and the total yearly amount of all salaries authorized on January 1, 1982; except that, in any city which has over three hundred thousand inhabitants and is

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located in more than one county, the board of election commissioners having jurisdiction in the part of the city situated in the county containing the major portion of the city may set the number of its employees and the total yearly amount of all salaries authorized by [statute on January 1, 1982] **ordinance**.

2. Each board of election commissioners established after January 1, 1978, shall set the salaries of its employees. Except as provided in subsection 3 of this section, the number of employees of each board and the total yearly amount of all salaries paid to the board's employees shall not exceed the number of employees and the total yearly amount of all salaries authorized on December 31, 1977, for counties of the first class not having a charter form of government [by sections 119.090 and 119.100].

3. If any board of election commissioners wishes to increase the number of its employees or the total yearly amount of all salaries paid to its employees, the board shall deliver a notice of the fact to the presiding officer of the local legislative body or bodies responsible for providing payment of the election commissioners' salaries. The notice shall specify the number of additional employees requested and the additional yearly amount requested by the board and shall include a justification of the increase and a day, not less than ninety days after the notice is delivered, on which the increase is to take effect. Unless any legislative body responsible for approving payment of the election commissioners' salaries adopts a resolution disapproving the increase, the increase shall take effect on the day specified. Any board of election commissioners may implement salary adjustments, after notice to the presiding officer of the local legislative body or bodies responsible for providing payment of the election commissioners' salaries, equal to, but not more than, those adjustments granted to the employees of the local legislative body or bodies without prior legislative approval.

**115.063. POLITICAL SUBDIVISION OR SPECIAL DISTRICT, COST OF ELECTIONS — STATE TO SHARE PROPORTIONATELY, WHEN — EXCEPTIONS.** — 1. When any question or candidate is submitted to a vote by any political subdivision or special district and no other question or candidate is submitted at the same election, all costs of the election shall be paid from the general revenue of the political subdivision or special district submitting a question or candidate at the election.

2. All costs of [special] elections involving a statewide candidate or statewide issue and all costs of [special] elections involving candidates for state senator or state representative shall be paid by the state, except that if a political subdivision or special district holds an election on the same day, the costs shall be shared proportionately by the state and the political subdivisions and special districts affected in the manner provided in section 115.065.

3. [The state shall not be liable for any costs of a general election or primary election held in even-numbered years as designated in subsections 1 and 2 of section 115.121.

4.] When a proposed political subdivision submits a petition requesting an election as part of the formation thereof, the petitioners shall submit together with the petition sufficient security to pay all costs of the election. If such proposition is successful, the political subdivision thereby created shall reimburse those persons advancing funds to pay the costs of the election.

**115.065. PROPORTION OF COST FOR TWO OR MORE POLITICAL SUBDIVISIONS OR SPECIAL DISTRICTS, HOW COMPUTED — EXCEPTIONS — DEFINITIONS — ELECTION SERVICES FUND, WHEN USED.** — 1. Except as provided in sections 115.069, 115.071, 115.073 and 115.077, when any question or candidate is submitted to a vote by two or more political subdivisions or special districts, or [except in primary and general elections] by the state and one or more political

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subdivisions or special districts at the same election, all costs of the election shall be paid proportionally from the general revenues of the state and all political subdivisions and special districts submitting a question or candidate at the election, except that costs of publications of legal notice of elections shall not be paid proportionally. The state and each political subdivision and each special district shall pay for publication of its legal notice of election. At the discretion of the election authority, ballot printing costs, if any, may be paid proportionally or the state and each political subdivision and each special district may pay for such ballot printing costs, if any.

2. Except as provided in sections 115.069, 115.071 and 115.073, when any question or candidate is submitted to a vote by two or more political subdivisions or special districts at the same election, all costs of the election shall be paid proportionally from the general revenues of all political subdivisions and special districts submitting a question or candidate at the election.

3. Proportional election costs paid under the provisions of subsection 2 of this section shall be assessed by charging each political subdivision and special district the same percentage of the total cost of the election as the number of registered voters of the political subdivision or special district on the day of the election is to the total number of registered voters on the day of the election, derived by adding together the number of registered voters in each political subdivision and special district submitting a question or candidate at the election.

4. "Proportional costs" and "election costs", as used in this chapter, are defined as those costs that require additional out-of-pocket expense by the election authority in conducting an election. It may include reimbursement to county general revenue for the salaries of employees of the election authority for the hours worked to conduct an election, **the rental of any electronic voting machine or electronic poll book**, any indirect expenses identified under an independent cost allocation study and an amount not to exceed five percent of the total cost of election to be credited to the election services fund of the county. The election services fund shall be budgeted and expended at the direction of the election authority and shall not be used to substitute for or subsidize any allocation of general revenue for the operation of the election authority's office without the express consent of the election authority. The election services fund may be audited by the appropriate auditing agency, and any unexpended balance shall be left in the fund to accumulate from year to year with interest. The election services fund shall be used by the election authority for training programs and purchase of additional supplies or equipment to improve the conduct of elections, including anything necessarily pertaining thereto. In addition to these costs, the state shall, subject to appropriation, compensate the election services fund for transactions submitted pursuant to the provisions of section 115.157.

**115.077. ELECTION COSTS TO BE PAID TO ELECTION AUTHORITY, BY WHOM, WHEN, PROCEDURE — FAILURE TO PAY COSTS, PENALTY — STATE PAYMENTS, FUND FOR, TRANSFERS FROM GENERAL REVENUE.** — 1. Special districts, cities, townships in township organization counties, villages and the state shall pay the election costs required by [this subchapter] **sections 115.063 to 115.077** to each election authority conducting its elections.

2. **If the state is required to pay election costs pursuant to sections 115.063 to 115.065, the state shall, not later than the seventh Tuesday prior to any such election, pay each election authority conducting its elections an amount determined by the office of the secretary of state, in consultation with the election authority, to be a reasonable estimate of the cost of conducting such election, using a method developed by the secretary of state, in consultation with election authority, that is reviewed at least every two years.**

3. Not later than the fifth Tuesday prior to any election to be conducted for [the state,] a special district or political subdivision, the election authority shall [estimate] **submit the estimated cost**

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of conducting the election for [the state and] each political subdivision and special district submitting a candidate or question at the election. Not later than the third Tuesday prior to the election, [the state,] each special district and political subdivision submitting a candidate or question at the election, except the county, shall deposit with the election authority an amount equal to the estimated cost of conducting the election for [the state,] the political subdivision or special district.

4. All payments of election costs received by an election authority under the provisions of this [subsection] **section** shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting the election. **Not later than the tenth Tuesday following an election**, if the amount paid to an election authority by the state or any political subdivision or special district exceeds the cost of conducting the election for the state, political subdivision or special district, the election authority shall [promptly] refund to the state, political subdivision or special district the difference between the amount deposited with it and the cost of conducting the election. **Not later than the tenth Tuesday following an election**, if the amount deposited with an election authority by the state or any political subdivision or special district is less than the cost of conducting the election [for the state, political subdivision or special district, the state, political subdivision or special district shall, not later than the fifth Tuesday after the election, pay to], the election authority **shall submit a request to the state and each political subdivision and special district for** the difference between the amount deposited and the cost of conducting the election.

[3.] **5. (1) Within two weeks of receipt of actual cost and required documentation of actual expenses from the election authority, the state, political subdivision, or special district shall approve for payment the difference between the amount deposited and the cost of conducting the election.**

(2) For the purposes of this section, the term "required documentation" shall mean a detailed list of expenses that the secretary of state intends to reimburse the election authority for and a detailed description of the documentation that the election authority shall produce following the election. For any election in which the state is required to pay all or a proportion of the cost, the secretary of state shall, not later than the eleventh Tuesday prior to the election or, in case of a special election, no later than five business days following the issuance of a writ of election by the governor, transmit to the election authority the detailed list and description described above.

6. Except as provided in [section 115.061] **sections 115.063 to 115.072**, all payments of election costs received by an election authority under the provisions of this section shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting elections.

[4.] **7.** When the state or any political subdivision or special district willfully fails to make payment of an election cost required by this subchapter by the time provided in this subchapter, it shall pay a penalty of fifty dollars for each day after the time provided in this subchapter proper payment is not made. Any such penalty shall be payable to the election authority authorized to receive payment of the election cost and shall be deposited in the general revenue fund of such election authority's city or county. **For purposes of this subsection, the state shall not be considered to have willfully failed to make payment of an election cost if there is not sufficient cash or appropriation authority to make such a payment.**

[5.] **8. (1)** There is hereby created the "State Election Subsidy Fund" in the state treasury [which shall be funded by appropriations from the general assembly for the purpose of the state making advance payments of election costs as required by this section].

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(2) **All unobligated funds in the state election subsidy fund on January 1, 2019, shall be transferred to the elections administration improvements fund authorized pursuant to section 115.078.** To meet the state's funding obligation to maintain expenditures pursuant to Section 254(a)(7) of the Help America Vote Act of 2002, the commissioner of the office of administration shall annually transfer from general revenue to the [state election subsidy fund] **election administration improvement fund, established pursuant to section 115.078,** an amount not less than the amount expended in the fiscal year that ended June 30, 2000. [At the end of each fiscal year, any amounts in the state election subsidy fund not expended or obligated to meet the state's obligations pursuant to section 115.065 and this section shall be transferred to the election administration improvements fund authorized pursuant to section 115.078 and used to meet the maintenance of effort funding requirements of Section 254(a)(7) of the Help America Vote Act of 2002.] Any other law to the contrary notwithstanding, the funds received pursuant to Sections 251 and 252 of the Help America Vote Act of 2002 shall be expended according to the state plan developed pursuant to the provisions of Section 254 of said act. The secretary of state shall develop the state plan through the committee appointed by the secretary of state under the provisions of Section 255 of the Help America Vote Act of 2002.

**9. An election authority may rent or lease out any electronic voting machine purchased by such election authority.**

**115.078. ELECTION ADMINISTRATION IMPROVEMENTS FUND CREATED, USE OF MONEYS — ELECTIONS IMPROVEMENTS REVOLVING LOAN FUND CREATED, USE OF MONEYS. — 1.** There is hereby created in the state treasury the "Election Administration Improvements Fund", which shall consist of **appropriations from the general assembly,** any gifts, contributions, grants, or bequests received from federal, private, or other sources for the purpose of improving the administration of elections within Missouri, **including making payments of election costs as required under sections 115.065 and section 115.077.** The state treasurer shall be custodian of the fund and shall make disbursements from the fund in accordance with sections 30.170 and 30.180. Money in the fund shall be used exclusively for election administration improvements as directed by the secretary of state, **and to meet the state's obligations under sections 115.065 and 115.077.** No moneys obtained through the provisions of this section shall be made a part of the general operating budget of an election authority, or used to supplant other federal, state, or local funds expended for elections. The secretary of state may transfer moneys from the fund to the election improvements revolving loan fund as the secretary deems necessary to facilitate compliance with the Help America Vote Act of 2002. Notwithstanding section 33.080 to the contrary, any moneys remaining in the fund at the end of any biennium shall not revert to the credit of the general revenue fund. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited to the fund. Notwithstanding any provision of law to the contrary, no amount of moneys in the fund shall be transferred from the fund or charged for purposes of the administration of central services for the state of Missouri.

2. There is hereby created in the state treasury the "Election Improvements Revolving Loan Fund", which shall consist of all moneys appropriated to it by the general assembly, all repayment of moneys from eligible lenders and any moneys deposited or transferred to the fund for the purpose of improving the administration of elections through loans. The state treasurer shall be custodian of the fund and shall make disbursements from the fund in accordance with sections 30.170 and 30.180. Money in the fund shall be used solely for improving the administration of elections through loans. Notwithstanding section 33.080 to the contrary, any moneys remaining in the fund

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shall not revert to the credit of the general revenue fund. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited to the fund. Notwithstanding any provision of law to the contrary, no amount of moneys in the fund shall be transferred from the fund or charged for purposes of the administration of central services for the state of Missouri. The secretary of state is authorized to administer the fund in accordance with this section and the Help America Vote Act of 2002, and to promulgate rules to execute this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

**115.124. NONPARTISAN ELECTION IN POLITICAL SUBDIVISION OR SPECIAL DISTRICT, NO ELECTION REQUIRED IF NUMBER OF CANDIDATES FILING IS SAME AS NUMBER OF POSITIONS TO BE FILLED — EXCEPTIONS — RANDOM DRAWING FILING PROCEDURE FOLLOWED WHEN ELECTION IS REQUIRED — MUNICIPAL ELECTIONS, CERTAIN MUNICIPALITIES MAY SUBMIT REQUIREMENTS OF SUBSECTION 1 TO VOTERS. —** 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district including municipal elections in any city, town, or village with [one] **two** thousand or fewer inhabitants that have adopted a proposal pursuant to subsection 3 of this section but excluding municipal elections in any city, town, or village with more than [one] **two** thousand inhabitants, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation as defined in section 493.050 in the district, and [if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office] **if the number of candidates for each office in a particular political subdivision, special district, or municipality is equal to the number of positions for each office within the political subdivision, special district, or municipality to be filled by the election and no ballot measure is placed on the ballot such that a particular political subdivision will owe no proportional elections costs if an election is not held, no election shall be held,** and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. If no election is held for [such office] **a particular political subdivision, special district, or municipality** as provided in this section, the election authority shall publish a notice containing the names of the candidates that shall assume the responsibilities of office under this section. Such notice shall be published in at least one newspaper of general circulation as defined in section 493.050 in such political subdivision or district by the first of the month in which the election would have occurred, had it been contested. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate, or candidate's representative if the candidate filed under subsection 2 of section 115.355, may draw a number at random at the time of filing. If such

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drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.

3. The governing body of any city, town, or village with [one] **two** thousand or fewer inhabitants may submit to the voters at any available election, a question to adopt the provisions of subsection 1 of this section for municipal elections. If a majority of the votes cast by the qualified voters voting thereon are in favor of the question, then the city, town, or village shall conduct nonpartisan municipal elections as provided in subsection 1 of this section for all nonpartisan elections remaining in the year in which the proposal was adopted and for the six calendar years immediately following such approval. At the end of such six-year period, each such city, town, or village shall be prohibited from conducting such elections in such a manner unless such a question is again adopted by the majority of qualified voters as provided in this subsection.

**115.125. NOTICE OF ELECTION, WHEN GIVEN — FACSIMILE TRANSMISSION USED WHEN, EXCEPTIONS — LATE NOTIFICATION, PROCEDURE.** — 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, except a special election to decide an election contest, tie vote or an election to elect seven members to serve on a school board of a district pursuant to section 162.241, or a delay in notification pursuant to subsection [2] **3** of this section, or pursuant to the provisions of section 115.399, the officer or agency calling the election shall notify the election authorities responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127. The notice and any other information required by this section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 p.m. on the tenth Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three business days from the date of the facsimile transmission.

2. In lieu of a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be selected or filed for the office. Not later than the [fourth] **sixth** Tuesday prior to any special election to fill a vacancy called by a political subdivision or special district, the officer or agency calling the election shall certify a sample ballot to the election authorities responsible for conducting the election.

[2.] **3.** Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the political subdivision or special district calling for the election agrees to pay any printing or reprinting costs, a political subdivision or special district may, at any time after certification **of the notice of election** required in subsection 1 of this section, but no later than 5:00 p.m. on the [sixth] **eighth** Tuesday before the election, be permitted to make late notification to the election authority pursuant to court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the political subdivision or special district to the circuit court of the area of such subdivision or district. No court shall have the authority to order an individual or issue be placed on the ballot less than [six] **eight** weeks before the date of the election[, except as provided in sections 115.361 and 115.379].

**115.127. NOTICE OF ELECTION, HOW, WHEN GIVEN — STRIKING NAMES OR ISSUES FROM BALLOT, REQUIREMENTS — DECLARATION OF CANDIDACY, OFFICERS FOR POLITICAL**

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**SUBDIVISIONS OR SPECIAL ELECTIONS, FILING DATE, WHEN, NOTICE REQUIREMENTS, EXCEPTIONS FOR CERTAIN HOME RULE CITIES — CANDIDATE WITHDRAWING, BALLOT REPRINTING, COST, HOW PAID.** — 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to **subsection 2** of section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493 which are published within the bounds of the area holding the election. If there is only one so qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order, **but in no event shall a candidate or issue be stricken or removed from the ballot less than eight weeks before the date of the election.**

4. In lieu of causing legal notice to be published in accordance with any of the provisions of this chapter, the election authority in jurisdictions which have less than seven hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493 is published, may cause legal notice to be mailed during the second week prior to the election, by first class mail, to each registered voter at the voter's voting address. All such legal notices shall include the date and time of the election, the location of the polling place, the name of the officer or agency calling the election and a sample ballot.

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the sixteenth Tuesday prior to the election, except that for any home rule city with more than four hundred thousand inhabitants and located in more than one county and any political subdivision or special district located in such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration of candidacy for

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any office in a political subdivision or special district is not required by law or charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The political subdivision or special district calling an election shall, before the sixteenth Tuesday, or the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants and located in more than one county or any political subdivision or special district located in such city, prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district.

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office may, at any time after the certification **of the notice of election** required in **subsection 1 of** section 115.125 but no later than 5:00 p.m. on the [sixth] **eighth** Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence.

**115.155. REGISTRATION — OATH.** — 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

APPLICATION FOR REGISTRATION

Are you a citizen of the United States?

YES  NO

Will you be 18 years of age on or before election day?

YES  NO

IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS FORM.

IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL DOCUMENT, OTHER PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI DRIVERS LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

\_\_\_\_\_  
Township (or Ward)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Precinct

\_\_\_\_\_  
Home Address

\_\_\_\_\_  
Required Personal  
Identification  
Information

\_\_\_\_\_  
City ZIP

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Date of Birth

Place of Birth  
(Optional)\_\_\_\_\_  
Telephone Number  
(Optional)\_\_\_\_\_  
Mother's Maiden  
Name (Optional)\_\_\_\_\_  
Occupation (Optional)\_\_\_\_\_  
Last Place Previously  
Registered\_\_\_\_\_  
Last four digits of  
Social Security Number  
(Required for registration  
unless no Social Security  
number exists for Applicant)\_\_\_\_\_  
Under What Name

Remarks:

\_\_\_\_\_  
When

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief.

I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.

\_\_\_\_\_  
Signature of Voter\_\_\_\_\_  
Date\_\_\_\_\_  
Signature of Election Official

2. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

3. Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service

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within the time established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

4. If, upon receipt by mail of a voter registration application or a voter registration application forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may [have such determination reviewed pursuant to the provisions of section 115.223] **file a complaint with the elections division of the secretary of state's office pursuant to section 115.219**. If an applicant for voter registration fails to answer the question on the application concerning United States citizenship, the election authority shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form before the next election.

5. [It shall be the responsibility of] The secretary of state [to] **shall** prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law.

6. All voter registration applications shall be preserved in the office of the election authority.

**115.157. REGISTRATION INFORMATION MAY BE COMPUTERIZED, INFORMATION REQUIRED — VOTER LISTS MAY BE SOLD — CANDIDATES MAY RECEIVE LIST FOR REASONABLE FEE — COMPUTERIZED REGISTRATION SYSTEM, REQUIREMENTS — VOTER HISTORY AND INFORMATION, HOW ENTERED, WHEN RELEASED — RECORDS CLOSED, WHEN.** — 1. The election authority may place all information on any registration cards in computerized form in accordance with section 115.158. No election authority or secretary of state shall furnish to any member of the public electronic media or printout showing any registration information, except as provided in this section. Except as provided in subsection 2 of this section, the election authority or secretary of state shall make available electronic media or printouts showing unique voter identification numbers, voters' names, dates of birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the following separate fields:

- (1) Voter identification number;
- (2) First name;
- (3) Middle initial;
- (4) Last name;
- (5) Suffix;
- (6) Street number;
- (7) Street direction;
- (8) Street name;
- (9) Street suffix;
- (10) Apartment number;
- (11) City;
- (12) State;
- (13) Zip code;
- (14) Township;
- (15) Ward;
- (16) Precinct;

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- (17) Senatorial district;
- (18) Representative district;
- (19) Congressional district.

2. All election authorities shall enter voter history in their computerized registration systems and shall, not more than six months after the election, forward such data to the Missouri voter registration system established in section 115.158. In addition, election authorities shall forward registration and other data in a manner prescribed by the secretary of state to comply with the Help America Vote Act of 2002.

3. Except as provided in subsection [2] 6 of this section, the election authority shall [also] furnish, for a fee, electronic media or a printout showing the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that nothing in this chapter shall require such voter information to be released to the public over the internet.

4. **Except as provided in subsection 6 of this section, upon a request by a candidate, a duly authorized representative of a campaign committee, or a political party committee, the secretary of state shall furnish, for a fee determined by the secretary of state and in compliance with section 610.026, media in an electronic format or, if so requested, in a printed format, showing the names, addresses, and voter identification numbers of voters within the jurisdiction of a specific election authority who applied for an absentee ballot under section 115.279 for any specific election involving a ballot measure or an office for which the declaration of candidacy is required to be filed with the secretary of state pursuant to section 115.353, including primary elections, by township, ward, or precinct. Nothing in this section shall require such voter information to be released to the public over the internet. For purposes of this section, the terms "candidate", "campaign committee", and "political party committee" shall have the same meaning given to such terms in section 130.011.**

5. The amount of fees charged for information provided in this section shall be established pursuant to chapter 610. All revenues collected by the secretary of state pursuant to this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account established pursuant to section 28.160. In even-numbered years, each election authority shall, upon request, supply the voter registration list for its jurisdiction to all candidates and party committees for a charge established pursuant to chapter 610. Except as provided in subsection [2] 6 of this section, all election authorities shall make the information described in this section available pursuant to chapter 610. Any election authority who fails to comply with the requirements of this section shall be subject to the provisions of chapter 610.

[2.] 6. Any person working as an undercover officer of a local, state or federal law enforcement agency, persons in witness protection programs, and victims of domestic violence and abuse who have received orders of protection pursuant to chapter 455 shall be entitled to apply to the circuit court having jurisdiction in his or her county of residence to have the residential address on his or her voter registration records closed to the public if the release of such information could endanger the safety of the person. Any person working as an undercover agent or in a witness protection program shall also submit a statement from the chief executive officer of the agency under whose direction he or she is serving. The petition to close the residential address shall be incorporated into any petition for protective order provided by circuit clerks pursuant to chapter 455. If satisfied that the person filing the petition meets the qualifications of this subsection, the circuit court shall issue an order to the election authority to keep the residential address of the voter a closed record and the address may be used only for the purposes of administering elections pursuant to this chapter. The election authority may require the voter who

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has a closed residential address record to verify that his or her residential address has not changed or to file a change of address and to affirm that the reasons contained in the original petition are still accurate prior to receiving a ballot. A change of address within an election authority's jurisdiction shall not require that the voter file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his or her residential address as a closed record shall notify the circuit court. Upon such notification, the circuit court shall void the order closing the residential address and so notify the election authority.

**115.177. REGISTRATIONS IN EFFECT JANUARY 1, 1978, TO REMAIN VALID, EXCEPTION.** — Nothing in this [subchapter] **chapter** shall be construed in any way as interfering with or discontinuing any person's valid registration which is in effect on January 1, 1978, until such time as the person is required to transfer his **or her** registration or to reregister under the provisions of [sections 115.001 to 115.641 and section 51.460] **this chapter**.

**115.225. AUTOMATED EQUIPMENT TO BE APPROVED BY SECRETARY OF STATE — STANDARDS TO BE MET — RULES, PROMULGATION, PROCEDURE.** — 1. Before use by election authorities in this state, the secretary of state shall approve the marking devices and the automatic tabulating equipment used in electronic voting systems and may promulgate rules and regulations to implement the intent of sections 115.225 to 115.235.

2. No electronic voting system shall be approved unless it:

- (1) Permits voting in absolute secrecy;
- (2) Permits each voter to vote for as many candidates for each office as a voter is lawfully entitled to vote for;
- (3) Permits each voter to vote for or against as many questions as a voter is lawfully entitled to vote on, and no more;
- (4) Provides facilities for each voter to cast as many write-in votes for each office as a voter is lawfully entitled to cast;
- (5) Permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance;
- (6) Permits each voter at a presidential election to vote by use of a single [punch or] mark for the candidates of one party or group of petitioners for president, vice president and their presidential electors;
- (7) Accurately counts all proper votes cast for each candidate and for and against each question;
- (8) Is set to reject all votes, except write-in votes, for any office and on any question when the number of votes exceeds the number a voter is lawfully entitled to cast;
- (9) Permits each voter, while voting, to clearly see the ballot label;
- (10) Has been tested and is certified by an independent authority that meets the voting system standards developed by the Federal Election Commission or its successor agency. The provisions of this subdivision shall not be required for any system purchased prior to August 28, 2002.

3. The secretary of state shall promulgate rules and regulations to allow the use of a computerized voting system. The procedures shall provide for the use of a computerized voting system with the ability to provide a paper audit trail. Notwithstanding any provisions of this chapter to the contrary, such a system may allow for the storage of processed ballot materials in an electronic form.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject

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to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

**115.227. CONSISTENT PROVISIONS OF GENERAL LAW TO APPLY TO ELECTRONIC VOTING SYSTEMS.** — All provisions of law not inconsistent with sections [8.001 to 8.040] **115.225 to 115.235** shall apply with full force and effect to elections in each jurisdiction using an electronic voting system.

**115.243. PRESIDENT AND VICE PRESIDENT TO BE CONSIDERED ONE CANDIDATE — BALLOT, HOW PRINTED, CONTENTS OF.** — 1. For the purposes of [sections 115.001 to 115.641 and sections 51.450 and 51.460] **this chapter**, the candidates for president and vice president of the United States from any political party or group of petitioners shall be considered one candidate. The names of the candidates for president and vice president from each political party or group of petitioners shall be enclosed in a brace directly to the left of the names in the appropriate column on the official ballot. Directly to the left of each brace shall be printed one square, the sides of which are not less than one-fourth inch in length. The names of candidates for presidential electors shall not be printed on the ballot but shall be filed with the secretary of state in the manner provided in section 115.399.

2. A vote for any candidate for president and vice president shall be a vote for their electors.

3. When presidential and vice-presidential candidates are to be elected, the following instruction shall be printed on the official ballot: "A vote for candidates for President and Vice President is a vote for their electors."

**115.247. ELECTION AUTHORITY TO PROVIDE ALL BALLOTS — ERROR IN BALLOT, PROCEDURE TO CORRECT — NUMBER OF BALLOTS PROVIDED — RETURN OF UNUSED BALLOTS — ALL BALLOTS PRINTED AT PUBLIC EXPENSE.** — 1. Each election authority shall provide all ballots for every election within its jurisdiction. Ballots other than those printed by the election authority in accordance with [sections 115.001 to 115.641 and section 51.460] **the provisions of this chapter** shall not be cast or counted at any election.

2. Whenever it appears that an error has occurred in any publication required by [sections 115.001 to 115.641 and section 51.460] **the provisions of this chapter**, or in the printing of any ballot, any circuit court may, upon the application of any voter, order the appropriate election authorities to correct the error or to show cause why the error should not be corrected.

3. For each election held in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority may provide for each polling place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters registered in the voting district at the time of the election. For each election, except a general election, held in any county other than a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to at least one and one-third times the number of ballots cast in the voting district served by such polling place at the election held two years before at that polling place or at the polling place that served the voting district in the previous election. For each general election held in any county other than a county with a charter form of government and with more than two

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hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to one and one-third times the number of ballots cast in the voting district served by such polling place or at the polling place that served the voting district in the general election held four years prior. When determining the number of ballots to provide for each polling place, the election authority shall consider any factors that would affect the turnout at such polling place. The election authority shall keep a record of the exact number of ballots delivered to each polling place. For purposes of this subsection, the election authority shall not be required to count registered voters designated as inactive pursuant to section 115.193.

4. After the polls have closed on every election day, the election judges shall return all unused ballots to the election authority with the other election supplies.

5. All ballots cast in public elections shall be printed and distributed at public expense, payable as provided in sections [115.061] **115.063** to 115.077.

**115.279. APPLICATION FOR ABSENTEE BALLOT, HOW MADE.** — 1. Application for an absentee ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree by consanguinity or affinity. The election authority shall accept applications by facsimile transmission **and by electronic mail** within the limits of its telecommunications capacity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested. If the reason for the applicant voting absentee is due to the reasons established under subdivision (6) of subsection 1 of section 115.277, the applicant shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, address at which he or she is or would be registered, and address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

3. Except as provided in subsection 3 of section 115.281, all applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission, **by electronic mail**, or by a guardian or relative after 5:00 p.m. on the **second** Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this section.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an

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applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the Armed Forces of the United States or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application.

(2) The election authority shall provide each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the election authority rejects the application or request, with the reasons for the rejection.

(3) Notwithstanding any other law to the contrary, if a standard oath regarding material misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee ballot, or other election-related materials.

(4) Not later than sixty days after the date of each regularly scheduled general election for federal office, each election authority which administered the election shall submit to the secretary of state in a format prescribed by the secretary a report on the combined number of absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas voters for the election. The secretary shall submit to the Election Assistance Commission a combined report of such information not later than ninety days after the date of each regularly scheduled general election for federal office and in a standardized format developed by the commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report available to the general public.

(5) As used in this section, the terms "absent uniformed services voter" and "overseas voter" shall have the meaning prescribed in [42] 52 U.S.C. [Section 1973ff-6] **20310**.

6. An application for an absentee ballot by a new resident[, as defined in section 115.275,] shall be submitted in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or any authorized officer of the election authority, and in substantially the following form:

"STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, ss.

I, \_\_\_\_\_, do solemnly swear that:

- (1) Before becoming a resident of this state, I resided at \_\_\_\_\_ (residence address) in \_\_\_\_\_ (town, township, village or city) of \_\_\_\_\_ County in the state of \_\_\_\_\_;
- (2) I moved to this state after the last day to register to vote in such general presidential election and I am now residing in the county of \_\_\_\_\_, state of Missouri;
- (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential election to be held November \_\_\_\_\_, \_\_\_\_\_ (year);
- (4) I hereby make application for a presidential and vice presidential ballot. I have not voted and shall not vote other than by this ballot at such election.

Signed \_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Residence Address)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Signed \_\_\_\_\_

(Title and name of officer authorized to administer oaths)"

7. The election authority in whose office an application is filed pursuant to subsection 6 of this section shall immediately send a duplicate of such application to the appropriate official of the state in which the new resident applicant last resided and shall file the original of such application in its office.

8. An application for an absentee ballot by an intrastate new resident[, as defined in section 115.275,] shall be made in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or an authorized officer of the election authority, and in substantially the following form:

"STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_, ss.

I, \_\_\_\_\_, do solemnly swear that:

- (1) Before becoming a resident of this election jurisdiction, I resided at \_\_\_\_\_ (residence address) in \_\_\_\_\_ (town, township, village or city) of \_\_\_\_\_ county in the state of \_\_\_\_\_;
- (2) I moved to this election jurisdiction after the last day to register to vote in such election;
- (3) I believe I am entitled pursuant to the laws of this state to vote \_\_\_\_\_ in the election to be held \_\_\_\_\_ (date);
- (4) I hereby make application for an absentee ballot for candidates and issues on which I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other than by this ballot at such election.

Signed \_\_\_\_\_

(Applicant)

\_\_\_\_\_  
(Residence Address)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Signed \_\_\_\_\_

(Title and name of officer authorized to administer oaths)"

9. An application for an absentee ballot by an interstate former resident[, as defined in section 115.275,] shall be received in the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the **second** Wednesday immediately prior to the election, unless the application is made in person by the applicant in the office of the election authority, in which case such application shall be made no later than 7:00 p.m. on the day of the election.

**115.284. ABSENTEE VOTING PROCESS FOR PERMANENTLY DISABLED PERSONS ESTABLISHED — ELECTION AUTHORITY, DUTIES — APPLICATION, FORM — LIST OF QUALIFIED VOTERS ESTABLISHED.** — 1. There is hereby established an absentee voting process to assist persons with permanent disabilities in the exercise of their voting rights.

2. The local election authority shall send an application to participate in the absentee voting process set out in this section to any registered voter residing within the election authority's jurisdiction upon request.

3. Upon receipt of a properly completed application, the election authority shall enter the voter's name on a list of voters qualified to participate as absentee voters pursuant to this section.

4. The application to participate in the absentee voting process shall be in substantially the following form:

State of \_\_\_\_\_

County (City) of \_\_\_\_\_

I, \_\_\_\_\_ (print applicant's name), declare that I am a resident and registered voter of \_\_\_\_\_ County, Missouri, and am permanently disabled. I hereby request that my name be placed on the election authority's list of voters qualified to participate as absentee voters pursuant to section 115.284, and that I be delivered an absentee ballot application for each election in which I am eligible to vote.

\_\_\_\_\_  
Signature of Voter

\_\_\_\_\_  
Voter's Address

5. Not earlier than ten weeks before an election but prior to the fourth Tuesday prior to an election, the election authority shall deliver to each voter qualified to participate as absentee voters pursuant to this section an absentee ballot application if the voter is eligible to vote in that election. If the voter returns the absentee request application to the election authority not later than 5:00 p.m. on the **second** Wednesday before an election and has retained the necessary qualifications to vote, the election authority shall provide the voter with an absentee ballot pursuant to this chapter.

6. The election authority shall remove from the list of voters qualified to participate as absentee voters pursuant to this section any voter who:

- (1) Asks to be removed from the list;
- (2) Dies;
- (3) Becomes disqualified from voting pursuant to this chapter; or
- (4) No longer resides at the address of his or her voter registration.

**115.287. ABSENTEE BALLOT, HOW DELIVERED.** — 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority, or in the case of a covered voter as defined in section 115.902, the method of transmission prescribed in section 115.914. Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within

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three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant may [appeal the decision of the election authority to the circuit court in the manner provided in section 115.223] **file a complaint with the elections division of the secretary of state's office pursuant to section 115.219.**

2. If, after 5:00 p.m. on the **second** Wednesday before an election, any voter from the jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined in an [adult boarding facility,] intermediate care facility, residential care facility, or skilled nursing facility, as **such terms are** defined in section 198.006, in the county in which the jurisdiction is located or in the jurisdiction or an adjacent election authority within the same county, the election authority shall appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. In counties with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may appoint a team to deliver and witness the voting and return of absentee ballots by voters residing at that address, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. Each team appointed pursuant to this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

4. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an absentee ballot.

**115.299. ABSENTEE BALLOTS, HOW COUNTED.** — 1. To count absentee votes on election day, the election authority shall appoint a sufficient number of teams of election judges comprised of an equal number of judges from each major political party.

2. The teams so appointed shall meet on election day after the time fixed by law for the opening of the polls at a central location designated by the election authority. The election authority shall deliver the absentee ballots to the teams, and shall maintain a record of the delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box, tally sheets and statements of returns as are provided to a polling place.

3. Each team shall count votes on all absentee ballots designated by the election authority.

4. To process absentee ballots in envelopes, one member of each team, closely observed by another member of the team from a different political party, shall open each envelope and call the voter's name in a clear voice. Without unfolding the ballot, two team members, one from each major political party, shall initial the ballot, and an election judge shall place the ballot, still folded, in a ballot box. No ballot box shall be opened until all of the ballots a team is counting have been placed in the box. The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the votes on all ballots assigned to a team have been counted, the ballots and ballot envelopes shall be [placed on a string and] enclosed in sealed containers marked "voted absentee ballots and ballot envelopes from the election held \_\_\_\_, 20\_\_". All

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rejected absentee ballots and envelopes shall be enclosed and sealed in a separate container marked "rejected absentee ballots and envelopes from the election held \_\_\_\_\_, 20 \_\_\_\_". On the outside of each voted ballot and rejected ballot container, each member of the team shall write his **or her** name, and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the absentee vote along with the votes certified from each polling place in its jurisdiction.

**115.329. TIME FOR FILING OF PETITIONS.** — 1. The secretary of state or any election authority shall not accept for filing any petition for the formation of a new party or for the nomination of an independent candidate which is submitted prior to 8:00 a.m. on the day immediately following the general election next preceding the general election for which the petition is submitted or which is submitted after 5:00 p.m. on the fifteenth Monday immediately preceding the general election for which the petition is submitted.

2. When a special election to fill a vacancy is called, [neither the secretary of state nor any] **no** election authority shall accept for filing any petition for the formation of a new party or for the nomination of an independent candidate which is submitted after 5:00 p.m. on the day which is midway between the day the election is called and the election day.

**3. When a special election to fill a vacancy is called to fill an unexpired term for state representative or state senator, the secretary of state shall not accept for filing any petition for the formation of a new party or for the nomination of an independent candidate which is submitted after 5:00 p.m. on the twenty-first day after the writ of election is issued by the governor pursuant to article III, section 14 of the Missouri Constitution, calculated by excluding the day the writ is issued.**

**115.335. VALIDITY OF SIGNATURES, WHO SHALL DETERMINE — VERIFICATION OF SIGNATURES, PROCEDURES — RULES AUTHORIZED.** — 1. The secretary of state or the election authority shall have specific authority to determine the validity of signatures on petitions filed with his **or her** office and shall have authority not to count those which are, in his **or her** opinion, forged or fraudulent or the signatures of persons who are not registered voters.

2. For the purpose of verifying signatures on any new party or independent candidate petition filed with his **or her** office, the secretary of state may send copies of petition pages [by certified mail] to the appropriate election authorities for registration verification. Each election authority receiving a copy of petition pages shall check any signature indicated by the secretary of state against the registration records and return all such copies to the secretary of state [by certified mail] no later than the day designated by the secretary of state. The secretary of state shall not designate any deadline for returning copies and certifications which is less than [ten or more than forty] **seven** days after the copies have been received by the election authority. If the secretary of state or an election authority determines the congressional district number written after the signature of any registered voter is not the congressional district in which [he] **the voter** resides, the secretary of state or the election authority shall correct the congressional district number on the petition page. Failure of a voter to give his **or her** correct congressional district number shall not alone be sufficient reason to disqualify his **or her** signature. Only valid signatures from the county named in the circulator's affidavit shall be counted on any petition page.

3. The secretary of state or election authority shall have authority to verify the signatures on petitions filed with his **or her** office by use of random sampling. Random sampling may be used on any petition on which five hundred or more signatures are required. Petitions requiring fewer than five hundred signatures shall have each signature checked and random sampling shall not be

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used. The random sample of signatures to be verified shall be drawn in such a manner that every signature contained on the filed petition shall be given an equal opportunity to be included in the sample. Such a random sampling shall include an examination of not less than five percent of the signatures so filed.

4. If the random sample verification establishes that the number of valid signatures is less than ninety-five percent of the number of qualified voters needed to find the petition sufficient, the petition shall be deemed to have failed to qualify.

5. If the random sample verification establishes that the number of valid signatures total more than one hundred five percent of the number of qualified voters needed to find the petition sufficient, the petition shall be deemed to qualify in that district.

6. If the random sample verification establishes that the number of valid signatures is more than ninety-five percent but less than one hundred five percent of the number of qualified voters needed to find the petition sufficient, each signature filed shall be examined and verified.

7. The secretary of state is authorized to adopt rules to ensure uniform, complete and accurate checking of petition signatures either by actual counting or random sampling.

8. If copies of petition pages are sent to any local election authority for registration verification under the provisions of this subchapter, the secretary of state's final determination on the number of valid signatures submitted on the petition from the election authority's jurisdiction shall be based on the certification made by the election authority.

**115.359. WITHDRAWAL OF CANDIDACY, DEADLINE FOR, HOW MADE.** — 1. Any person who has filed a declaration of candidacy for nomination and who wishes to withdraw as a candidate shall, not later than the eleventh Tuesday prior to the primary election, file a written, sworn statement of withdrawal in the office of the official who accepted such candidate's declaration of candidacy. Any person nominated for an office who wishes to withdraw as a candidate shall, not later than the eleventh Tuesday prior to the general election, file a written, sworn statement of withdrawal in the office of the official who accepted such candidate's declaration of candidacy. In addition, any person who has filed a declaration of candidacy for nomination or who is nominated for an office who wishes to withdraw as a candidate due to being named as the party candidate for a different office by a party nominating committee pursuant to sections 115.363 to 115.377 may withdraw as a candidate no later than 5:00 p.m. on the fifth day after being named as the party candidate for a different office by the party nominating committee.

2. Except as provided for in section 115.247, if there is no additional cost for the printing or reprinting of ballots, or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed or is nominated for an office may, at any time after the time limits set forth in subsection 1 of this section but no later than 5:00 p.m. on the [sixth] **eighth** Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court in the county of such candidate's residence. No withdrawal pursuant to this subsection shall be effective until such candidate files a copy of the court's order in the office of the official who accepted such candidate's declaration of candidacy.

3. The name of a person who has properly filed a declaration of candidacy, or of a person nominated for office, who has not given notice of withdrawal as provided in subsection 1 or 2 of this section shall, except in case of death or disqualification, be printed on the official primary or general election ballot, as the case may be.

**115.361. FILING TO BE REOPENED, WHEN — DEATH OR WITHDRAWAL OF ONLY CANDIDATE TO CREATE VACANCY ON BALLOT, WHEN — REMOVAL OF NAME FROM BALLOT, WHEN. —**

1. Except as provided in subsections 2 and 3 of this section, if a candidate for nomination to an office in which the candidate is the incumbent or the only candidate dies, withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the last day in which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the [eighth] **tenth** Tuesday prior to any primary election, or if any candidate for the position of political party committeeman or committeewoman dies or withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the last day in which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the [eighth] **tenth** Tuesday prior to any primary election, leaving less candidates for the available committee positions than the number of available committee positions, filing for the office or position shall be reopened for a period of five working days, excluding holidays and weekends, following the death, withdrawal or disqualification during which period new candidates may file declarations of candidacy.

2. If a candidate for nomination to an office in which the candidate is the only candidate dies, withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the [sixth] **tenth** Tuesday prior to the primary election, the election and canvass shall not proceed, and a vacancy shall exist on the general election ballot to be filled in the manner provided in sections 115.363 to 115.377.

3. If a candidate for the position of political party committeeman or committeewoman becomes disqualified after the [eighth] **tenth** Tuesday prior to the primary election, the election and canvass shall proceed, and the disqualified candidate's name shall be physically eradicated from the ballot so that no vote may be cast for that candidate.

4. If after filing a declaration of candidacy, a candidate files a statement of withdrawal within two working days prior to the deadline for the close of filing set forth in section 115.349, the time of filing for that office shall cease at said deadline. There shall be a reopening of filing on the first Tuesday after the deadline for the close of filing set forth in section 115.349 which shall last until 5:00 p.m. on the Friday immediately following the first Tuesday after said deadline.

**115.363. PARTY NOMINATING COMMITTEE TO SELECT CANDIDATE, WHEN. —** 1. Except as provided in section 115.361, a party nominating committee of a political party may select a party candidate for nomination to an office on the primary election ballot in the following cases:

(1) If there are no candidates for nomination as the party candidate due to death of all the party's candidates after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at or before 5:00 p.m. on the [fourth] **tenth** Tuesday prior to the primary election;

(2) If there are no candidates for nomination as the party candidate due to withdrawal after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office;

(3) If there are no candidates for nomination as the party candidate due to death or disqualification of all candidates within seven days prior to the filing deadline and if no person has filed for the party nomination within that time;

(4) If there are no candidates for nomination as the party candidate due to disqualification of all party candidates after 5:00 p.m. on the last day on which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the [sixth] **tenth** Tuesday prior to the primary election;  
or

(5) If a candidate for the position of political party committeeman or committeewoman dies or withdraws as provided in subsection 1 or 2 of section 115.359 after the [eighth] **tenth** Tuesday prior to the primary election, leaving no candidate.

2. Any established political party may select a candidate for nomination, if a candidate who is the incumbent or only candidate dies, is disqualified or withdraws pursuant to subsection 1 or 2 of section 115.359 after 5:00 p.m. on the [eighth] **tenth** Tuesday prior to the primary election, and at or before 5:00 p.m. on whatever day is fixed by law as the final date for withdrawing as a candidate for the office.

3. A party nominating committee may select a party candidate for election to an office on the general election ballot in the following cases:

(1) If the person nominated as the party candidate shall die at or before 5:00 p.m. on the [fourth] **tenth** Tuesday prior to the general election;

(2) If the person nominated as the party candidate is disqualified at or before 5:00 p.m. on the [sixth] **tenth** Tuesday prior to the general election;

(3) If the person nominated as the party candidate shall withdraw at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office;

(4) If a candidate for nomination to an office in which the person is the party's only candidate dies after 5:00 p.m. on the [fourth] **tenth** Tuesday prior to any primary election, withdraws as provided in subsection 1 of section 115.359 after 5:00 p.m. on the [fourth] **tenth** Tuesday prior to any primary election, or is disqualified after 5:00 p.m. on the [sixth] **tenth** Tuesday before any primary election.

4. If a person nominated as a party's candidate who is unopposed shall die at or before 5:00 p.m. on the [fourth] **tenth** Tuesday prior to the general election, is disqualified at or before 5:00 p.m. on the [sixth] **tenth** Tuesday prior to the general election, or shall withdraw at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office, the party nominating committee for any established political party may select a party candidate.

5. A party nominating committee may select a party candidate for election to an office in the following cases:

(1) For an election called to fill a vacancy in an office;

(2) For an election held pursuant to the provisions of section 105.030 to fill an unexpired term resulting from a vacancy in an office that occurs within fourteen days prior to the filing deadline for the primary election and not later than the [eighth] **tenth** Tuesday prior to the general election. If such vacancy occurs prior to the fourteenth day before the filing deadline for a primary election, filing for the office shall be as provided for in sections 115.307 to 115.359.

**115.373. CANDIDATES SELECTED BY COMMITTEE TO BE FILED WITH ELECTION AUTHORITY, WHEN — DEATH OF CANDIDATE SELECTED BY COMMITTEE, EFFECT OF. — 1.** The name of a candidate selected by a party nominating committee for a primary or general election to fill a vacancy created by death, withdrawal or disqualification shall be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the twenty-eighth day after the vacancy occurs or no later than 5:00 p.m. on the [fourth] **eighth** Friday prior to the election, whichever occurs sooner.

2. The name of a person selected by a party nominating committee as a candidate to fill an unexpired term shall be filed with the [secretary of state or] proper election authority no later than 5:00 p.m. on the day which is midway between the day the election is called and election day.

[2.] 3. **The name of a person selected by a party nominating committee as a candidate to fill an unexpired term for state representative or state senator in a special election shall be filed with the secretary of state no later than 5:00 p.m. on the twenty-first day after the writ of election is issued by the governor pursuant to article III, section 14 of the Missouri Constitution, calculated by excluding the day the writ is issued.**

4. If the candidate selected by a party nominating committee for a primary, general or special election ballot dies prior to the election, the vacancy created by such death may be filled in the manner provided for filling vacancies created by death on the primary and general election ballots.

**115.379. DEATH OF CANDIDATE AFTER FILING DEADLINE AND BEFORE ELECTION, PROCEDURE TO BE FOLLOWED.** — 1. Whenever the only candidate of a party for nomination or election to an office at a primary election, general election or special election to fill a vacancy dies after the filing deadline and before the election, his **or her** name shall be printed on the primary, general or special election ballot, as the case may be, unless another candidate has filed for the office pursuant to the provisions of section 115.361 or a new candidate has been selected pursuant to the provisions of sections 115.363 to 115.377. Whenever any other candidate for nomination or election to an office at a primary election, general election or special election to fill a vacancy dies after 5:00 p.m. on the [fourth] **eighth** Tuesday prior to the election, his **or her** name shall be printed on the primary, general or special election ballot, as the case may be. The election and canvass shall proceed, and, if a sufficient number of votes are cast for the deceased candidate to entitle the candidate to nomination or election had the candidate not died, a vacancy shall exist on the general election ballot or in the office to be filled in the manner provided by law.

2. Whenever a candidate for nomination or election to an office is disqualified after 5:00 p.m. on the [sixth] **eighth** Tuesday prior to a primary election, general election or special election to fill a vacancy, his **or her** name shall be printed on the primary, general or special election ballot, as the case may be. The election and canvass shall proceed, and, if a sufficient number of votes are cast for the disqualified candidate to entitle him **or her** to nomination or election had the candidate not become disqualified, a vacancy shall exist on the general election ballot or in the office to be filled in the manner provided by law.

3. Except as provided in subsection 3 of section 115.359, subsection 2 of section 115.361 and subsections 1 and 2 of this section, whenever a candidate for nomination or election to an office dies, withdraws or is disqualified prior to a primary election, general election or special election to fill a vacancy, all appropriate election authorities shall see that such candidate's name is removed from the primary, general or special election ballot, as the case may be.

**115.421. DUTIES OF ELECTION JUDGES TO BE PERFORMED PRIOR TO OPENING OF THE POLLS.** — Before the time fixed by law for the opening of the polls, the election judges shall:

(1) Set up the voting equipment, arrange the furniture, supplies and records and make all other arrangements necessary to open the polls at the time fixed by law;

(2) Post a voter instruction card in each voting booth or machine and in at least one other conspicuous place within the polling place and post a sample ballot in a conspicuous place near the voting booths;

(3) Certify the number of ballots received at each polling place. In each polling place using voting machines, the election judges shall, in lieu of certifying the number of ballots received, certify the number on each voting machine received at the polling place, the number on the seal of each voting machine, the number on the protective counter of each voting machine and that all recording counters on all voting machines at the polling place are set at zero. If a recording counter

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on any voting machine is not set at zero, the election judges shall immediately notify the election authority and proceed as it directs;

(4) Compare the ballot, ballot label or ballot card and ballot label with the sample ballots, see that the names, numbers and letters agree and certify thereto in the tally book. If the names, numbers or letters do not agree, the election judges shall immediately notify the election authority and proceed as it directs; **and**

(5) Sign the tally book in the manner provided in the form for tally books in section 115.461[,] **or** 115.473 [or 115.487]. If any election judge, challenger or watcher has not been previously sworn as the law directs, he **or she** shall take and subscribe the oath of his **or her** office as provided in section 115.091 or 115.109, and the oath shall be returned to the election authority with the tally book.

**115.429. PERSON NOT ALLOWED TO VOTE — APPEAL, HOW TAKEN — VOTER MAY BE REQUIRED TO SIGN AFFIDAVIT, WHEN — FALSE AFFIDAVIT A CLASS ONE OFFENSE.** — 1. The election judges shall not permit any person to vote unless satisfied that such person is the person whose name appears on the precinct register.

2. The identity or qualifications of any person offering to vote may be challenged by any election authority personnel, any registered voter, or any duly authorized challenger at the polling place. No person whose right to vote is challenged shall receive a ballot until his **or her** identity and qualifications have been established.

3. Any question of doubt concerning the identity or qualifications of a voter shall be decided by a majority of the judges from the major political parties. If such election judges decide not to permit a person to vote because of doubt as to his **or her** identity or qualifications, the person may apply to the election authority [or to the circuit court] as provided in [sections] **section 115.193 [and 115.223] or file a complaint with the elections division of the secretary of state's office pursuant to section 115.219.**

4. If the election judges cannot reach a decision on the identity or qualifications of any person, the question shall be decided by the election authority, subject to appeal to the circuit court as provided in section 115.223.

5. The election judges or the election authority may require any person whose right to vote is challenged to execute an affidavit affirming his **or her** qualifications. The election authority shall furnish to the election judges a sufficient number of blank affidavits of qualification, and the election judges shall enter any appropriate information or comments under the title "Remarks" which shall appear at the bottom of the affidavit. All executed affidavits of qualification shall be returned to the election authority with the other election supplies. Any person who makes a false affidavit of qualification shall be guilty of a class one election offense.

**115.453. PROCEDURE FOR COUNTING VOTES FOR CANDIDATES.** — Election judges shall count votes for all candidates in the following manner:

(1) No candidate shall be counted as voted for, except a candidate before whose name a distinguishing mark appears preceding the name and a distinguishing mark does not appear in the square preceding the name of any candidate for the same office in another column. Except as provided in this subdivision and subdivision (2) of this section, each candidate with a distinguishing mark preceding his or her name shall be counted as voted for;

(2) If distinguishing marks appear next to the names of more candidates for an office than are entitled to fill the office, no candidate for the office shall be counted as voted for. If more than one candidate is to be nominated or elected to an office, and any voter has voted for the same candidate

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more than once for the same office at the same election, no votes cast by the voter for the candidate shall be counted;

(3) No vote shall be counted for any candidate that is not marked substantially in accordance with the provisions of this section. The judges shall count votes marked substantially in accordance with this section and section 115.456 when the intent of the voter seems clear. Regulations promulgated by the secretary of state shall be used by the judges to determine voter intent. No ballot containing any proper votes shall be rejected for containing fewer marks than are authorized by law;

(4) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate for election to office with the proper election authority, who shall then notify the proper filing officer of the write-in candidate prior to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in votes shall be counted only for candidates for election to state or federal office who have filed a declaration of intent to be a write-in candidate for election to state or federal office with the secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday immediately preceding the election day. No person who filed as a party or independent candidate for nomination or election to an office may, without withdrawing as provided by law, file as a write-in candidate for election to the same office for the same term. No candidate who files for nomination to an office and is not nominated at a primary election may file a declaration of intent to be a write-in candidate for the same office at the general election. When declarations are properly filed with the secretary of state, the secretary of state shall promptly transmit copies of all such declarations to the proper election authorities for further action pursuant to this section. The election authority shall furnish a list to the election judges and counting teams prior to election day of all write-in candidates who have filed such declaration. This subdivision shall not apply to elections wherein candidates are being elected to an office for which no candidate has filed. No person shall file a declaration of intent to be a write-in candidate for election to any municipal office unless such person is qualified to be certified as a candidate under section [115.346] **115.306**;

(5) Write-in votes shall be cast and counted for a candidate without party designation. Write-in votes for a person cast with a party designation shall not be counted. Except for candidates for political party committees, no candidate shall be elected as a write-in candidate unless such candidate receives a separate plurality of the votes without party designation regardless of whether or not the total write-in votes for such candidate under all party and without party designations totals a majority of the votes cast;

(6) When submitted to the election authority, each declaration of intent to be a write-in candidate for the office of United States president shall include the name of a candidate for vice president and the name of nominees for presidential elector equal to the number to which the state is entitled. At least one qualified resident of each congressional district shall be nominated as presidential elector. Each such declaration of intent to be a write-in candidate shall be accompanied by a declaration of candidacy for each presidential elector in substantially the form set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of presidential elector shall be subscribed and sworn to by the candidate before the election official receiving the declaration of intent to be a write-in, notary public or other officer authorized by law to administer oaths.

**115.507. ANNOUNCEMENT OF RESULTS BY VERIFICATION BOARD, CONTENTS, WHEN DUE — ABSTRACT OF VOTES TO BE OFFICIAL RETURNS. —** 1. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election

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held within its jurisdiction and shall certify the returns to each political subdivision and special district submitting a candidate or question at the election. The statement shall include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast; provided however, that absentee votes shall not be reported separately where such reporting would disclose how any single voter cast his or her vote. When absentee votes are not reported separately the statement shall include the reason why such reporting did not occur. Nothing in this section shall be construed to require the election authority to tabulate absentee ballots by precinct on election night.

2. The verification board shall prepare the returns by drawing an abstract of the votes cast for each candidate and on each question submitted to a vote of people in its jurisdiction by the state and by each political subdivision and special district at the election. The abstract of votes drawn by the verification board shall be the official returns of the election.

3. Any home rule city with more than four hundred thousand inhabitants and located in more than one county may by ordinance designate one of the election authorities situated partially or wholly within that home rule city to be the verification board that shall certify the returns of such city submitting a candidate or question at any election and shall notify each verification board within the city of that designation by providing each with a copy of such duly adopted ordinance. Not later than the second Tuesday after any election in any city making such a designation, each verification board within the city shall certify the returns of such city submitting a candidate or question at the election to the election authority so designated by the city to be its verification board, and such election authority shall announce the results of the election and certify the cumulative returns to the city in conformance with subsections 1 and 2 of this section not later than ten days thereafter.

4. Not later than the second Tuesday after each election at which the name of a candidate for nomination or election to the office of president of the United States, United States senator, representative in Congress, governor, lieutenant governor, state senator, state representative, judge of the circuit court, secretary of state, attorney general, state treasurer, or state auditor, or at which an initiative, referendum, constitutional amendment or question of retaining a judge subject to the provisions of Article V, [Section 29] **Sections 25(a) to 25(g)** of the State Constitution, appears on the ballot in a jurisdiction, the election authority of the jurisdiction shall mail or deliver to the secretary of state the abstract of the votes given in its jurisdiction, by polling place or precinct, for each such office and on each such question. If mailed, the abstract shall be enclosed in a strong, sealed envelope or envelopes. On the outside of each envelope shall be printed: "Returns of election held in the county of \_\_\_\_\_ (City of St. Louis, Kansas City) on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_", etc.

**115.515. TIE VOTE IN PRIMARY ELECTION, PROCEDURE TO BE FOLLOWED.** — 1. If two or more persons receive an equal number of votes for nomination as a party's candidate for any federal office, governor, lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, circuit judge not subject to the provisions of Article V, [Section 29] **Sections 25(a) to 25(g)** of the State Constitution, state senator or state representative, and a higher number of votes than any other candidate for the same office on the same party ballot, the governor shall, immediately after the results of the election have been announced, issue a proclamation stating the fact and ordering a special primary election to determine the party's nominee for the office. The proclamation shall set the date of the election, which shall be not less than fourteen or more than thirty days after the proclamation is issued, and shall be sent by the governor to each election authority responsible for conducting the special primary election. In [his] **the** proclamation, the

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governor shall specify the name of each candidate for the office to be voted on at the election, and the special primary election shall be conducted and the votes counted as in other primary elections.

2. If two or more persons receive an equal number of votes for nomination as a party's candidate for any other office, except party committeeman or committeewoman, and a higher number of votes than any other candidate for the same office on the same party ballot, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special primary election to determine the party's nominee for the office. The proclamation shall set the date of the election, which shall be not less than fourteen or more than thirty days after the proclamation is issued, and shall be sent by the officer to each election authority responsible for conducting the special primary election. In [his] **the** proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special primary election shall be conducted and the votes counted as in other primary elections.

3. As an alternative to the procedure prescribed in subsections 1 and 2 of this section, if the candidates who received an equal number of votes in such election agree to the procedure prescribed in this subsection, the officer with whom such candidates filed their declarations of candidacy may, after notification of the time and place of such drawing given to each such candidate at least five days before such drawing, determine the winner of such election by lot. Any candidate who received an equal number of votes may decline to have his **or her** name put into such drawing.

**115.629. FOUR CLASSES OF ELECTION OFFENSES.** — There shall be four classes of election offenses consisting of all offenses arising under [sections 115.001 to 115.641 and sections 51.450 and 51.460] **this chapter**, and such other offenses as are specified by law.

**115.631. CLASS ONE ELECTION OFFENSES.** — The following offenses, and any others specifically so described by law, shall be class one election offenses and are deemed felonies connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) Willfully and falsely making any certificate, affidavit, or statement required to be made pursuant to any provision of [sections 115.001 to 115.641] **this chapter**, including but not limited to statements specifically required to be made "under penalty of perjury"; or in any other manner knowingly furnishing false information to an election authority or election official engaged in any lawful duty or action in such a way as to hinder or mislead the authority or official in the performance of official duties. If an individual willfully and falsely makes any certificate, affidavit, or statement required to be made under section 115.155, including but not limited to statements specifically required to be made "under penalty of perjury", such individual shall be guilty of a class D felony;

(2) Voting more than once or voting at any election knowing that the person is not entitled to vote or that the person has already voted on the same day at another location inside or outside the state of Missouri;

(3) Procuring any person to vote knowing the person is not lawfully entitled to vote or knowingly procuring an illegal vote to be cast at any election;

(4) Applying for a ballot in the name of any other person, whether the name be that of a person living or dead or of a fictitious person, or applying for a ballot in his **or her** own or any other name after having once voted at the election inside or outside the state of Missouri;

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Matter in bold-face type is proposed language.

(5) Aiding, abetting or advising another person to vote knowing the person is not legally entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

(6) An election judge knowingly causing or permitting any ballot to be in the ballot box at the opening of the polls and before the voting commences;

(7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or knowingly practicing any fraud upon a voter to induce him **or her** to cast a vote which will be rejected, or otherwise defrauding him **or her** of his **or her** vote;

(8) An election judge knowingly placing or attempting to place or permitting any ballot, or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the ballot is offered by a qualified voter as provided by law;

(9) Knowingly placing or attempting to place or causing to be placed any false or fraudulent or bogus ballot in a ballot box at any election;

(10) Knowingly removing any legal ballot from a ballot box for the purpose of changing the true and lawful count of any election or in any other manner knowingly changing the true and lawful count of any election;

(11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after it has been voted for the purpose of changing the lawful count of any election;

(12) Knowingly altering, defacing, damaging, destroying or concealing any poll list, report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

(13) On the part of any person authorized to receive, tally or count a poll list, tally sheet or election return, receiving, tallying or counting a poll list, tally sheet or election return the person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of any election;

(14) On the part of any person whose duty it is to grant certificates of election, or in any manner declare the result of an election, granting a certificate to a person the person knows is not entitled to receive the certificate, or declaring any election result the person knows is based upon fraudulent, fictitious or illegal votes or returns;

(15) Willfully destroying or damaging any official ballots, whether marked or unmarked, after the ballots have been prepared for use at an election and during the time they are required by law to be preserved in the custody of the election judges or the election authority;

(16) Willfully tampering with, disarranging, altering the information on, defacing, impairing or destroying any voting machine or marking device after the machine or marking device has been prepared for use at an election and during the time it is required by law to remain locked and sealed with intent to impair the functioning of the machine or marking device at an election, mislead any voter at the election, or to destroy or change the count or record of votes on such machine;

(17) Registering to vote knowing the person is not legally entitled to register or registering in the name of another person, whether the name be that of a person living or dead or of a fictitious person;

(18) Procuring any other person to register knowing the person is not legally entitled to register, or aiding, abetting or advising another person to register knowing the person is not legally entitled to register;

(19) Knowingly preparing, altering or substituting any computer program or other counting equipment to give an untrue or unlawful result of an election;

(20) On the part of any person assisting a blind or disabled person to vote, knowingly failing to cast such person's vote as such person directs;

(21) On the part of any registration or election official, permitting any person to register to vote or to vote when such official knows the person is not legally entitled to register or not legally entitled to vote;

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(22) On the part of a notary public acting in his **or her** official capacity, knowingly violating any of the provisions of [sections 115.001 to 115.627] **this chapter** or any provision of law pertaining to elections;

(23) Violation of any of the provisions of sections 115.275 to 115.303, or of any provision of law pertaining to absentee voting;

(24) Assisting a person to vote knowing such person is not legally entitled to such assistance, or while assisting a person to vote who is legally entitled to such assistance, in any manner coercing, requesting or suggesting that the voter vote for or against, or refrain from voting on any question, ticket or candidate;

(25) Engaging in any act of violence, destruction of property having a value of five hundred dollars or more, or threatening an act of violence with the intent of denying a person's lawful right to vote or to participate in the election process; and

(26) Knowingly providing false information about election procedures for the purpose of preventing any person from going to the polls.

**115.637. CLASS FOUR ELECTION OFFENSES.** — The following offenses, and any others specifically so described by law, shall be class four election offenses and are deemed misdemeanors not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by a fine of not more than two thousand five hundred dollars or by both such imprisonment and fine:

(1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample ballots that may be furnished by an organization or individual at or near any voting place on election day, except that this subdivision shall not be construed so as to interfere with the right of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate and substituting the name of the person for whom he **or she** intends to vote; or to dispose of the received sample ballot;

(2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;

(3) Purposefully giving a printed or written sample ballot to any qualified voter which is intended to mislead the voter;

(4) On the part of any candidate for election to any office of honor, trust, or profit, offering or promising to discharge the duties of such office for a less sum than the salary, fees, or emoluments as fixed by law or promising to pay back or donate to any public or private interest any portion of such salary, fees, or emolument as an inducement to voters;

(5) On the part of any canvasser appointed to canvass any registration list, willfully failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to perform his duties in making such canvass or willfully neglecting any duties lawfully assigned to him **or her**;

(6) On the part of any employer, making, enforcing, or attempting to enforce any order, rule, or regulation or adopting any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination to, election to, or the holding of, political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing, or subscribing his **or her** name to any initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

(7) On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any

ballot in any form other than that prescribed by law, or with unauthorized names, with names misspelled, or with the names of candidates arranged in any way other than that authorized by law;

(8) On the part of any election authority or official charged by law with the duty of distributing the printed ballots, or any person acting on his **or her** behalf, knowingly distributing or causing to be distributed any ballot in any manner other than that prescribed by law;

(9) Any person having in his **or her** possession any official ballot, except in the performance of his **or her** duty as an election authority or official, or in the act of exercising his **or her** individual voting privilege;

(10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

(11) On the part of any election judge, **being** willfully [absenting himself] **absent** from the polls on election day without good cause or willfully detaining any election material or equipment and not causing it to be produced at the voting place at the opening of the polls or within fifteen minutes thereafter;

(12) On the part of any election authority or official, willfully neglecting, refusing, or omitting to perform any duty required of him **or her** by law with respect to holding and conducting an election, receiving and counting out the ballots, or making proper returns;

(13) On the part of any election judge, or party watcher or challenger, furnishing any information tending in any way to show the state of the count to any other person prior to the closing of the polls;

(14) On the part of any voter, except as otherwise provided by law, allowing his **or her** ballot to be seen by any person with the intent of letting it be known how he **or she** is about to vote or has voted, or knowingly making a false statement as to his **or her** inability to mark [his] a ballot;

(15) On the part of any election judge, disclosing to any person the name of any candidate for whom a voter has voted;

(16) Interfering, or attempting to interfere, with any voter inside a polling place;

(17) On the part of any person at any registration site, polling place, counting location or verification location, causing any breach of the peace or engaging in disorderly conduct, violence, or threats of violence whereby such registration, election, count or verification is impeded or interfered with;

(18) Exit polling, surveying, sampling, electioneering, distributing election literature, posting signs or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within twenty-five feet of the building's outer door closest to the polling place, or, on the part of any person, refusing to remove or permit removal from property owned or controlled by [him] **such person**, any such election sign or literature located within such distance on such day after request for removal by any person;

(19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on private property, except that this subdivision shall not be construed to interfere with the right of any private property owner to take any action with regard to campaign yard signs on the owner's property and this subdivision shall not be construed to interfere with the right of any candidate, or the candidate's designee, to remove the candidate's campaign yard sign from the owner's private property after the election day.

**115.641. FAILURE TO PERFORM A DUTY UNDER SECTIONS 115.001 TO 115.641 AND SECTIONS 51.450 AND 51.460 A CLASS FOUR OFFENSE — EXCEPTIONS. — Any duty or requirement imposed by [sections 115.001 to 115.641 and sections 51.450 and 51.460] **the****

**provisions of this chapter** which is not fulfilled and for which no other or different punishment is prescribed shall constitute a class four election offense.

**115.642. COMPLAINT PROCEDURES.**— 1. Any person may file a complaint with the secretary of state stating the name of any person who has violated any of the provisions of sections 115.629 to 115.646 and stating the facts of the alleged offense, **sworn to, under penalty of perjury.**

2. Within thirty days of receiving a complaint, the secretary of state shall notify the person filing the complaint whether or not the secretary has dismissed the complaint or will commence an investigation. **The secretary of state shall dismiss frivolous complaints. For purposes of this subsection, "frivolous complaint" shall mean an allegation clearly lacking any basis in fact or law. Any person who makes a frivolous complaint pursuant to this section shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light.** If reasonable grounds appear that the alleged offense was committed, the secretary of state may issue a probable cause statement. If the secretary of state issues a probable cause statement, he or she may refer the offense to the appropriate prosecuting attorney.

[2.] 3. Notwithstanding the provisions of section 27.060, 56.060, or 56.430 to the contrary, when requested by the prosecuting attorney or circuit attorney, the secretary of state or his or her authorized representatives may aid any prosecuting attorney or circuit attorney in the commencement and prosecution of election offenses as provided in sections 115.629 to 115.646.

[3.] 4. The secretary of state may investigate any suspected violation of any of the provisions of sections 115.629 to 115.646.

**115.910. APPLICATION PROCEDURE.**— 1. A covered voter who is registered to vote in this state may apply for a military-overseas ballot using either the application for absentee ballot under section 115.279 or the federal postcard application or the application's electronic equivalent.

2. A covered voter who is not registered to vote in this state may use a federal postcard application or the application's electronic equivalent to apply simultaneously to register to vote under section 115.908 and for a military-overseas ballot.

3. The secretary of state shall ensure that the electronic transmission system described in section 115.906 is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

4. A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official by 5:00 p.m. on the **second** Wednesday immediately prior to the election.

5. To receive the benefits of sections 115.900 to 115.936, a covered voter shall inform the election authority that the voter is a covered voter. Methods of informing the election authority that a voter is a covered voter include:

- (1) The use of a federal postcard application or federal write-in absentee ballot;
- (2) The use of an overseas address on an approved voter registration application or ballot application; or
- (3) The inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

**162.441. ANNEXATION — PROCEDURE, ALTERNATIVE — FORM OF BALLOT.** — 1. If any school district desires to be attached **to a community college district organized under sections 178.770 to 178.890** or to one or more adjacent seven-director school districts for school purposes, upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district to attach the district to one or more adjacent seven-director districts and call [for] an election upon the question of such plan.

3. **As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school district at the election called for that purpose. The community college district shall be responsible for the costs associated with the election.**

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

[4.] **5.** The question shall be submitted in substantially the following form:

Shall the \_\_\_\_\_ school district be annexed to the \_\_\_\_\_ school districts effective the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_?

[5.] **6.** If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

[6.] **7.** Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.

**[115.001. SHORT TITLE.** — Sections 115.001 to 115.641 and sections 51.450 and 51.460 shall be known as the "Comprehensive Election Act of 1977".]

**[115.002. CITATION OF LAW.** — Sections 115.002, 115.024, 115.105, 115.124, 115.159, 115.163, 115.203, 115.205, 115.219, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, 115.456, and 115.631, may be cited as the "Missouri Voter Protection Act".]

**[115.009. EFFECTIVE DATE OF ACT JANUARY 1, 1978.** — The effective date of sections 115.001 to 115.641 and sections 51.450 and 51.460 shall be January 1, 1978. Any amendment made to a provision repealed by sections 115.001 to 115.641 and sections 51.450 and 51.460 shall remain in force only until January 1, 1978.]

**[115.061. STATE TO PAY ALL COSTS OF ELECTION, WHEN.** — 1. When any question or candidate is submitted to a vote of all voters in the state and no other question or candidate is submitted at the same election, all costs of the election shall be paid from the general revenue of the state.

2. After an audit by the commissioner of administration, the state treasurer shall pay the amounts claimed by and due the respective counties and cities out of moneys appropriated by the general assembly for the purpose.]

**SECTION B. EFFECTIVE DATE.** — The repeal and reenactment of sections 115.003, 115.005, 115.007, 115.013, 115.023, 115.049, 115.125, 115.127, 115.155, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, and 115.910, and the repeal of sections 115.001, 115.002, and 115.009 shall become effective November 7, 2018.

**SECTION C. EFFECTIVE DATE.** — The repeal of section 115.061 and the repeal and reenactment of sections 115.063, 115.065, 115.077, and 115.078 shall become effective January 1, 2019.

Approved July 5, 2018

SS SCS SB 593

**Enacts provisions relating to financial solvency of insurance companies.**

AN ACT to repeal sections 375.1025, 375.1052, 375.1053, 375.1056, and 382.278, RSMo, and to enact in lieu thereof fourteen new sections relating to financial solvency of insurance companies, with penalty provisions and a delayed effective date.

SECTION

- A. Enacting clause.
- 375.1025 Definitions.
- 375.1052 Temporary exemption, granted when — denial of, petition for hearing, procedures — schedule of compliance — effective date of requirements.
- 375.1053 Inapplicability of statute to foreign insurers — audit committee responsibilities, member qualifications — report required — waiver, when.
- 375.1056 Report required by insurer, when, contents.
- 375.1058 Internal audit function — exemption, when — requirements.
- 382.600 Purpose — applicability.
- 382.605 Definitions.
- 382.610 CGAD submitted to director, when — attestation required — information may be provided — review of CGAD — duplication of information not required, when.
- 382.615 CGAD inquiries, responses to — recordkeeping.
- 382.620 Documents, materials, and information recognized by state as proprietary and containing trade secrets — confidentiality — director's authority and duties.

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

- 382.625 Third-party consultants permitted, when — limitation on scope of authority — confidentiality — conflict of interest — written agreement, contents.
- 382.630 Failure to timely file, penalty — enforcement.
- 382.635 Rulemaking authority.
- 382.640 Severability clause.
- 382.278 Inapplicability of certain provisions to certain holding companies.

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

**SECTION A. ENACTING CLAUSE** — Sections 375.1025, 375.1052, 375.1053, 375.1056, and 382.278, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 375.1025, 375.1052, 375.1053, 375.1056, 375.1058, 382.600, 382.605, 382.610, 382.615, 382.620, 382.625, 382.630, 382.635, and 382.640, to read as follows:

**375.1025. DEFINITIONS.** — As used in sections 375.1025 to 375.1062, the following terms shall mean:

- (1) "Accountant" or "independent certified public accountant", an independent certified public accountant or accounting firm in good standing with the American Institute of Certified Public Accountants and in all states in which they are licensed to practice. For Canadian and British companies, it means a Canadian-chartered or British-chartered accountant;
- (2) "Affiliate" or "affiliated", a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;
- (3) "AICPA", the American Institute of Certified Public Accountants;
- (4) "Audit committee", a committee (or equivalent body) established by the board of directors of an entity for the purpose of overseeing the accounting and financial reporting processes of an insurer or group of insurers, **the internal audit function of any insurer or group of insurers, if applicable**, and **external** audits of financial statements of the insurer or group of insurers. The audit committee of any entity that controls a group of insurers may be deemed to be the audit committee for one or more of such controlled insurers solely for the purposes of sections 375.1025 to 375.1062 at the election of the controlling person. Such election shall be exercised under subsection [5] 7 of section 375.1053. If an audit committee is not designated by the insurer, the insurer's entire board of directors shall constitute the audit committee;
- (5) "Audited financial report", includes those items specified in section 375.1032;
- (6) "Department", the department of insurance, financial institutions and professional registration;
- (7) "Director", the director of the department of insurance, financial institutions and professional registration;
- (8) "Group of insurers", those licensed insurers included in the reporting requirements of sections 382.010 to 382.300, or a set of insurers as identified by management, for the purpose of assessing the effectiveness of internal control over financial reporting;
- (9) "Indemnification", an agreement of indemnity or a release from liability where the intent or effect is to shift or limit in any manner the potential liability of the person or firm for failure to adhere to applicable auditing or professional standards, whether or not resulting in part from knowing of other misrepresentations made by the insurer or its representatives;
- (10) "Independent board member", the same meaning as described in subsection [3] 5 of section 375.1053;
- (11) "Insurer", an insurer certified to do business in this state pursuant to section 375.161 or 375.831, and to companies authorized to transact business in this state pursuant to chapters 354, 376, 377, 378, 379 and 381;

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

(12) **"Internal audit function", a person or persons that provide independent, objective, and reasonable assurance regarding an insurer's governance, risk management, and internal controls, designed to add value and improve an organization's operations and accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management control and governance processes;**

(13) "Internal control over financial reporting", a process effected by an entity's board of directors, management and other personnel designed to provide reasonable assurance regarding the reliability of the financial statements, i.e., those items specified in [subsections 2 to 7] **subdivisions (2) to (6) of subsection 2 and subsection 3** of section 375.1032 and includes those policies and procedures that:

(a) Pertain to the maintenance of records that, in reasonable detail, accurately and fairly reflect the transactions and dispositions of assets;

(b) Provide reasonable assurance that transactions are recorded as necessary to permit preparation of financial statements, i.e., those items specified in [subsections 2 to 7] **subdivisions (2) to (6) of subsection 2 and subsection 3** of section 375.1032, and that receipts and expenditures are being made only in accordance with authorizations of management and directors; and

(c) Provide reasonable assurance regarding prevention or timely detection of unauthorized acquisition, use or disposition of assets that could have a material effect on the financial statements, i.e., those items specified in [subsections 2 to 7] **subdivisions (2) to (6) of subsection 2 and subsection 3** of section 375.1032;

[(13)] **(14)** "NAIC", the National Association of Insurance Commissioners;

[(14)] **(15)** "SEC", the United States Securities and Exchange Commission;

[(15)] **(16)** "Section 404", Section 404 of the Sarbanes-Oxley Act of 2002, as amended, and the SEC's rules and regulations promulgated thereunder;

[(16)] **(17)** "Section 404 report", management's report on internal control over financial reporting, as defined by the SEC and the related attestation report of the independent certified public accountant as described in subsection 1 of section 375.1030;

[(17)] **(18)** "SOX compliant entity", an entity that either is required to be or voluntarily is compliant with all of the following provisions of the Sarbanes-Oxley Act of 2002, as amended:

(a) The preapproval requirements of Section 201 (Section 10A(i) of the federal Securities Exchange Act of 1934);

(b) The audit committee independence requirements of Section 301 (Section 10A(m)(3) of the federal Securities Exchange Act of 1934); and

(c) The internal control over financial reporting requirements of Section 404.

**375.1052. TEMPORARY EXEMPTION, GRANTED WHEN — DENIAL OF, PETITION FOR HEARING, PROCEDURES — SCHEDULE OF COMPLIANCE — EFFECTIVE DATE OF REQUIREMENTS.** — 1. Upon written application of any insurer, the director may grant a temporary exemption from compliance with sections 375.1025 to 375.1062 if the director finds, upon review of the application, that compliance with sections 375.1025 to 375.1062 would constitute a financial or organizational hardship upon the insurer. An exemption may be granted at any time and from time to time for a specified period or periods. Within ten days from a denial of an insurer's written request for an exemption from sections 375.1025 to 375.1062, such insurer may request in writing a hearing on its application for an exemption. Such hearing shall be held in accordance with the provisions of chapter 536 pertaining to administrative hearing procedures and shall be a public meeting as provided by subdivision (3) of section 610.010.

2. Domestic insurers:

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

(1) Retaining a certified public accountant on August 28, 2009, who qualifies as independent shall comply with sections 375.1025 to 375.1062 for the year ending December 31, 2009, and each year thereafter unless the director permits otherwise;

(2) Not retaining a certified public accountant on [the effective date of this regulation] **August 28, 2009**, who qualifies as independent shall meet the following schedule for compliance with sections 375.1025 to 375.1062 unless the director permits otherwise:

(a) As of December 31, 2009, file with the director an audited financial report;

(b) For the year ending December 31, 2010, and each year thereafter, such insurers shall file with the director all reports and communications required by sections 375.1025 to 375.1062.

3. Foreign insurers shall comply with sections 375.1025 to 375.1062 for the year ending December 31, 1992, and each year thereafter, unless the director permits otherwise.

4. The requirements of subsection 3 of section 375.1037 shall be in effect for audits of the year beginning January 1, 2010, and thereafter.

5. The requirements of section 375.1053 are to be in effect January 1, 2010. An insurer or group of insurers that is not required to have independent audit committee members or only a majority but not a supermajority of independent audit committee members, because the total written and assumed premium is below the threshold and subsequently becomes subject to one of the independence requirements due to changes in premium shall have one year following the year the threshold is exceeded, but not earlier than January 1, 2010, to comply with the independence requirements. Likewise, an insurer that becomes subject to one of the independence requirements as a result of a business combination shall have one calendar year following the date of acquisition or combination to comply with the independence requirements.

6. The requirements of sections 375.1038, 375.1054, and 375.1056 are effective beginning with the reporting period ending December 31, 2010, and each year thereafter. An insurer or group of insurers that is not required to file a report because the total written premium is below the threshold and subsequently becomes subject to the reporting requirements shall have two years following the year the threshold is exceeded to file a report. Likewise, an insurer acquired in a business combination shall have two calendar years following the date of acquisition or combination to comply with the reporting requirements.

**7. The requirements of section 375.1058 are effective beginning January 1, 2019. If an insurer or group of insurers that is exempt from section 375.1058 requirements subsequently no longer qualifies for that exemption, such insurer or group of insurers shall have one year after the year the threshold is exceeded to comply with the requirements of section 375.1058.**

**375.1053. INAPPLICABILITY OF STATUTE TO FOREIGN INSURERS — AUDIT COMMITTEE RESPONSIBILITIES, MEMBER QUALIFICATIONS — REPORT REQUIRED — WAIVER, WHEN. — 1.** This section shall not apply to foreign or alien insurers licensed in this state or an insurer that is a SOX compliant entity or a direct or indirect wholly owned subsidiary of a SOX compliant entity.

2. The audit committee shall be directly responsible for the appointment, compensation, and oversight of the work of any accountant, including resolution of disagreements between management and the accountant regarding financial reporting, for the purpose of preparing or issuing the audited financial report or related work under sections 375.1025 to 375.1062. Each accountant shall report directly to the audit committee.

**3. The audit committee of an insurer or group of insurers shall be responsible for overseeing the insurer's internal audit function and granting the person or persons performing the internal audit function suitable authority and resources to fulfill their responsibilities if required by section 375.1058.**

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4. Each member of the audit committee shall be a member of the board of directors of the insurer or a member of the board of directors of an entity elected under subsection [6] 7 of this section and subdivision [(6)] (4) of section 375.1025.

[4.] 5. In order to be considered independent for purposes of this section, a member of the audit committee shall not, other than in his or her capacity as a member of the audit committee, the board of directors, or any other board committee, accept any consulting, advisory, or other compensatory fee from the entity or be an affiliated person of the entity or any subsidiary thereof. However, if law requires board participation by otherwise nonindependent members, such law shall prevail and such members may participate in the audit committee and be designated as independent for audit committee purposes, unless they are an officer or employee of the insurer or one of its affiliates.

[5.] 6. If a member of the audit committee ceases to be independent for reasons outside the member's reasonable control, that person, with notice by the responsible entity to the state, may remain an audit committee member of the responsible entity until the earlier of the next annual meeting of the responsible entity or one year from the occurrence of the event that caused the member to be no longer independent.

[6.] 7. To exercise the election of the controlling person to designate the audit committee for purposes of sections 375.1025 to 375.1062, the ultimate controlling person shall provide written notice to the chief state insurance regulatory officials of the affected insurers. Notification shall be made timely prior to the issuance of the statutory audit report and include a description of the basis for the election. The election can be changed through notice to the director by the insurer, which shall include a description of the basis for the change. The election shall remain in effect for perpetuity, until rescinded.

[7.] 8. (1) The audit committee shall require the accountant that performs for an insurer any audit required by sections 375.1025 to 375.1062 to timely report to the audit committee in accordance with the requirements of the auditing profession, including:

- (a) All significant accounting policies and material permitted practices;
- (b) All material alternative treatments of financial information within statutory accounting principles that have been discussed with management officials of the insurer, ramifications of the use of the alternative disclosures and treatments, and the treatment preferred by the accountant; and
- (c) Other material written communications between the accountant and the management of the insurer, such as any management letter or schedule of unadjusted differences.

(2) If an insurer is a member of an insurance holding company system, the reports required by subdivision (1) of this subsection may be provided to the audit committee on an aggregate basis for insurers in the holding company system; provided that any substantial differences among insurers in the system are identified to the audit committee.

[8.] 9. The proportion of independent audit committee members shall meet or exceed the following criteria:

(1) If the insurer wrote direct and assumed premiums of zero to three hundred million dollars during the prior calendar year, no minimum requirements are required regarding the number or proportion of audit committee members who shall be independent;

(2) If the insurer wrote direct and assumed premiums of three hundred million to five hundred million dollars during the prior calendar year, at least a majority of the members of the audit committee shall be independent; and

(3) If the insurer wrote direct and assumed premiums of five hundred million dollars or more during the prior calendar year, a supermajority of at least seventy-five percent of the members of the audit committee shall be independent.

[9.] **10.** An insurer with direct written and assumed premium, excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, less than five hundred million dollars may make application to the director for a waiver from the requirements of this section based upon hardship. The insurer shall file, with its annual statement filing, the approval for relief from this section with the states that it is licensed in or doing business in and the NAIC. If the nondomestic state accepts electronic filing with the NAIC, the insurer shall file the approval in an electronic format acceptable to the NAIC.

**375.1056. REPORT REQUIRED BY INSURER, WHEN, CONTENTS.** — 1. Every insurer required to file an audited financial report under sections 375.1025 to 375.1062 that has annual direct written and assumed premiums, excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of five hundred million dollars or more shall prepare a report of the insurer's or group of insurers' internal control over financial reporting, as such terms are defined in section 375.1025. The report shall be filed with the director along with the communication of internal control-related matters noted in an audit described under section 375.1047. Management's report of internal control over financial reporting shall be as of December thirty-first immediately preceding.

2. Notwithstanding the premium threshold in subsection 1 of this section, the director may require an insurer to file management's report of internal control over financial reporting if the insurer is in any RBC level event, or meets any one or more of the standards of an insurer deemed to be in hazardous financial condition as defined in [rules adopted by the director] **section 375.539**.

3. An insurer or a group of insurers that is:

- (1) Directly subject to Section 404;
- (2) Part of a holding company system whose parent is directly subject to Section 404;
- (3) Not directly subject to Section 404 but is a SOX compliant entity; or
- (4) A member of a holding company system whose parent is not directly subject to Section 404 but is a SOX compliant entity;

may file its or its parent's Section 404 report and an addendum in satisfaction of the requirement of this section, provided that those internal controls of the insurer or group of insurers having a material impact on the preparation of the insurer's or group of insurers' audited statutory financial statements, namely those items included in subdivisions (2) to (6) of subsection 2 **and subsection 3** of section 375.1032, were included in the scope of the Section 404 report. The addendum shall be a positive statement by management that there are no material processes with respect to the preparation of the insurer's or group of insurers' audited statutory financial statements excluded from the Section 404 report. If there are internal controls of the insurer or group of insurers that have a material impact on the preparation of the insurer's or group of insurers' audited statutory financial statements and those internal controls were not included in the scope of the Section 404 report, the insurer or group of insurers may either file a report under this section, or the Section 404 report and a report under this section for those internal controls that have a material impact on the preparation of the insurer's or group of insurers' audited statutory financial statements not covered by the Section 404 report.

4. Management's report of internal control over financial reporting shall include:

(1) A statement that management is responsible for establishing and maintaining adequate internal control over financial reporting;

(2) A statement that management has established internal control over financial reporting and an assertion, to the best of management's knowledge and belief, after diligent inquiry, as to whether its internal control over financial reporting is effective to provide reasonable assurance regarding the reliability of financial statements in accordance with statutory accounting principles;

(3) A statement that briefly describes the approach or processes by which management evaluated the effectiveness of its internal control over financial reporting;

(4) A statement that briefly describes the scope of work that is included and whether any internal controls were excluded;

(5) Disclosure of any unremediated material weaknesses in the internal control over financial reporting identified by management as of December thirty-first immediately preceding. Management is not permitted to conclude that the internal control over financial reporting is effective to provide reasonable assurance regarding the reliability of financial statements in accordance with statutory accounting principles if there is one or more unremediated material weaknesses in its internal control over financial reporting;

(6) A statement regarding the inherent limitations of internal control systems; and

(7) Signatures of the chief executive officer and the chief financial officer, or the equivalent position or title.

5. Management shall document and make available upon financial condition examination the basis upon which its assertions required in subsection 4 of this section are made. Management may base its assertions, in part, upon its review, monitoring and testing of internal controls undertaken in the normal course of its activities. Management shall have discretion as to the nature of the internal control framework used, and the nature and extent of documentation, in order to make its assertion in a cost-effective manner and, as such, may include assembly of or reference to existing documentation. Management's report on internal control over financial reporting, required by subsection 1 of this section, and any documentation provided in support thereof during the course of a financial condition examination, shall be kept confidential by the department.

6. No officer responsible for financial reporting may be a member of the audit committee.

**375.1058. INTERNAL AUDIT FUNCTION — EXEMPTION, WHEN — REQUIREMENTS. — 1.** An insurer is exempt from the requirements of this section if:

**(1) The insurer has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, totaling less than five hundred million dollars; and**

**(2) The insurer is a member of a group of insurers that has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, totaling less than one billion dollars.**

**2. An insurer or group of insurers shall establish an internal audit function providing independent, objective, and reasonable assurance to the audit committee and insurer management regarding the insurer's governance, risk management, and internal controls. This assurance shall be provided by performing general and specific audits, reviews, and tests and by employing other techniques deemed necessary to protect assets, evaluate control effectiveness and efficiency, and evaluate compliance with policies and regulations.**

3. In order to ensure that internal auditors remain objective, the internal audit function shall be organizationally independent. Specifically, the internal audit function shall not defer ultimate judgment on audit matters to others and shall appoint an individual to head the internal audit function who will have direct and unrestricted access to the board of directors. Organizational independence does not preclude dual-reporting relationships.

4. The head of the internal audit function shall report to the audit committee regularly, but no less than annually, on the periodic audit plan, factors that may adversely impact the internal audit function's independence or effectiveness, material findings from completed audits, and the appropriateness of corrective actions implemented by management as a result of audit findings.

5. If an insurer is a member of an insurance holding company system or included in a group of insurers, the insurer may satisfy the internal audit function requirements set forth in this section at the ultimate controlling parent level, an intermediate holding company level, or the individual legal entity level.

**382.600. PURPOSE — APPLICABILITY.** — 1. The purpose of sections 382.600 to 382.640 is to:

(1) Provide the director a summary of an insurer or insurance group's corporate governance structure, policies, and practices to permit the director to gain and maintain an understanding of the insurer or insurance group's corporate governance framework;

(2) Outline the requirements for completing a corporate governance annual disclosure with the director; and

(3) Provide for the confidential treatment of the corporate governance annual disclosure and related information that will contain confidential and sensitive information related to an insurer or insurance group's internal operations and proprietary and trade secret information which if made public could potentially cause the insurer or insurance group competitive harm or disadvantage.

2. Nothing in sections 382.600 to 382.640 shall be construed to prescribe or impose corporate governance standards and internal procedures beyond that which are required under applicable state corporate law. Notwithstanding the foregoing, nothing in sections 382.600 to 382.640 shall be construed to limit the director's authority or the rights or obligations of third parties under chapter 374 relating to the examination of insurers.

3. The requirements of sections 382.600 to 382.640 shall apply to all insurers domiciled in this state.

**382.605. DEFINITIONS.** — As used in sections 382.600 to 382.640, the following terms shall mean:

(1) "Corporate governance annual disclosure" or "CGAD", a confidential report filed by the insurer or insurance group made in accordance with the requirements of sections 382.600 to 382.640;

(2) "Director", the director of the department of insurance, financial institutions and professional registration, his or her deputies, or the department of insurance, financial institutions and professional registration, as applicable;

(3) "Insurance group", those insurers and affiliates included within an insurance holding company system as defined in section 382.010;

(4) "Insurer", an insurance company as defined in section 375.012; except that it shall not include agencies, authorities, or instrumentalities of the United States, its possessions and

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territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state;

(5) "NAIC", the National Association of Insurance Commissioners;

(6) "ORSA summary report", the report filed in accordance with sections 382.500 to 382.550.

**382.610. CGAD SUBMITTED TO DIRECTOR, WHEN — ATTESTATION REQUIRED — INFORMATION MAY BE PROVIDED — REVIEW OF CGAD — DUPLICATION OF INFORMATION NOT REQUIRED, WHEN. — 1. An insurer, or the insurance group of which the insurer is a member, shall, before June first of each calendar year, submit to the director a CGAD that contains the information described in subsection 2 of section 382.615. Notwithstanding any request from the director made under subsection 3 of this section, if the insurer is a member of an insurance group, the insurer shall submit the report required by this section to the director or commissioner of the lead state for the insurance group, in accordance with the laws of the lead state, as determined by the procedures outlined in the most recent Financial Analysis Handbook adopted by the NAIC. An insurer that is a member of an insurance group, however, shall not be required to submit the report required by this section to the director until the earlier of the adoption of the National Association of Insurance Commissioners Corporate Governance Annual Disclosure Model Act and National Association of Insurance Commissioners Corporate Governance Annual Disclosure Model Regulations by the lead state of such insurance group, or June 1, 2020.**

**2. The CGAD shall include a signature of the insurer or insurance group's chief executive officer or corporate secretary, attesting to the best of that individual's belief and knowledge that the insurer has implemented the corporate governance practices and that a copy of the disclosure has been provided to the insurer's board of directors or the appropriate committee thereof.**

**3. An insurer not required to submit a CGAD under this section shall do so upon the director's request.**

**4. For purposes of completing the CGAD, the insurer or insurance group may provide information regarding corporate governance at the ultimate controlling person level, an intermediate holding company level, or the individual legal entity level depending upon how the insurer or insurance group has structured its system of corporate governance. The insurer or insurance group is encouraged to make the CGAD disclosures at the level at which the insurer or insurance group's risk appetite is determined; or at which the earnings, capital, liquidity, operations, and reputation of the insurer are overseen collectively and at which the supervision of those factors is coordinated and exercised; or the level at which legal liability for failure of general corporate governance duties would be placed. If the insurer or insurance group determines the level of reporting based on these criteria, it shall indicate which of the three criteria was used to determine the level of reporting and explain any subsequent changes in level of reporting.**

**5. The review of the CGAD and any additional requests for information shall be made through the lead state as determined by the procedures within the most recent Financial Analysis Handbook referenced in subsection 1 of this section.**

**6. Insurers providing information substantially similar to the information required by sections 382.600 to 382.640 in other documents provided to the director, including proxy statements filed in conjunction with annual registration requirements or other state or federal filings provided to the department of insurance, financial institutions and**

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professional registration, shall not be required to duplicate that information in the CGAD but shall only be required to cross-reference the document in which the information is included.

**382.615. CGAD INQUIRIES, RESPONSES TO — RECORDKEEPING. — 1.** The insurer or insurance group shall have discretion over the responses to the CGAD inquiries, provided that the CGAD shall contain the material information necessary to permit the director to gain an understanding of the insurer or insurance group's corporate governance structure, policies, and practices. The director may request additional information that he or she deems material and necessary to provide the director with a clear understanding of the corporate governance policies and the reporting or information system or controls implementing those policies.

**2.** Notwithstanding subsection 1 of this section, the CGAD shall be prepared consistent with regulations promulgated by the director. Documentation and supporting information shall be maintained and made available upon examination or upon request of the director.

**382.620. DOCUMENTS, MATERIALS, AND INFORMATION RECOGNIZED BY STATE AS PROPRIETARY AND CONTAINING TRADE SECRETS — CONFIDENTIALITY — DIRECTOR'S AUTHORITY AND DUTIES. — 1.** Documents, materials, or other information, including the CGAD, in the possession or control of the department of insurance, financial institutions and professional registration that are obtained by, created by, or disclosed to the director or any other person under sections 382.600 to 382.640 are recognized by this state as being proprietary and containing trade secrets. All such documents, material, or other information shall be confidential by law and privileged, shall not be subject to disclosure under chapter 610, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the director is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the director's official duties. The director shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer. Nothing in this section shall be construed to require written consent of the insurer before the director may share or receive confidential documents, materials, or other CGAD-related information under subsection 3 of this section to assist in the performance of the director's regular duties.

**2.** Neither the director nor any person who receives documents, materials, or other CGAD-related information through examination or otherwise while acting under the authority of the director or with whom such documents, materials, or other information are shared under sections 382.600 to 382.640 shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection 1 of this section.

**3.** In order to assist in the performance of the director's regulatory duties, the director:

**(1)** May, upon request, share documents, materials, or other CGAD-related information, including the confidential and privileged documents, materials, or information subject to subsection 1 of this section, including proprietary and trade secret documents and materials, with other state, federal, and international financial regulatory agencies, including members of any supervisory college as described in section 382.225, with the NAIC, and with third-party consultants under section 382.625; provided that, the recipient agrees in writing to maintain the confidentiality and privileged status of the CGAD-related

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documents, materials, or other information and has verified in writing the legal authority to maintain confidentiality; and

(2) May receive documents, materials, or other CGAD-related information, including otherwise confidential and privileged documents, materials, or information, including proprietary and trade secret information or documents, from regulatory officials of other state, federal, and international financial regulatory agencies, including members of any supervisory college as described in section 382.225, and from the NAIC, and shall maintain as confidential or privileged any documents, materials, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the documents, material, or information.

4. The sharing of information and documents by the director under sections 382.600 to 382.640 shall not constitute a delegation of regulatory authority or rulemaking, and the director is solely responsible for the administration, execution, and enforcement of the provisions of sections 382.600 to 382.640.

5. No waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade secret materials, or other CGAD-related information shall occur as a result of disclosure of such CGAD-related information or documents to the director under this section or as a result of sharing as authorized under sections 382.600 to 382.640.

**382.625. THIRD-PARTY CONSULTANTS PERMITTED, WHEN — LIMITATION ON SCOPE OF AUTHORITY — CONFIDENTIALITY — CONFLICT OF INTEREST — WRITTEN AGREEMENT, CONTENTS. — 1.** The director may retain, at the insurer's expense, third-party consultants, including attorneys, actuaries, accountants, and other experts not otherwise a part of the director's staff, as may be reasonably necessary to assist the director in reviewing the CGAD and related information or the insurer's compliance with sections 382.600 to 382.640.

2. Any persons retained under subsection 1 of this section shall be under the direction and control of the director and shall act in a purely advisory capacity.

3. The NAIC and third-party consultants shall be subject to the same confidentiality standards and requirements as the director.

4. As part of the retention process, a third-party consultant shall verify to the director, with notice to the insurer, that it is free of a conflict of interest and that it has internal procedures in place to monitor compliance with a conflict and to comply with the confidentiality standards and requirements of sections 382.600 to 382.640.

5. A written agreement with the NAIC or a third-party consultant governing sharing and use of information provided under sections 382.600 to 382.640 shall contain the following provisions and expressly require the written consent of the insurer prior to making public information provided under sections 382.600 to 382.640:

(1) Specific procedures and protocols for maintaining the confidentiality and security of CGAD-related information shared with the NAIC or a third-party consultant under sections 382.600 to 382.640;

(2) Procedures and protocols for sharing by the NAIC only with other state regulators from states in which the insurance group has domiciled insurers. The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the CGAD-related documents, materials, or other information and has verified in writing the legal authority to maintain confidentiality;

(3) A provision specifying that ownership of the CGAD-related information shared with the NAIC or a third-party consultant remains with the department of insurance, financial

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institutions and professional registration, and the NAIC's or third-party consultant's use of the information is subject to the direction of the director;

(4) A provision that prohibits the NAIC or a third-party consultant from storing the information shared under sections 382.600 to 382.640 in a permanent database after the underlying analysis is completed;

(5) A provision requiring the NAIC or a third-party consultant to provide prompt notice to the director and to the insurer or insurance group regarding any subpoena, request for disclosure, or request for production of the insurer's CGAD-related information; and

(6) A provision requiring the NAIC or a third-party consultant to consent to intervention by an insurer in any judicial or administrative action in which the NAIC or a third-party consultant may be required to disclose confidential information about the insurer shared with the NAIC or a third-party consultant under sections 382.600 to 382.640.

**382.630. FAILURE TO TIMELY FILE, PENALTY — ENFORCEMENT.** — 1. Any insurer failing without just cause to timely file a CGAD as required under sections 382.600 to 382.640 commits a level two violation under section 374.049 for each day's delay; provided that, the total maximum fine under this section is five thousand dollars. The director may reduce the penalty if the insurer demonstrates to the director that the imposition of the penalty would constitute a financial hardship to the insurer.

2. The director may enforce the provisions of sections 382.600 to 382.640 under sections 374.046 to 374.049.

**382.635. RULEMAKING AUTHORITY.** — The director may, upon notice and opportunity for all interested persons to be heard, issue such rules, regulations, and orders as shall be necessary to carry out the provisions of sections 382.600 to 382.640. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**382.640. SEVERABILITY CLAUSE.** — If any provision of sections 382.600 to 382.640 or the application thereof to any person or circumstance is held invalid under the Constitution of the United States or the Constitution of the state of Missouri, such determination shall not affect the provisions or applications of sections 382.600 to 382.640, which may be given effect without the invalid provision or application, and to that end the provisions of sections 382.600 to 382.640, with the exception of section 382.620, are severable.

**[382.278. INAPPLICABILITY OF CERTAIN PROVISIONS TO CERTAIN HOLDING COMPANIES.** — The provisions of subdivisions (13) and (14) of subsection 1 of section 382.050, subdivision (5) of subsection 1 of section 382.110, and sections 382.175 and 382.220 shall not apply to an insurance holding company or its affiliates if the insurance company affiliates of such insurance holding company had total premiums, direct and ceded, of less than one hundred fifty million dollars in the preceding year and such insurance holding company certifies in writing to the director

that more than twenty-five percent of the employees of its affiliates, not including insurance affiliates or the holding company itself, are engaged in agricultural operations.]

**SECTION B. EFFECTIVE DATE.** — This act shall become effective on January 1, 2019.

Approved June 22, 2018

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SB 594

**Enacts provisions relating to insurance markets for commercial insurance.**

AN ACT to repeal section 379.321, RSMo, and to enact in lieu thereof one new section relating to insurance markets for commercial insurance.

**SECTION**

A. Enacting clause.

379.321 Rating plans to be filed with director, when — informational filings.

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

**SECTION A. ENACTING CLAUSE.** — Section 379.321, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 379.321, to read as follows:

**379.321. RATING PLANS TO BE FILED WITH DIRECTOR, WHEN — INFORMATIONAL FILINGS.** — 1. Every insurer shall file with the director, except as to commercial property or commercial casualty insurance as provided in subsection 6 of this section, every manual of classifications, rules, underwriting rules and rates, every rating plan and every modification of the foregoing which it uses and the policies and forms to which such rates are applied. Any insurer may satisfy its obligation to make any such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings and by authorizing the director to accept such filings on its behalf, provided that nothing contained in section 379.017 and sections 379.316 to 379.361 shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization or as requiring any member or subscriber to authorize the director to accept such filings on its behalf. Filing with the director by such insurer or licensed rating organization within ten days after such manuals, rating plans or modifications thereof or policies or forms are effective shall be sufficient compliance with this section.

2. Except as to commercial property or commercial casualty insurance as provided in subsection 6 of this section, no insurer shall make or issue a policy or contract except pursuant to filings which are in effect for that insurer or pursuant to section 379.017 and sections 379.316 to 379.361. Any rates, rating plans, rules, classifications or systems, in effect on August 13, 1972, shall be continued in effect until withdrawn by the insurer or rating organization which filed them.

3. Upon the written application of the insured, stating his or her reasons therefor, filed with the insurer, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

4. Every insurer which is a member of or a subscriber to a rating organization shall be deemed to have authorized the director to accept on its behalf all filings made by the rating organization which are within the scope of its membership or subscribership, provided:

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(1) That any subscriber may withdraw or terminate such authorization, either generally or for individual filings, by written notice to the director and to the rating organization and may then make its own independent filings for any kinds of insurance, or subdivisions, or classes of risks, or parts or combinations of any of the foregoing, with respect to which it has withdrawn or terminated such authorization, or may request the rating organization, within its discretion, to make any such filing on an agency basis solely on behalf of the requesting subscriber; and

(2) That any member may proceed in the same manner as a subscriber unless the rating organization shall have adopted a rule, with the approval of the director:

(a) Requiring a member, before making an independent filing, first to request the rating organization to make such filing on its behalf and requiring the rating organization, within thirty days after receipt of such request, either:

- a. To make such filing as a rating organization filing;
- b. To make such filing on an agency basis solely on behalf of the requesting member; or
- c. To decline the request of such member; and

(b) Excluding from membership any insurer which elects to make any filing wholly independently of the rating organization.

5. Any change in a filing made pursuant to this section during the first six months of the date such filing becomes effective shall be approved or disapproved by the director within ten days following the director's receipt of notice of such proposed change.

6. Commercial property and commercial casualty requirements differ as follows:

(1) [All] Commercial property and commercial casualty insurance rates, rate plans, modifications, and manuals of classifications, [where appropriate] **except as specified in subdivision (2) of this subsection**, shall be filed with the director for informational purposes only **within ten days of use**. Such rates are not to be reviewed or approved by the department of insurance, financial institutions and professional registration as a condition of their use. Nothing in this subsection shall require the filing of individual rates where the original manuals, rates and rules for the insurance plan or program to which such individual policies conform have already been filed with the director;

(2) **Subject to the provisions of subdivision (4) of this subsection, commercial property and casualty underwriting rules or guidelines, rates, rate plans, modifications, and manuals of classification are exempt from filing requirements otherwise applicable under this chapter, whether the insurance coverage is endorsed to or otherwise made part of another type of insurance or sold as a stand-alone policy;**

(3) **Subject to the provisions of subdivision (4) of this subsection, commercial property and casualty insurance policy forms are exempt from filing requirements otherwise applicable under this chapter when the aggregate total annual commercial insurance premiums for all property and casualty insurance purchased by a commercial policyholder, excluding premiums for the types of insurance specified in subdivision (4) of this subsection, are equal to or exceed one hundred thousand dollars and the commercial policyholder employs a full time risk manager or has retained a licensed insurance producer to negotiate on its behalf;**

(4) **The filing exemptions in subdivisions (2) and (3) of this subsection shall not apply to:**

- (a) **Workers' compensation;**
- (b) **Medical malpractice liability;**
- (c) **Farm property and liability;**
- (d) **Any coverage issued by an assigned risk or residual market plan pursuant to section**

**303.200; and**

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(e) Any specific policy or bond required by the division of workers' compensation of a self-insured employer or group trust, their trustees, or entities providing services to self-insured employers or group trusts.

(5) All policies exempt from filing pursuant to subdivisions (2) or (3) of this subsection shall include, at the time of policy issuance, a notice advising the policy holder that the policy may include rates or forms exempt from filing with the department. Such notice shall state that this policy may include rates and forms which may not be filed with the Missouri department of insurance, financial institutions and professional registration;

(6) If an insurer will only renew a commercial casualty or commercial property insurance policy with an increase in premium of twenty-five percent or more, a "premium alteration requiring notification" notice must be mailed or delivered by the insurer at least sixty days prior to the expiration date of the policy, except in the case of an umbrella or excess policy the coverage of which is contingent on the coverage of an underlying policy of commercial property or casualty insurance, in which case notice of an increase in premium of twenty-five percent or more shall be mailed or delivered at least thirty days prior to the expiration date of the policy. Such notice shall be mailed or delivered to the agent of record and to the named insured at the address shown in the policy. If the insurer fails to meet this notice requirement, the insured shall have the option of continuing the policy for the remainder of the notice period plus an additional thirty days at the premium rate of the existing policy or contract. This provision does not apply if the insurer has offered to renew a policy without such an increase in premium or if the insured fails to pay a premium due or any advance premium required by the insurer for renewal. For purposes of this section, "premium alteration requiring notification" means an annual increase in premium of twenty-five percent or more, exclusive of premium increases due to a change in the operations of the insured which increases either the hazard insured against or the individual loss characteristics, or due to a change in the magnitude of the exposure basis, including, without limitation, increases in payroll or sales. For commercial multiperil policies, no "premium alteration requiring notification" shall be required unless the increase in premium for all of a policyholder's policies taken together amounts to a twenty-five percent or more annual increase in premium;

~~[(3)]~~ (7) Commercial property and commercial casualty policy forms, **except as specified in subdivision (3) of this subsection**, shall be filed with the director **within ten days of use** as provided pursuant to subsection 1 of this section. However, if after review, it is determined that corrective action must be taken to modify the filed forms, the director shall impose such corrective action on a prospective basis for new policies. All policies previously issued which are of a type that is subject to such corrective action shall be deemed to have been modified to conform to such corrective action retroactive to their inception date;

(8) An insurer renewing a policy issued with policy forms not filed with the director pursuant to subdivision (3) of this subsection shall provide written notice to the first named insured and producer of record, if any, at least ten days prior to the current policy's expiration date if, after renewal, there will be a material restriction or reduction in coverage not specifically requested by the insured, required by law or based on the altered nature or extent of the risk insured. The notice may be in a printed or electronic form and shall explain what coverage will be reduced or eliminated or what condition will be restricted. It shall be a rebuttable presumption that all insureds received the notice if it was sent by email or first-class mail to the first named insured's last known email address or mailing address contained in the policy. If the insurer has not so notified the policyholder, the policyholder may elect to cancel the renewal policy within thirty days of delivery of the renewal policy **and the earned premium for the time the renewal policy was in force shall be calculated pro**

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**rata at the lower of the current or previous year's rate. If the insured accepts the renewal, any premium change or alteration of coverage, terms or conditions shall be effective immediately upon the expiration of the prior policy. Nothing in this subdivision shall restrict the right of the parties to an insurance contract to amend an insurance policy if requested by the insured without the requirement for any notice;**

[(4)] **(9)** For purposes of this section, "commercial casualty" means "commercial casualty insurance" as defined in section 379.882. For purposes of this section, "commercial property" means property insurance, which is for business and professional interests, whether for profit, nonprofit or public in nature which is not for personal, family or household purposes, and shall include commercial inland marine insurance, but does not include title insurance;

[(5)] **(10)** Nothing in this subsection shall limit the director's authority over excessive, inadequate or unfairly discriminatory rates **or affect the application of any laws governing unfair trade practices, unfair claims practices, or the content of policy forms;**

**(11) The commercial casualty and commercial property insurance filing requirement exemptions included in this section shall apply to all property and casualty insurance policies issued or renewed on or after January 1, 2019.**

Approved June 22, 2018

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HCS SCS SB 598

**Enacts provisions relating to the department of transportation utility corridor.**

AN ACT to repeal section 227.240, RSMo, and to enact in lieu thereof one new section relating to the department of transportation utility corridor, with an existing penalty provision.

SECTION

A. Enacting clause.

227.240 Location and removal of public utility equipment — lines in right-of-way permitted — penalty for violation.

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

**SECTION A. ENACTING CLAUSE.** — Section 227.240, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 227.240, to read as follows:

**227.240. LOCATION AND REMOVAL OF PUBLIC UTILITY EQUIPMENT — LINES IN RIGHT-OF-WAY PERMITTED — PENALTY FOR VIOLATION.** — 1. The location and removal of all telephone, cable television, and electric light and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected or constructed, or hereafter to be erected or constructed by any corporation, municipality, public water supply district, sewer district, association or persons, within the right-of-way of any state highway, insofar as the public travel and traffic is concerned, and insofar as the same may interfere with the construction or maintenance of any such highway, shall be under the control and supervision of the state highways and transportation commission.

2. A cable television corporation or company shall be permitted to place its lines within the right-of-way of any state highway, consistent with the rules and regulations of the state highways and transportation commission. The state highways and transportation commission shall establish

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a system for receiving and resolving complaints with respect to cable television lines placed in, or removed from, the right-of-way of a state highway.

**3. The department of transportation utility corridor established for the placement of utility facilities on the right-of-way of highways in the state highway system shall be up to twelve feet in width when space is reasonably available, with the location of the utility corridor to be determined by the state highways and transportation commission. The commission shall promulgate rules setting forth a standardized statewide system for requesting and issuing variances to requirements set forth in this section.**

4. The commission or some officer selected by the commission shall serve a written notice upon the entity, person or corporation owning or maintaining any such lines, poles, wires, conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places on the right-of-way at which such lines, poles, wires, conduits, pipelines or tramways may be maintained. The notice shall also state the time when the work of hard surfacing said roads is proposed to commence, and shall further state that a hearing shall be had upon the proposed plan of location and matters incidental thereto, giving the place and date of such hearing. Immediately after such hearing the said owner shall be given a notice of the findings and orders of the commission and shall be given a reasonable time thereafter to comply therewith; provided, however, that the effect of any change ordered by the commission shall not be to remove all or any part of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way of the highway. The removal of the same shall be made at the cost and expense of the owners thereof unless otherwise provided by said commission, and in the event of the failure of such owners to remove the same at the time so determined they may be removed by the state highways and transportation commission, or under its direction, and the cost thereof collected from such owners, and such owners shall not be liable in any way to any person for the placing and maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed by the commission.

[4.] **5.** The commission is authorized in the name of the state of Missouri to institute and maintain, through the attorney general, such suits and actions as may be necessary to enforce the provisions of this section. Any corporation, association or the officers or agents of such corporations or associations, or any other person who shall erect or maintain any such lines, poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which are hard-surfaced, which are not in accordance with such orders of the commission, shall be deemed guilty of a misdemeanor.

Approved June 1, 2018

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CCS HCS SS SCS SB 603, 576 & 898

**Enacts provisions relating to virtual education.**

AN ACT to repeal sections 161.670, 167.121, 173.234, 173.616, 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, 173.1150, and 173.1153, RSMo, and to enact in lieu thereof eleven new sections relating to virtual education.

SECTION

- A. Enacting clause.
- 161.670 Course access and virtual school program established, eligibility for enrollment — state aid calculation — enrollment process, payment by district — department duties, annual report — rulemaking authority.
- 167.121 Assignment of pupil to another district — tuition, how paid, amount.

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

- 173.234 Definitions — grants to be awarded, when, duration — duties of the board — rulemaking authority — eligibility criteria — sunset provision.
- 173.616 Schools and courses that are exempt from sections 173.600 to 173.618.
- 173.1101 Citation of law — references to program.
- 173.1102 Definitions.
- 173.1104 Eligibility criteria for assistance — disqualification, when — allocation of assistance.
- 173.1105 Award amounts, minimums and maximums — adjustment in awards, when.
- 173.1107 Transfer of recipient, effect of.
- 173.1150 Student resident status for separating military personnel, eligibility — rulemaking authority.
- 173.1153 In-state tuition — Missouri National Guard members and U.S. Armed Forces reservists deemed domiciled in this state — effect of — rulemaking authority.

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

**SECTION A. ENACTING CLAUSE.** — Sections 161.670, 167.121, 173.234, 173.616, 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, 173.1150, and 173.1153, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 161.670, 167.121, 173.234, 173.616, 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, 173.1150, and 173.1153, to read as follows:

**161.670. COURSE ACCESS AND VIRTUAL SCHOOL PROGRAM ESTABLISHED, ELIGIBILITY FOR ENROLLMENT — STATE AID CALCULATION — ENROLLMENT PROCESS, PAYMENT BY DISTRICT — DEPARTMENT DUTIES, ANNUAL REPORT — RULEMAKING AUTHORITY.** — 1. Notwithstanding any other law, prior to July 1, 2007, the state board of education shall establish [a virtual public school] **the "Missouri Course Access and Virtual School Program"** to serve school-age students residing in the state. The [virtual public school] **Missouri course access and virtual school program** shall offer instruction in a virtual setting using technology, intranet, and/or internet methods of communication. Any student under the age of twenty-one in grades kindergarten through twelve who resides in this state shall be eligible to enroll in the [virtual public school regardless of the student's physical location] **Missouri course access and virtual school program pursuant to subsection 3 of this section.**

2. For purposes of calculation and distribution of state school aid, students enrolled in [a virtual public school] **the Missouri course access and virtual school program** shall be included[, at the choice of the student's parent or guardian,] in the student enrollment of the school district in which the student physically [resides] **is enrolled under subsection 3 of this section.** The [virtual public school] **Missouri course access and virtual school program** shall report to the district of residence the following information about each student served by the [virtual public school] **Missouri course access and virtual school program:** name, address, eligibility for free or reduced-price lunch, limited English proficiency status, special education needs, and the number of courses in which the student is enrolled. The [virtual public school] **Missouri course access and virtual school program** shall promptly notify the resident district when a student discontinues enrollment. A "full-time equivalent student" is a student who successfully has completed the instructional equivalent of six credits per regular term. Each [virtual] **Missouri course access and virtual school program** course shall count as one class and shall generate that portion of a full-time equivalent that a comparable course offered by the school district would generate. In no case shall more than the full-time equivalency of a regular term of attendance for a single student be used to claim state aid. Full-time equivalent student credit completed shall be reported to the department of elementary and secondary education in the manner prescribed by the

department. Nothing in this section shall prohibit students from enrolling in additional courses under a separate agreement that includes terms for paying tuition or course fees.

3. [When a school district has one or more resident students enrolled in a virtual public school program authorized by this section, whose parent or guardian has chosen to include such student in the district's enrollment, the department of elementary and secondary education shall disburse an amount corresponding to fifteen percent of the state aid under sections 163.031 and 163.043 attributable to such student to the resident district. Subject to an annual appropriation by the general assembly, the department shall disburse an amount corresponding to eighty-five percent of the state adequacy target attributable to such student to the virtual public school.

4.] (1) **A school district or charter school shall allow any eligible student who resides in such district to enroll in Missouri course access and virtual school program courses of his or her choice as a part of the student's annual course load each school year or a full-time virtual school option, with any costs associated with such course or courses to be paid by the school district or charter school if:**

(a) **The student is enrolled full-time in and has attended, for at least one semester immediately prior to enrolling in the Missouri course access and virtual school program, a public school, including any charter school; except that, no student seeking to enroll in Missouri course access and virtual school program courses under this subdivision shall be required to have attended a public school during the previous semester if the student has a documented medical or psychological diagnosis or condition that prevented the student from attending a school in the community during the previous semester; and**

(b) **Prior to enrolling in any Missouri course access and virtual school program course, a student has received approval from his or her school district or charter school through the procedure described under subdivision (2) of this subsection.**

(2) **Each school district or charter school shall adopt a policy that delineates the process by which a student may enroll in courses provided by the Missouri course access and virtual school program that is substantially similar to the typical process by which a district student would enroll in courses offered by the school district and a charter school student would enroll in courses offered by the charter school. The policy may include consultation with the school's counselor and may include parental notification or authorization. School counselors shall not be required to approve or disapprove a student's enrollment in the Missouri course access and virtual school program. If the school district or charter school disapproves a student's request to enroll in a course or courses provided by the Missouri course access and virtual school program, including full-time enrollment in courses provided by the Missouri course access and virtual school program, the reason shall be provided in writing and it shall be for "good cause". "Good cause" justification to disapprove a student's request for enrollment in a course shall be a determination that doing so is not in the best educational interest of the student. In cases of denial by the school district or charter school, local education agencies shall inform the student and the student's family of their right to appeal any enrollment denial in the Missouri course access and virtual school program to the local school district board or charter school governing body where the family shall be given an opportunity to present their reasons for their child or children to enroll in the Missouri course access and virtual school program in an official school board meeting. In addition, the school district or charter school administration shall provide its "good cause" justification for denial at a school board meeting or governing body meeting. Both the family and school administration shall also provide their reasons in writing to the members of the school board or governing body and the documents shall be entered into the**

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official board minutes. The members of the board or governing body shall issue their decision in writing within thirty calendar days, and then an appeal may be made to the department of elementary and secondary education, which shall provide a final enrollment decision within seven calendar days.

(3) For students enrolled in any Missouri course access and virtual school program course in which costs associated with such course are to be paid by the school district or charter school as described under subdivision (1) of this subsection, the school district or charter school shall pay the content provider directly on a pro rata monthly basis based on a student's completion of assignments and assessments. If a student discontinues enrollment, the district or charter school may stop making monthly payments to the content provider. No school district or charter school shall pay, for any one course for a student, more than the market necessary costs but in no case shall pay more than fourteen percent of the state adequacy target, as defined under section 163.011, as calculated at the end of the most recent school year for any single, year-long course and no more than seven percent of the state adequacy target as described above for any single semester equivalent course. Payment for a full-time virtual school student shall not exceed the state adequacy target, unless the student receives additional federal or state aid. Nothing in this subdivision shall prohibit a school district or charter school from negotiating lower costs directly with course or full-time virtual school providers, particularly in cases where several students enroll in a single course or full-time virtual school.

(4) In the case of a student who is a candidate for A+ tuition reimbursement and taking a virtual course under this section, the school shall attribute no less than ninety-five percent attendance to any such student who has completed such virtual course.

(5) The Missouri course access and virtual school program shall ensure that individual learning plans designed by certified teachers and professional staff are developed for all students enrolled in more than two full-time course access program courses or a full-time virtual school.

(6) The department shall monitor student success and engagement of students enrolled in their program and report the information to the school district or charter school. Providers and the department may make recommendations to the school district or charter school regarding the student's continued enrollment in the program. The school district or charter school shall consider the recommendations and evaluate the progress and success of enrolled students that are enrolled in any course or full-time virtual school offered under this section and may terminate or alter the course offering if it is found the course or full-time virtual school is not meeting the educational needs of the students enrolled in the course.

(7) School districts and charter schools shall monitor student progress and success, and course or full-time virtual school quality, and annually provide feedback to the department of elementary and secondary education regarding course quality.

(8) Pursuant to rules to be promulgated by the department of elementary and secondary education, when a student transfers into a school district or charter school, credits previously gained through successful passage of approved courses under the Missouri course access and virtual school program shall be accepted by the school district or charter school.

(9) Pursuant to rules to be promulgated by the department of elementary and secondary education, if a student transfers into a school district or charter school while enrolled in a Missouri course access and virtual school program course or full-time virtual school, the student shall continue to be enrolled in such course or school.

(10) Nothing in this section shall prohibit home school students, private school students, or students wishing to take additional courses beyond their regular course load from enrolling in Missouri course access and virtual school program courses under an agreement that includes terms for paying tuition or course fees.

(11) Nothing in this subsection shall require any school district, charter school, or the state to provide computers, equipment, or internet access to any student unless required by an eligible student with a disability to comply with federal law.

(12) The authorization process shall provide for continuous monitoring of approved providers and courses. The department shall revoke or suspend or take other corrective action regarding the authorization of any course or provider no longer meeting the requirements of the program. Unless immediate action is necessary, prior to revocation or suspension, the department shall notify the provider and give the provider a reasonable time period to take corrective action to avoid revocation or suspension. The process shall provide for periodic renewal of authorization no less frequently than once every three years.

(13) Courses approved as of August 28, 2018, by the department to participate in the Missouri virtual instruction program shall be automatically approved to participate in the Missouri course access and virtual school program, but shall be subject to periodic renewal.

(14) Any online course or virtual program offered by a school district or charter school, including those offered prior to August 28, 2018, which meets the requirements of section 162.1250 shall be automatically approved to participate in the Missouri course access and virtual school program. Such course or program shall be subject to periodic renewal. A school district or charter school offering such a course or virtual school program shall be deemed an approved provider.

4. School districts or charter schools shall inform parents of their child's right to participate in the program. Availability of the program shall be made clear in the parent handbook, registration documents, and featured on the home page of the school district or charter school's website.

5. The department shall:

(1) Establish an authorization process for course or full-time virtual school providers that includes multiple opportunities for submission each year;

(2) Pursuant to the time line established by the department, authorize course or full-time virtual school providers that:

(a) Submit all necessary information pursuant to the requirements of the process; and

(b) Meet the criteria described in subdivision (3) of this subsection;

(3) Review, pursuant to the authorization process, proposals from providers to provide a comprehensive, full-time equivalent course of study for students through the Missouri course access and virtual school program. The department shall ensure that these comprehensive courses of study align to state academic standards and that there is consistency and compatibility in the curriculum used by all providers from one grade level to the next grade level;

(4) Within thirty days of any denial, provide a written explanation to any course or full-time virtual school providers that are denied authorization.

6. If a course or full-time virtual school provider is denied authorization, the course provider may reapply at any point in the future.

7. The department shall publish the process established under this section, including any deadlines and any guidelines applicable to the submission and authorization process for **course or full-time virtual school providers on its website.**

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**8. If the department determines that there are insufficient funds available for evaluating and authorizing course or full-time virtual school providers, the department may charge applicant course or full-time virtual school providers a fee up to, but no greater than, the amount of the costs in order to ensure that evaluation occurs. The department shall establish and publish a fee schedule for purposes of this subsection.**

9. Except as specified in this section and as may be specified by rule of the state board of education, the [virtual public school] **Missouri course access and virtual school program** shall comply with all state laws and regulations applicable to school districts, including but not limited to the Missouri school improvement program (MSIP), [adequate yearly progress (AYP),] annual performance report (APR), teacher certification, and curriculum standards.

[5.] **10. The department shall submit and publicly publish an annual report on the Missouri course access and virtual school program and the participation of entities to the governor, the chair and ranking member of the senate education committee, and the chair and ranking member of the house of representatives elementary and secondary education committee. The report shall at a minimum include the following information:**

(1) **The annual number of unique students participating in courses authorized under this section and the total number of courses in which students are enrolled;**

(2) **The number of authorized providers;**

(3) **The number of authorized courses and the number of students enrolled in each course;**

(4) **The number of courses available by subject and grade level;**

(5) **The number of students enrolled in courses broken down by subject and grade level;**

(6) **Student outcome data, including completion rates, student learning gains, student performance on state or nationally accepted assessments, by subject and grade level per provider. This outcome data shall be published in a manner that protects student privacy;**

(7) **The costs per course;**

(8) **Evaluation of in-school course availability compared to course access availability to ensure gaps in course access are being addressed statewide.**

11. **The department shall be responsible for creating the Missouri course access and virtual school program catalog providing a listing of all courses authorized and available to students in the state, detailed information, including costs per course, about the courses to inform student enrollment decisions, and the ability for students to submit their course enrollments.**

12. **The state board of education through the rulemaking process and the department of elementary and secondary education in its policies and procedures shall ensure that multiple content providers and learning management systems are allowed, ensure digital content conforms to accessibility requirements, provide an easily accessible link for providers to submit courses or full-time virtual schools on the Missouri course access and virtual school program website, and allow any person, organization, or entity to submit courses or full-time virtual schools for approval. No content provider shall be allowed that is unwilling to accept payments in the amount and manner as described under subdivision (3) of subsection 3 of this section or does not meet performance or quality standards adopted by the state board of education.**

[6.] **13. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant**

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to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

**167.121. ASSIGNMENT OF PUPIL TO ANOTHER DISTRICT — TUITION, HOW PAID, AMOUNT.**

— [1.] If the residence of a pupil is so located that attendance in the district of residence constitutes an unusual or unreasonable transportation hardship because of natural barriers, travel time, or distance, the commissioner of education or his designee may assign the pupil to another district. Subject to the provisions of this section, all existing assignments shall be reviewed prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. The board of education of the district in which the pupil lives shall pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata cost of instruction.

[2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a lapsed public school district or a district that has scored either unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual performance reports may enroll the parent's or guardian's child in the Missouri virtual school created in section 161.670 provided the pupil first enrolls in the school district of residence. The school district of residence shall include the pupil's enrollment in the virtual school created in section 161.670 in determining the district's average daily attendance. Full-time enrollment in the virtual school shall constitute one average daily attendance equivalent in the school district of residence. Average daily attendance for part-time enrollment in the virtual school shall be calculated as a percentage of the total number of virtual courses enrolled in divided by the number of courses required for full-time attendance in the school district of residence.

(2) A pupil's residence, for purposes of this section, means residency established under section 167.020. Except for students residing in a K-8 district attending high school in a district under section 167.131, the board of the home district shall pay to the virtual school the amount required under section 161.670.

(3) Nothing in this section shall require any school district or the state to provide computers, equipment, internet or other access, supplies, materials or funding, except as provided in this section, as may be deemed necessary for a pupil to participate in the virtual school created in section 161.670.

(4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.]

**173.234. DEFINITIONS — GRANTS TO BE AWARDED, WHEN, DURATION — DUTIES OF THE BOARD — RULEMAKING AUTHORITY — ELIGIBILITY CRITERIA — SUNSET PROVISION. — 1.**

As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) "Board", the coordinating board for higher education;

(2) "Books", any books required for any course for which tuition was paid by a grant awarded under this section;

(3) "Eligible student", the natural, adopted, or stepchild of a qualifying military member, who is less than twenty-five years of age and who was a dependent of a qualifying military member at

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the time of death or injury or within five years subsequent to the injury, or the spouse of a qualifying military member which was the spouse of a veteran at the time of death or injury or within five years subsequent to the injury;

(4) "Grant", the veteran's survivors grant as established in this section;

(5) "Institution of postsecondary education", any approved Missouri public institution of postsecondary education, as defined in subdivision (3) of **subsection 1 of** section 173.1102;

(6) "Qualifying military member", any member of the military of the United States, whether active duty, reserve, or National Guard, who served in the military after September 11, 2001, during time of war and for whom the following criteria apply:

(a) A veteran was a Missouri resident when first entering the military service or at the time of death or injury;

(b) A veteran died or was injured as a result of combat action or a veteran's death or injury was certified by the Department of Veterans' Affairs medical authority to be attributable to an illness or accident that occurred while serving in combat, or became eighty percent disabled as a result of injuries or accidents sustained in combat action after September 11, 2001; and

(c) "Combat veteran", a Missouri resident who is discharged for active duty service having served since September 11, 2001, and received a DD214 in a geographic area entitled to receive combat pay tax exclusion exemption, hazardous duty pay, or imminent danger pay, or hostile fire pay;

(7) "Survivor", an eligible student of a qualifying military member;

(8) "Tuition", any tuition or incidental fee, or both, charged by an institution of postsecondary education for attendance at the institution by a student as a resident of this state. The tuition grant shall not exceed the amount of tuition charged a Missouri resident at the University of Missouri-Columbia for attendance.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall award annually up to twenty-five grants to survivors of qualifying military members to attend institutions of postsecondary education in this state, which shall continue to be awarded annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade point average of at least two and one-half on a four-point scale, or its equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota. If the quota is not expanded, then the eligibility of survivors on the waiting list shall be extended.

3. A survivor may receive a grant under this section only so long as the survivor is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a survivor receive a grant beyond the completion of the first baccalaureate degree, regardless of age.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section; and

(2) Provide the forms and determine the procedures necessary for a survivor to apply for and receive a grant under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. In order to be eligible to receive a grant under this section, a survivor shall be certified as eligible by the Missouri veterans' commission.

7. A survivor who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education, and who is selected to receive a grant under this section, shall receive the following:

(1) An amount not to exceed the actual tuition charged at the approved institution of postsecondary education where the survivor is enrolled or accepted for enrollment;

(2) An allowance of up to two thousand dollars per semester for room and board; and

(3) The actual cost of books, up to a maximum of five hundred dollars per semester.

8. A survivor who is a recipient of a grant may transfer from one approved public institution of postsecondary education to another without losing his or her entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the institution shall pay the portion of the refund to which he or she is entitled attributable to the grant for that semester or similar grading period to the board.

9. If a survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible survivor.

10. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

11. The benefits conferred by this section shall be available to any academically eligible student of a qualifying military member. Surviving children who are eligible shall be permitted to apply for full benefits conferred by this section until they reach twenty-five years of age.

12. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall be reauthorized as of June 13, 2016, and shall expire on August 28, 2020, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after June 13, 2016; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

**173.616. SCHOOLS AND COURSES THAT ARE EXEMPT FROM SECTIONS 173.600 TO 173.618.**

— 1. The following schools, training programs, and courses of instruction shall be exempt from the provisions of sections 173.600 to 173.618:

(1) A public institution;

(2) Any college or university represented directly or indirectly on the advisory committee of the coordinating board for higher education as provided in subsection 3 of section 173.005;

(3) An institution that is certified by the board as an "approved private institution" under subdivision (2) of **subsection 1** of section 173.1102;

(4) A not-for-profit religious school that is accredited by the American Association of Bible Colleges, the Association of Theological Schools in the United States and Canada, or a regional accrediting association, such as the North Central Association, which is recognized by the Council on Postsecondary Accreditation and the United States Department of Education; and

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

(5) Beginning July 1, 2008, all out-of-state public institutions of higher education, as such term is defined in subdivision (13) of subsection 2 of section 173.005.

2. The coordinating board shall exempt the following schools, training programs and courses of instruction from the provisions of sections 173.600 to 173.618:

(1) A not-for-profit school owned, controlled and operated by a bona fide religious or denominational organization which offers no programs or degrees and grants no degrees or certificates other than those specifically designated as theological, bible, divinity or other religious designation;

(2) A not-for-profit school owned, controlled and operated by a bona fide eleemosynary organization which provides instruction with no financial charge to its students and at which no part of the instructional cost is defrayed by or through programs of governmental student financial aid, including grants and loans, provided directly to or for individual students;

(3) A school which offers instruction only in subject areas which are primarily for avocational or recreational purposes as distinct from courses to teach employable, marketable knowledge or skills, which does not advertise occupational objectives and which does not grant degrees;

(4) A course of instruction, study or training program sponsored by an employer for the training and preparation of its own employees;

(5) A course of study or instruction conducted by a trade, business or professional organization with a closed membership where participation in the course is limited to bona fide members of the trade, business or professional organization, or a course of instruction for persons in preparation for an examination given by a state board or commission where the state board or commission approves that course and school;

(6) A school or person whose clientele are primarily students aged sixteen or under;

(7) A yoga teacher training course, program, or school.

3. A school which is otherwise licensed and approved under and pursuant to any other licensing law of this state shall be exempt from sections 173.600 to 173.618, but a state certificate of incorporation shall not constitute licensing for the purpose of sections 173.600 to 173.618.

4. Any school, training program or course of instruction exempted herein may elect by majority action of its governing body or by action of its director to apply for approval of the school, training program or course of instruction under the provisions of sections 173.600 to 173.618. Upon application to and approval by the coordinating board, such school training program or course of instruction may become exempt from the provisions of sections 173.600 to 173.618 at any subsequent time, except the board shall not approve an application for exemption if the approved school is then in any status of noncompliance with certification standards and a reversion to exempt status shall not relieve the school of any liability for indemnification or any penalty for noncompliance with certification standards during the period of the school's approved status.

**173.1101. CITATION OF LAW — REFERENCES TO PROGRAM.** — The financial assistance program established under sections 173.1101 to 173.1107 shall be hereafter known as the "Access Missouri Financial Assistance Program". The coordinating board and all approved private [and], public, **and virtual** institutions in this state shall refer to the financial assistance program established under sections 173.1101 to 173.1107 as the access Missouri student financial assistance program in their scholarship literature, provided that no institution shall be required to revise or amend any such literature to comply with this section prior to the date such literature would otherwise be revised, amended, reprinted or replaced in the ordinary course of such institution's business.

**173.1102. DEFINITIONS.** — 1. As used in sections 173.1101 to 173.1107, unless the context requires otherwise, the following terms mean:

(1) "Academic year", the period from July first of any year through June thirtieth of the following year;

(2) "Approved private institution", a nonprofit institution, dedicated to educational purposes, located in Missouri which:

(a) Is operated privately under the control of an independent board and not directly controlled or administered by any public agency or political subdivision;

(b) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a certificate or degree;

(c) Meets the standards for accreditation as determined by either the Higher Learning Commission or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to nondegree-granting institutions as established by the coordinating board for higher education;

(d) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto. Sex discrimination as used herein shall not apply to admission practices of institutions offering the enrollment limited to one sex;

(e) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;

(3) "Approved public institution", an educational institution located in Missouri which:

(a) Is directly controlled or administered by a public agency or political subdivision;

(b) Receives appropriations directly or indirectly from the general assembly for operating expenses;

(c) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;

(d) Meets the standards for accreditation as determined by either the Higher Learning Commission, or if a public community college created under the provisions of sections 178.370 to 178.400 meets the standards established by the coordinating board for higher education for such public community colleges, or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to the institution as established by the coordinating board for higher education;

(e) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto;

(f) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;

(4) **"Approved virtual institution", an educational institution that meets all of the following requirements:**

**(a) Is recognized as a qualifying institution by gubernatorial executive order, unless such order is rescinded;**

**(b) Is recognized as a qualifying institution through a memorandum of understanding between the state of Missouri and the approved virtual institution;**

**(c) Is accredited by a regional accrediting agency recognized by the United States Department of Education;**

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(d) **Has established and continuously maintains a physical campus or location of operation within the state of Missouri;**

(e) **Maintains at least twenty-five full-time Missouri employees, at least one-half of which shall be faculty or administrators engaged in operations;**

(f) **Enrolls at least one thousand Missouri residents as degree or certificate seeking students;**

(g) **Maintains a governing body or advisory board based in Missouri with oversight of Missouri operations;**

(h) **Is organized as a nonprofit institution; and**

(i) **Utilizes an exclusively competency-based education model;**

(5) "Coordinating board", the coordinating board for higher education;

[(5)] (6) "Expected family contribution", the amount of money a student and family should pay toward the cost of postsecondary education as calculated by the United States Department of Education and reported on the student aid report or the institutional student information record;

[(6)] (7) "Financial assistance", an amount of money paid by the state of Missouri to a qualified applicant under sections 173.1101 to 173.1107;

[(7)] (8) "Full-time student", an individual who is enrolled in and is carrying a sufficient number of credit hours or their equivalent at an approved private [or], public, **or virtual** institution to secure the degree or certificate toward which he or she is working in no more than the number of semesters or their equivalent normally required by that institution in the program in which the individual is enrolled. This definition shall be construed as the successor to subdivision (7) of section 173.205 for purposes of eligibility requirements of other financial assistance programs that refer to section 173.205.

**2. The failure of an approved virtual institution to continuously maintain all of the requirements in paragraphs (a) to (i) of subdivision (4) of subsection 1 of this section shall preclude such institution's students or applicants from being eligible for assistance under sections 173.1104 and 173.1105.**

**173.1104. ELIGIBILITY CRITERIA FOR ASSISTANCE — DISQUALIFICATION, WHEN — ALLOCATION OF ASSISTANCE.** — 1. An applicant shall be eligible for initial or renewed financial assistance only if, at the time of application and throughout the period during which the applicant is receiving such assistance, the applicant:

(1) Is a citizen or a permanent resident of the United States;

(2) Is a resident of the state of Missouri, as determined by reference to standards promulgated by the coordinating board;

(3) Is enrolled, or has been accepted for enrollment, as a full-time undergraduate student in an approved private [or], public, **or virtual** institution; and

(4) Is not enrolled or does not intend to use the award to enroll in a course of study leading to a degree in theology or divinity.

2. If an applicant is found guilty of or pleads guilty to any criminal offense during the period of time in which the applicant is receiving financial assistance, such applicant shall not be eligible for renewal of such assistance, provided such offense would disqualify the applicant from receiving federal student aid under Title IV of the Higher Education Act of 1965, as amended.

3. Financial assistance shall be allotted for one academic year, but a recipient shall be eligible for renewed assistance until he or she has obtained a baccalaureate degree, provided such financial assistance shall not exceed a total of ten semesters or fifteen quarters or their equivalent. Standards of eligibility for renewed assistance shall be the same as for an initial award of financial assistance,

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except that for renewal, an applicant shall demonstrate a grade-point average of two and five-tenths on a four-point scale, or the equivalent on another scale. This subsection shall be construed as the successor to section 173.215 for purposes of eligibility requirements of other financial assistance programs that refer to section 173.215.

**173.1105. AWARD AMOUNTS, MINIMUMS AND MAXIMUMS — ADJUSTMENT IN AWARDS, WHEN.** — 1. An applicant who is an undergraduate postsecondary student at an approved private [or], public, **or virtual** institution and who meets the other eligibility criteria shall be eligible for financial assistance, with a minimum and maximum award amount as follows:

(1) For academic years 2010-11, 2011-12, 2012-13, and 2013-14:

(a) One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector;

(b) Two thousand one hundred fifty dollars maximum and one thousand dollars minimum for students attending institutions classified as part of the public four-year sector, including State Technical College of Missouri; and

(c) Four thousand six hundred dollars maximum and two thousand dollars minimum for students attending approved private institutions;

(2) For the 2014-15 academic year and subsequent years:

(a) One thousand three hundred dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector; and

(b) Two thousand eight hundred fifty dollars maximum and one thousand five hundred dollars minimum for students attending institutions classified as part of the public four-year sector, including State Technical College of Missouri, [or] approved private institutions, **or approved virtual institutions.**

2. All students with an expected family contribution of twelve thousand dollars or less shall receive at least the minimum award amount for his or her institution. Maximum award amounts for an eligible student with an expected family contribution above seven thousand dollars shall be reduced by ten percent of the maximum expected family contribution for his or her increment group. Any award amount shall be reduced by the amount of a student's payment from the A+ schools program or any successor program to it. For purposes of this subsection, the term "increment group" shall mean a group organized by expected family contribution in five hundred dollar increments into which all eligible students shall be placed.

3. If appropriated funds are insufficient to fund the program as described, the maximum award shall be reduced across all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used to increase the number of recipients by raising the cutoff for the expected family contribution rather than by increasing the size of the award.

4. Every three years, beginning with academic year 2009-10, the award amount may be adjusted to increase no more than the Consumer Price Index for All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, for the previous academic year. The coordinating board shall prepare a report prior to the legislative session for use of the general assembly and the governor in determining budget requests which shall include the amount of funds necessary to maintain full funding of the program based on the baseline established for the program upon the effective date of sections 173.1101 to 173.1107. Any increase in the award amount shall not become effective unless an increase in the amount of money appropriated to the program necessary to cover the increase in award amount is passed by the general assembly.

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**173.1107. TRANSFER OF RECIPIENT, EFFECT OF.** — A recipient of financial assistance may transfer from one approved public [or], private, or **virtual** institution to another without losing eligibility for assistance under sections 173.1101 to 173.1107, but the coordinating board shall make any necessary adjustments in the amount of the award. If a recipient of financial assistance at any time is entitled to a refund of any tuition, fees, or other charges under the rules and regulations of the institution in which he or she is enrolled, the institution shall pay the portion of the refund which may be attributed to the state grant to the coordinating board. The coordinating board will use these refunds to make additional awards under the provisions of sections 173.1101 to 173.1107.

**173.1150. STUDENT RESIDENT STATUS FOR SEPARATING MILITARY PERSONNEL, ELIGIBILITY — RULEMAKING AUTHORITY.** — 1. Notwithstanding any provision of law to the contrary, any individual who is in the process of separating from any branch of the military forces of the United States with an honorable discharge or a general discharge shall have student resident status for purposes of admission and in-state tuition at any approved public four-year institution in Missouri or in-state, in-district tuition at any approved two-year institution in Missouri.

2. To be eligible for student resident status under this section, any such individual shall demonstrate presence and declare residency within the state of Missouri. For purposes of attending a community college, an individual shall demonstrate presence and declare residency within the taxing district of the community college he or she attends.

3. The coordinating board for higher education shall promulgate rules to implement this section.

4. For purposes of this section, "approved public institution" shall have the same meaning as provided in subdivision (3) of **subsection 1** of section 173.1102.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

**173.1153. IN-STATE TUITION — MISSOURI NATIONAL GUARD MEMBERS AND U.S. ARMED FORCES RESERVISTS DEEMED DOMICILED IN THIS STATE — EFFECT OF — RULEMAKING AUTHORITY.** — 1. Notwithstanding any provision of law to the contrary, any individual who is currently serving in the Missouri National Guard or in a reserve component of the Armed Forces of the United States shall be deemed to be domiciled in this state for purposes of eligibility for in-state tuition at any approved public institution in Missouri.

2. To be eligible for in-state tuition under this section, any such individual shall demonstrate presence within the state of Missouri. For purposes of attending a community college, an individual shall demonstrate presence within the taxing district of the community college he or she attends.

3. If any such individual is eligible to receive financial assistance under any other federal or state student aid program, public or private, the full amount of such aid shall be reported to the coordinating board for higher education by the institution and the individual. The tuition limitation under this section shall be provided after all other federal and state aid for which the individual is

eligible has been applied, and no individual shall receive more than the actual cost of attendance when the limitation is combined with other aid made available to such individual.

4. The coordinating board for higher education shall promulgate rules to implement this section.

5. For purposes of this section, "approved public institution" shall have the same meaning as provided in subdivision (3) of **subsection 1** of section 173.1102.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

Approved June 1, 2018

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CCS HCS SS SB 608

**Enacts provisions relating to civil liability due to criminal conduct.**

AN ACT to repeal section 537.349, RSMo, and to enact in lieu thereof three new sections relating to civil liability due to criminal conduct.

SECTION

- A. Enacting clause.
- 537.349 Liability of landowner to trespasser, immunity where trespasser under influence of drugs or alcohol — limitations.
- 537.785 Citation of law — definitions.
- 537.787 Criminal or harmful acts, no duty of business to guard against, when — duty, affirmative defenses.

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

**SECTION A. ENACTING CLAUSE.** — Section 537.349, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 537.349, 537.785, and 537.787, to read as follows:

**537.349. LIABILITY OF LANDOWNER TO TRESPASSER, IMMUNITY WHERE TRESPASSER UNDER INFLUENCE OF DRUGS OR ALCOHOL — LIMITATIONS.** — A person or legal entity owning or controlling an interest in real property, or an agent of such person or entity, shall not incur any liability for the death of or injury to a trespasser upon the property resulting from or arising by reason of the trespasser's commission of the offense of trespass if the normal faculties of such trespasser are substantially impaired by alcohol or the illegal influence of a controlled substance as defined in section 195.010. The person or entity owning or controlling an interest in such real property shall not be immune from liability if [negligence or] willful and wanton misconduct on the part of such person or entity or agent thereof is the proximate cause of the death of or injury to the trespasser.

**537.785. CITATION OF LAW — DEFINITIONS. — 1.** Sections 537.785 and 537.787 may be referred to and cited as the "Business Premises Safety Act".

2. As used in sections 537.785 and 537.787, the following terms mean:

(1) "Business", any commercial or agricultural enterprise including, but not limited to, sales, services, manufacturing, food service, entertainment, property management or leasing company, or any other entity, whether for profit or not for profit, which owns, operates, or leases property that is open to the public, whether for charge or free of charge, and includes all employees and agents thereof. The term "business" shall not include commercial residential or lodging operations;

(2) "Criminal act", those offenses specified under chapters 565 to 571;

(3) "Harmful act", an intentional or reckless offensive bodily contact with another person that has resulted in injury;

(4) "Injury", any personal injury including, but not limited to, physical injury, sickness, disease, or death and all damages resulting therefrom including, but not limited to, medical expenses, wage loss, and loss of services;

(5) "Person", any individual who is lawfully on the premises, without regard to the person's status as an invitee or licensee. The term "person" shall not include employees or agents of the business;

(6) "Premises", real property in the possession of and under the control of a business;

(7) "Reasonable security measures", those precautions that a reasonable business owner in such industry would implement in a particular area of the premises to guard against criminal acts or harmful acts based on the condition of the premises and the cost of implementing such precautions.

**537.787. CRIMINAL OR HARMFUL ACTS, NO DUTY OF BUSINESS TO GUARD AGAINST, WHEN — DUTY, AFFIRMATIVE DEFENSES. — 1.** There is no duty upon a business to guard against criminal acts or harmful acts on the premises unless the business knows or has reason to know that such acts are being committed or are reasonably likely to be committed in a particular area of the premises and sufficient time exists to prevent such crime or injury. In the absence of such a duty, no civil action for damages shall lie against a business for injuries sustained by a person in connection with criminal acts or harmful acts committed by another person on the premises.

2. If a duty is found to exist under subsection 1 of this section, the following affirmative defenses shall apply in any civil action for damages against a business for injuries sustained by a person in connection with criminal acts or harmful acts committed by another person on the premises:

(1) The business has implemented reasonable security measures;

(2) The claimant was on the premises and was:

(a) A trespasser;

(b) Attempting to commit a felony; or

(c) Engaged in the commission of a felony;

(3) The criminal acts or harmful acts occurred while the business was closed to the public.

3. Evidence of subsequent action taken by the business to provide protection to persons on the premises shall not be admissible in evidence to show negligence or to establish the feasibility of any security measures.

**4. Nothing in this section shall be construed to create or increase the liability of a business and does not affect any immunities from or defenses to liability established under state law or available under common law to which a business may be entitled.**

Approved July 5, 2018

HCS SCS SB 623

**Enacts provisions relating to foreclosure proceeds.**

AN ACT to repeal section 140.230, RSMo, and to enact in lieu thereof one new section relating to foreclosure proceeds.

SECTION

- A. Enacting clause.  
140.230 Foreclosure sale surplus — deposited in treasury — escheats, when — proof of claims.

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

**SECTION A. ENACTING CLAUSE.** — Section 140.230, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 140.230, to read as follows:

**140.230. FORECLOSURE SALE SURPLUS — DEPOSITED IN TREASURY — ESCHEATS, WHEN — PROOF OF CLAIMS.** — 1. When real estate has been sold for taxes or other debt by the sheriff or collector of any county within the state of Missouri, and the same sells for a greater amount than the debt or taxes and all costs in the case it shall be the duty of the sheriff or collector of the county, when such sale has been or may hereafter be made, to make a written statement describing each parcel or tract of land sold by him for a greater amount than the debt or taxes and all costs in the case together with the amount of surplus money in each case. The statement shall be subscribed and sworn to by the sheriff or collector making it before some officer competent to administer oaths within this state, and then presented to the county commission of the county where the sale has been or may be made; and on the approval of the statement by the commission, the sheriff or collector making the same shall pay the surplus money into the county treasury, take the receipt in duplicate of the treasurer for the surplus of money and retain one of the duplicate receipts [himself] and file the other with the county commission, and thereupon the commission shall charge the treasurer with the amount.

2. The treasurer shall place such moneys in the county treasury to be held for the use and benefit of the person entitled to such moneys or to the credit of the school fund of the county, to be held in trust for the **lesser of a term of three years or ninety days following the expiration of the redemption period for the lienholders of record or for the publicly recorded owner or owners of the property sold at the time of the delinquent land tax auction or their legal representatives. The surplus shall be first distributed to the former lienholders of record, by priority of the former liens, if any, then to the former owner or owners of the property. Lien priority shall be set as of the date of the tax sale. No surplus funds shall be distributed to any party claiming entitlement to such funds, other than as part of the redemption process, until ninety days have passed after the period of redemption has expired.** At the end of three years, if [such fund shall not be] **any funds have not been distributed or** called for as part of a

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redemption or collector's deed issuance, then [it] **such funds** shall become a permanent school fund of the county.

3. County commissions shall compel owners, **lienholders of record**, or agents to make satisfactory proof of their claims before receiving their money; provided, that no county shall pay interest to the claimant of any such fund. **Any such claim shall be filed with the county commission within ninety days after the expiration of the redemption period, be made in writing, and include reference to the lien of record upon which the claim is made. The reference shall include the county recorder's recording reference information such as book and page number, document number, or other reference information if the lien is not referenced either by book or page number or document number. Should more than one party make claim to any surplus funds and those parties are unable to reach an agreement satisfactory to the county commission, the county commission shall petition the circuit court within the county where the county commission sits for interpleader. The county commission shall only be required to name as defendants those parties who have made claim to the funds. Upon judgment sustaining the petition for interpleader and the subsequent tender of the surplus funds to the court registry, the county commission so tendering such funds shall be entitled to seek discharge from the case.**

Approved June 1, 2018

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SS SCS SB 627 & 925

**Enacts provisions relating to agriculture.**

AN ACT to repeal sections 137.016, 137.021, 137.115, 144.010, 254.075, 254.150, 254.160, 254.170, 254.180, 254.210, 262.900, 265.300, 265.490, 265.494, 267.565, 276.606, 277.020, and 414.032, RSMo, and to enact in lieu thereof fifteen new sections relating to agriculture.

**SECTION**

- A. Enacting clause.
- 137.016 Real property, subclasses of, defined — political subdivision may adjust operating levy to recoup revenue, when — reclassification to apply, when — placement of certain property within proper subclass, factors considered.
- 137.021 Grading of land for valuation, agricultural and horticultural land, factors to be considered — split-off, effect of.
- 137.115 Real and personal property, assessment — classes of property, assessment — physical inspection required, when, procedure — opt-out provision — mine property assessment.
- 144.010 Definitions.
- 254.075 State-owned lands, exemptions for.
- 254.210 Owner to reimburse state upon cancellation of classification — penalty.
- 262.900 Definitions — application, requirements — board established, members, duties — public hearing — ordinance — property exempt from taxation — sales tax revenues, deposit of — fund created — rulemaking authority.
- 265.300 Definitions.
- 265.490 Definitions.
- 265.494 Prohibited practices, required disclosures.
- 266.600 Seeds and fertilizers, no ordinance or regulation on labeling, cultivation, or other use — exception for rice seed.
- 267.565 Definitions.

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- 276.606 Definitions.  
277.020 Definitions.  
414.032 Requirements, standards, certain fuels — director may inspect fuels, purpose — waiver, when.  
254.150 Yield tax on cuttings — exceptions.  
254.160 Collection of yield tax from cuttings — methods.  
254.170 Yield tax, when — value, how determined — rate of tax.  
254.180 Yield tax and reimbursements to be deposited in conservation commission fund.

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

**SECTION A. ENACTING CLAUSE.** — Sections 137.016, 137.021, 137.115, 144.010, 254.075, 254.150, 254.160, 254.170, 254.180, 254.210, 262.900, 265.300, 265.490, 265.494, 267.565, 276.606, 277.020, and 414.032, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 137.016, 137.021, 137.115, 144.010, 254.075, 254.210, 262.900, 265.300, 265.490, 265.494, 266.600, 267.565, 276.606, 277.020, and 414.032, to read as follows:

**137.016. REAL PROPERTY, SUBCLASSES OF, DEFINED — POLITICAL SUBDIVISION MAY ADJUST OPERATING LEVY TO RECOUP REVENUE, WHEN — RECLASSIFICATION TO APPLY, WHEN — PLACEMENT OF CERTAIN PROPERTY WITHIN PROPER SUBCLASS, FACTORS CONSIDERED.** — 1. As used in Section 4(b) of Article X of the Missouri Constitution, the following terms mean:

(1) "Residential property", all real property improved by a structure which is used or intended to be used for residential living by human occupants, vacant land in connection with an airport, land used as a golf course, manufactured home parks, bed and breakfast inns in which the owner resides and uses as a primary residence with six or fewer rooms for rent, and time-share units as defined in section 407.600, except to the extent such units are actually rented and subject to sales tax under subdivision (6) of subsection 1 of section 144.020, but residential property shall not include other similar facilities used primarily for transient housing. For the purposes of this section, "transient housing" means all rooms available for rent or lease for which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to subdivision (6) of subsection 1 of section 144.020;

(2) "Agricultural and horticultural property", all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and management of livestock which shall include breeding, showing, and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily associated with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also include land devoted to and qualifying for payments or other compensation under a soil conservation or agricultural assistance program under an agreement with an agency of the federal government. Agricultural and horticultural property shall further include land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the National Plan of Integrated Airports System, to receive federal airport improvement project funds through the Federal Aviation Administration. Real property classified as forest croplands shall not be agricultural or horticultural property so long as it is classified as forest croplands and shall be taxed in accordance with the laws enacted to implement Section 7 of Article X of the Missouri Constitution. Agricultural and horticultural property shall also include any sawmill or planing mill defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421. **Agricultural and horticultural property shall also include urban and community gardens. For the purposes of this section, "urban and**

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**community gardens" shall include real property cultivated by residents of a neighborhood or community for the purposes of providing agricultural products, as defined in section 262.900, for the use of residents of the neighborhood or community, and shall not include a garden intended for individual or personal use;**

(3) "Utility, industrial, commercial, railroad and other real property", all real property used directly or indirectly for any commercial, mining, industrial, manufacturing, trade, professional, business, or similar purpose, including all property centrally assessed by the state tax commission but shall not include floating docks, portions of which are separately owned and the remainder of which is designated for common ownership and in which no one person or business entity owns more than five individual units. All other real property not included in the property listed in subclasses (1) and (2) of Section 4(b) of Article X of the Missouri Constitution, as such property is defined in this section, shall be deemed to be included in the term "utility, industrial, commercial, railroad and other real property".

2. Pursuant to Article X of the state constitution, any taxing district may adjust its operating levy to recoup any loss of property tax revenue, except revenues from the surtax imposed pursuant to Article X, Subsection 2 of Section 6 of the constitution, as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units if such adjustment of the levy does not exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this section, loss in revenue shall include the difference between the revenue that would have been collected on such property under its classification prior to enactment of this section and the amount to be collected under its classification under this section. The county assessor of each county or city not within a county shall provide information to each taxing district within its boundaries regarding the difference in assessed valuation of such property as the result of such change in classification.

3. All reclassification of property as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units shall apply to assessments made after December 31, 1994.

4. Where real property is used or held for use for more than one purpose and such uses result in different classifications, the county assessor shall allocate to each classification the percentage of the true value in money of the property devoted to each use; except that, where agricultural and horticultural property, as defined in this section, also contains a dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately surrounding such farm dwelling shall be residential property, as defined in this section, **provided that the portion of property used or held for use as an urban and community garden shall not be residential property.**

5. All real property which is vacant, unused, or held for future use; which is used for a private club, a not-for-profit or other nonexempt lodge, club, business, trade, service organization, or similar entity; or for which a determination as to its classification cannot be made under the definitions set out in subsection 1 of this section, shall be classified according to its immediate most suitable economic use, which use shall be determined after consideration of:

- (1) Immediate prior use, if any, of such property;
- (2) Location of such property;
- (3) Zoning classification of such property; except that, such zoning classification shall not be considered conclusive if, upon consideration of all factors, it is determined that such zoning classification does not reflect the immediate most suitable economic use of the property;
- (4) Other legal restrictions on the use of such property;

(5) Availability of water, electricity, gas, sewers, street lighting, and other public services for such property;

(6) Size of such property;

(7) Access of such property to public thoroughfares; and

(8) Any other factors relevant to a determination of the immediate most suitable economic use of such property.

6. All lands classified as forest croplands shall not, for taxation purposes, be classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in Section 4(b) of Article X of the Missouri Constitution and defined in this section, but shall be taxed in accordance with the laws enacted to implement Section 7 of Article X of the Missouri Constitution.

**137.021. GRADING OF LAND FOR VALUATION, AGRICULTURAL AND HORTICULTURAL LAND, FACTORS TO BE CONSIDERED — SPLIT-OFF, EFFECT OF.** — 1. The assessor, in grading land which is devoted primarily to the raising and harvesting of crops, to the feeding, breeding and management of livestock, to dairying, or to any combination thereof, as defined in section 137.016, pursuant to the provisions of sections 137.017 to 137.021, shall in addition to the assessor's personal knowledge, judgment and experience, consider soil surveys, decreases in land valuation due to natural disasters, level of flood protection, governmental regulations limiting the use of such land, the estate held in such land, and other relevant information. On or before December thirty-first of each odd-numbered year, the state tax commission shall promulgate by regulation and publish a value based on productive capability for each of the several grades of agricultural and horticultural land. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the next odd-numbered year. Such values shall be based upon soil surveys, soil productivity indexes, production costs, crop yields, appropriate capitalization rates and any other pertinent factors, all of which may be provided by the college of agriculture of the University of Missouri, and shall be used by all county assessors in conjunction with their land grades in determining assessed values. Any regulation promulgated pursuant to this subsection shall be deemed to be beyond the scope and authority provided in this subsection if the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, shall disapprove the values contained in such regulation. If the general assembly so disapproves any regulation promulgated pursuant to this subsection, the state tax commission shall continue to use values set forth in the most recent preceding regulation promulgated pursuant to this subsection.

**2. Any land which is used as an urban or community garden, as defined in section 137.016, shall be graded as grade #4, or its equivalent, under the rule promulgated by the state tax commission under subsection 1 of this section.**

**3.** When land that is agricultural and horticultural property, as defined in section 137.016, and is being valued and assessed for general property tax purposes pursuant to the provisions of sections 137.017 to 137.021 becomes property other than agricultural and horticultural property, as defined in section 137.016, it shall be reassessed as of the following January first.

[3.] **4.** Separation or split-off of a part of the land which is being valued and assessed for general property tax purposes pursuant to the provisions of sections 137.017 to 137.021, either by conveyance or other action of the owner of the land, so that such land is no longer agricultural and horticultural property, as defined in section 137.016, shall subject the land so separated to reassessment as of the following January first. This shall not impair the right of the remaining land to continuance of valuation and assessment for general property tax purposes pursuant to the provisions of sections 137.017 to 137.021.

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**137.115. REAL AND PERSONAL PROPERTY, ASSESSMENT — CLASSES OF PROPERTY, ASSESSMENT — PHYSICAL INSPECTION REQUIRED, WHEN, PROCEDURE — OPT-OUT PROVISION — MINE PROPERTY ASSESSMENT.** — 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a

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presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (5) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

[(1)] (a) For real property in subclass (1), nineteen percent;

[(2)] (b) For real property in subclass (2), twelve percent; and

[(3)] (c) For real property in subclass (3), thirty-two percent.

**(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.**

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of

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this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

17. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or readily available as

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a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444.

**144.010. DEFINITIONS.** — 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. A person is "engaging in business" in this state for purposes of sections 144.010 to 144.525 if such person engages in business [in] **activities within** this state or maintains a place of business in this state under section 144.605. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

(3) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(4) "Gross receipts", except as provided in section 144.012, means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term gross receipts shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid. The term "gross receipts" shall not include usual and customary delivery charges that are stated separately from the sale price;

(5) "Instructional class", includes any class, lesson, or instruction intended or used for teaching;

(6) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as [defined] **described** in section 277.024, llamas, alpaca, buffalo,

**bison**, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, **honey bees**, or rabbits raised in confinement for human consumption;

(7) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

(8) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(9) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state;

(10) "Purchaser" means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

(11) "Research or experimentation activities" are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

(12) "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

(13) "Sale at retail" means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term sale at retail shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events, except amounts paid for any instructional class;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

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(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(14) "Seller" means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed pursuant to section 144.020;

(15) The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require; and

(16) "Telecommunications service", for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term manufactured homes shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

**254.075. STATE-OWNED LANDS, EXEMPTIONS FOR.** — State-owned lands, used by the commission and classified as forest cropland will not be subject to any ad valorem tax[, or to any yield tax on timber cut on such lands,] nor subject to any penalties if removed from the forest cropland classification.

**254.210. OWNER TO REIMBURSE STATE UPON CANCELLATION OF CLASSIFICATION — PENALTY.** — When a classification shall have been cancelled for cause, the owner of such lands shall make reimbursement to the commission in a manner as the director of revenue shall prescribe for the grant which was paid by the commission to the county in lieu of taxes on this land while so

classified as forest cropland, plus a penalty equivalent to ten percent interest thereon. [Such reimbursement shall be in addition to any yield tax which may have been paid or may be collected.]

**262.900. DEFINITIONS — APPLICATION, REQUIREMENTS — BOARD ESTABLISHED, MEMBERS, DUTIES — PUBLIC HEARING — ORDINANCE — PROPERTY EXEMPT FROM TAXATION — SALES TAX REVENUES, DEPOSIT OF — FUND CREATED — RULEMAKING AUTHORITY.** — 1. As used in this section, the following terms mean:

(1) "Agricultural products", an agricultural, horticultural, viticultural, or vegetable product, growing of grapes that will be processed into wine, bees, honey, fish or other aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or a poultry product, either in its natural or processed state, that has been produced, processed, or otherwise had value added to it in this state;

(2) "Blighted area", that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate, or outmoded design or physical deterioration have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes;

(3) "Department", the department of agriculture;

(4) "Domesticated animal", cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, llamas, alpaca, buffalo, **bison**, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(5) "Grower UAZ", a type of UAZ:

(a) That can either grow produce, raise livestock, or produce other value-added agricultural products;

(b) That does not exceed fifty laying hens, six hundred fifty broiler chickens, or thirty domesticated animals;

(6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, aquatic products as [defined] **described** in section 277.024, llamas, alpaca, buffalo, **bison**, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(7) "Locally grown", a product that was grown or raised in the same county or city not within a county in which the UAZ is located or in an adjoining county or city not within a county. For a product raised or sold in a city not within a county, locally grown also includes an adjoining county with a charter form of government with more than nine hundred fifty thousand inhabitants and those adjoining said county;

(8) "Meat", any edible portion of livestock or poultry carcass or part thereof;

(9) "Meat product", anything containing meat intended for or capable of use for human consumption, which is derived, in whole or in part, from livestock or poultry;

(10) "Mobile unit", the same as motor vehicle as defined in section 301.010;

(11) "Poultry", any domesticated bird intended for human consumption;

(12) "Processing UAZ", a type of UAZ:

(a) That processes livestock, poultry, or produce for human consumption;

(b) That meets federal and state processing laws and standards;

(c) Is a qualifying small business approved by the department;

(13) "Qualifying small business", those enterprises which are established within an Urban Agricultural Zone subsequent to its creation, and which meet the definition established for the

Small Business Administration and set forth in Section 121.201 of Part 121 of Title 13 of the Code of Federal Regulations;

(14) "Value-added agricultural products", any product or products that are the result of:

(a) Using an agricultural product grown in this state to produce a meat or dairy product in this state;

(b) A change in the physical state or form of the original agricultural product;

(c) An agricultural product grown in this state which has had its value enhanced by special production methods such as organically grown products; or

(d) A physical segregation of a commodity or agricultural product grown in this state that enhances its value such as identity preserved marketing systems;

(15) "Urban agricultural zone" or "UAZ", a zone within a metropolitan statistical area as defined by the United States Office of Budget and Management that has one or more of the following entities that is a qualifying small business and approved by the department, as follows:

(a) Any organization or person who grows produce or other agricultural products;

(b) Any organization or person that raises livestock or poultry;

(c) Any organization or person who processes livestock or poultry;

(d) Any organization that sells at a minimum seventy-five percent locally grown food;

(16) "Vending UAZ", a type of UAZ:

(a) That sells produce, meat, or value-added locally grown agricultural goods;

(b) That is able to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program as a form of payment; and

(c) Is a qualifying small business that is approved by the department for an UAZ vendor license.

2. (1) A person or organization shall submit to any incorporated municipality an application to develop an UAZ on a blighted area of land. Such application shall demonstrate or identify on the application:

(a) If the person or organization is a grower UAZ, processing UAZ, vending UAZ, or a combination of all three types of UAZs provided in this paragraph, in which case the person or organization shall meet the requirements of each type of UAZ in order to qualify;

(b) The number of jobs to be created;

(c) The types of products to be produced; and

(d) If applying for a vending UAZ, the ability to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program if selling products to consumers.

(2) A municipality shall review and modify the application as necessary before either approving or denying the request to establish an UAZ.

(3) Approval of the UAZ by such municipality shall be reviewed five and ten years after the development of the UAZ. After twenty-five years, the UAZ shall dissolve.

If the municipality finds during its review that the UAZ is not meeting the requirements set out in this section, the municipality may dissolve the UAZ.

3. The governing body of any municipality planning to seek designation of an urban agricultural zone shall establish an urban agricultural zone board. The number of members on the board shall be seven. One member of the board shall be appointed by the school district or districts located within the area proposed for designation of an urban agricultural zone. Two members of the board shall be appointed by other affected taxing districts. The remaining four members shall be chosen by the chief elected officer of the municipality. The four members chosen by the chief elected officer of the municipality shall all be residents of the county or city not within a county in which the UAZ is to be located, and at least one of such four members shall have experience in or

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Matter in bold-face type is proposed language.

represent organizations associated with sustainable agriculture, urban farming, community gardening, or any of the activities or products authorized by this section for UAZs.

4. The school district member and the two affected taxing district members shall each have initial terms of five years. Of the four members appointed by the chief elected official, two shall have initial terms of four years, and two shall have initial terms of three years. Thereafter, members shall serve terms of five years. Each member shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

5. A majority of the members shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the board and for all other purposes. Action may be taken by the board upon a vote of a majority of the members present.

6. The members of the board annually shall elect a chair from among the members.

7. The role of the board shall be to conduct the activities necessary to advise the governing body on the designation of an urban agricultural zone and any other advisory duties as determined by the governing body. The role of the board after the designation of an urban agricultural zone shall be review and assessment of zone activities.

8. Prior to the adoption of an ordinance proposing the designation of an urban agricultural zone, the urban agricultural board shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed urban agricultural zone. The board shall send, by certified mail, a notice of such hearing to all taxing districts and political subdivisions in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the designation at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing. At the public hearing any interested person or affected taxing district may file with the board written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The board shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing.

9. Following the conclusion of the public hearing required under subsection 8 of this section, the governing authority of the municipality may adopt an ordinance designating an urban agricultural zone.

10. The real property of the UAZ shall not be subject to assessment or payment of ad valorem taxes on real property imposed by the cities affected by this section, or by the state or any political subdivision thereof, for a period of up to twenty-five years as specified by ordinance under subsection 9 of this section, except to such extent and in such amount as may be imposed upon such real property during such period, as was determined by the assessor of the county in which such real property is located, or, if not located within a county, then by the assessor of such city, in an amount not greater than the amount of taxes due and payable thereon during the calendar year preceding the calendar year during which the urban agricultural zone was designated. The amounts of such tax assessments shall not be increased during such period so long as the real property is used in furtherance of the activities provided under the provisions of subdivision (15) of subsection 1 of this section. At the conclusion of the period of abatement provided by the ordinance, the property shall then be reassessed. If only a portion of real property is used as an UAZ, then only that portion of real property shall be exempt from assessment or payment of ad valorem taxes on such property, as provided by this section.

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11. If the water services for the UAZ are provided by the municipality, the municipality may authorize a grower UAZ to pay wholesale water rates for the cost of water consumed on the UAZ. If available, the UAZ may pay fifty percent of the standard cost to hook onto the water source.

12. (1) Any local sales tax revenues received from the sale of agricultural products sold in the UAZ, or any local sales tax revenues received by a mobile unit associated with a vending UAZ selling agricultural products in the municipality in which the vending UAZ is located, shall be deposited in the urban agricultural zone fund established in subdivision (2) of this subsection. An amount equal to one percent shall be retained by the director of revenue for deposit in the general revenue fund to offset the costs of collection.

(2) There is hereby created in the state treasury the "Urban Agricultural Zone Fund", which shall consist of money collected under subdivision (1) of this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, shall be used for the purposes authorized by this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Fifty percent of fund moneys shall be made available to school districts. The remaining fifty percent of fund moneys shall be allocated to municipalities that have urban agricultural zones based upon the municipality's percentage of local sales tax revenues deposited into the fund. The municipalities shall, upon appropriation, provide fund moneys to urban agricultural zones within the municipality for improvements. School districts may apply to the department for money in the fund to be used for the development of curriculum on or the implementation of urban farming practices under the guidance of the University of Missouri extension service and a certified vocational agricultural instructor. The funds are to be distributed on a competitive basis within the school district or districts in which the UAZ is located pursuant to rules to be promulgated by the department, with special consideration given to the relative number of students eligible for free and reduced-price lunches attending the schools within such district or districts.

13. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

14. The provisions of this section shall not apply to any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.

**265.300. DEFINITIONS.**— The following terms as used in sections 265.300 to 265.470, unless the context otherwise indicates, mean:

(1) "Adulterated", any meat or meat product under one or more of the circumstances listed in Title XXI, Chapter 12, Section 601 of the United States Code as now constituted or hereafter amended;

(2) "Capable of use as human food", any carcass, or part or product of a carcass, of any animal unless it is denatured or otherwise identified, as required by regulation prescribed by the director, to deter its use as human food, or is naturally inedible by humans;

(3) "Cold storage warehouse", any place for storing meat or meat products which contains at any one time over two thousand five hundred pounds of meat or meat products belonging to any one private owner other than the owner or operator of the warehouse;

(4) "Commercial plant", any establishment in which livestock [or], poultry, **or captive cervids** are slaughtered for transportation or sale as articles of commerce intended for or capable of use for human consumption, or in which meat or meat products are prepared for transportation or sale as articles of commerce, intended for or capable of use for human consumption;

(5) "Director", the director of the department of agriculture of this state, or his authorized representative;

(6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, **bison**, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(7) "Meat", any edible portion of livestock [or], poultry, **or captive cervid** carcass or part thereof;

(8) "Meat product", anything containing meat intended for or capable of use for human consumption, which is derived, in whole or in part, from livestock [or], poultry, **or captive cervids**;

(9) "Misbranded", any meat or meat product under one or more of the circumstances listed in Title XXI, Chapter 12, Section 601 of the United States Code as now constituted or hereafter amended;

(10) "Official inspection mark", the symbol prescribed by the director stating that an article was inspected and passed or condemned;

(11) "Poultry", any domesticated bird intended for human consumption;

(12) "Prepared", slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed;

(13) "Unwholesome":

(a) Processed, prepared, packed or held under unsanitary conditions;

(b) Produced in whole or in part from livestock [or], poultry, **or captive cervids** which [has] **have** died other than by slaughter.

**265.490. DEFINITIONS.** — As used in sections 265.490 to 265.499:

(1) "Bulk meat" means beef sold by hanging weight, consisting of whole carcasses and the following primal cuts:

(a) "Side of beef", one-half of a split beef, comprising the frontquarter and hindquarter;

(b) "Frontquarter of beef", the forward portion of a side, back to and including the twelfth rib;

(c) "Back of beef", chuck and rib with plate and brisket removed;

(d) "Arm chuck of beef", arm chuck with brisket removed, back to and including the fifth rib;

(e) "Rib of beef", from the sixth to the twelfth rib, inclusive, not to exceed ten inches from tip of chine bone to top of rib without plate;

(f) "Hindquarter of beef", the rear section of a side from and including the thirteenth rib, consisting of round, loin and flank;

(g) "Trimmed loin of beef", short loin and hip (sirloin), and that section of hindquarter including thirteenth rib and separated one inch to two inches below aitchbone, without flank or kidney;

(h) "Full loin of beef", loin of beef, including flank and kidney;

(i) "Round of beef", that portion of hindquarter separated from loin one inch to two inches below aitchbone back to the shin bone;

(2) "Buyer" means both actual and prospective purchasers but does not include persons purchasing for resale;

(3) "Food plan" means any plan offering meat for sale or the offering of such product in combination with each other or with any other food or nonfood product or service for a single price;

(4) **"Livestock", means the same as defined in section 265.300;**

(5) **"Meat", means the same as defined in section 265.300;**

(6) "Misrepresent" means the use of any untrue, misleading or deceptive oral or written statement, advertisement, label, display, picture, illustration or sample;

[(5)] (7) "Person" means individual, partnership, firm, corporation, association, or other entity;

(8) **"Poultry", means the same as defined in section 265.300;**

[(6)] (9) "Represent" means the use of any form of oral or written statement, advertisement, label, display, picture, illustration or sample;

[(7)] (10) "Seller" means any person, individual or business entity, corporation, league, franchise, franchisee, franchisor or any authorized representative or agent thereof who offers meat, or combinations of such items, for retail purchase to the public for preparation and consumption off the premises where sold or for direct purchase by an individual at his residence.

**265.494. PROHIBITED PRACTICES, REQUIRED DISCLOSURES.** — No person advertising, offering for sale or selling all or part of a carcass or food plan shall engage in any misleading or deceptive practices, including, but not limited to, any one or more of the following:

(1) Disparaging or degrading any product advertised or offered for sale by the seller, displaying any product or depiction of a product to any buyer in order to induce the purchase of another product or representing that a product is for sale when the representation is used primarily to sell another product, or substituting any product for that ordered by the buyer without the buyer's consent. Nothing in this subdivision shall be construed to prohibit the enhancement of sales of any product by the use of a gift;

(2) Failing to have available a sufficient quantity of the product represented as being for sale to meet reasonable anticipated demands, unless the available amount is disclosed fully and conspicuously;

(3) Using any price list or advertisement subject to changes without notice unless so stated, and which contains prices other than the seller's current billing prices, unless changes are subject to consumer's advance acceptance or rejection at or before the time of order or delivery;

(4) Misrepresenting the amount of money that the buyer will save on purchases of any products which are not of the same grade or quality;

(5) Failing to disclose fully and conspicuously in any printed advertisement and invoice in at least ten-point type any charge for cutting, wrapping, freezing, delivery, annual interest rate or financing and other services;

(6) Representing the price of any product to be offered for sale in units larger than one pound in terms other than price per single pound. Nothing in this subdivision shall be construed to prevent

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the price of such units from also being represented by individual serving, by fluid measure or by other meaningful description;

(7) Misrepresenting the cut, grade, brand or trade name, or weight or measure of any product, **or misrepresenting a product as meat that is not derived from harvested production livestock or poultry;**

(8) Using the abbreviation "U.S." in describing a product not graded by the United States Department of Agriculture, except that a product may be described as "U.S. Inspected" when true;

(9) Referring to a quality grade other than the United States Department of Agriculture quality grade, unless the grade name is preceded by the seller's name in type at least as large and conspicuous as the grade name;

(10) Misrepresenting a product through the use of any term similar to a government grade;

(11) Failing to disclose in uniform ten-point type, when a quality grade is advertised, a definition of the United States Department of Agriculture quality grade in the following terms:

- (a) Prime;
- (b) Choice;
- (c) Good;
- (d) Standard;
- (e) Utility;
- (f) Commercial;
- (g) Canner;
- (h) Cutter;

and within each quality grade the following yield grade:

- a. Yield grade 1 - extra lean;
- b. Yield grade 2 - lean;
- c. Yield grade 3 - average waste;
- d. Yield grade 4 - wasty;
- e. Yield grade 5 - exceptionally wasty;

(12) Advertising or offering for sale carcasses, sides or primal cuts as such, while including disproportionate numbers or amounts of less expensive components of those cuts, or offering them in tandem with less expensive components from other carcasses, sides or primal cut parts;

(13) Failing to disclose fully and conspicuously the correct government grade for any product if the product is represented as having been graded;

(14) Failing to disclose fully and conspicuously that the yield of consumable meat from any carcass or part of a carcass will be less than the weight of the carcass or part of the carcass. The seller shall, for each carcass or part of carcass advertised, use separately and distinctly in any printed matter, in at least ten-point type, the following disclosure: "Sold gross weight subject to trim loss.";

(15) Misrepresenting the amount or proportion of retail cuts that a carcass or part of carcass will yield;

(16) Failing to disclose fully and conspicuously whether a quarter of a carcass is the frontquarter or hindquarter;

(17) Representing any part of a carcass as a "half" or "side" unless it consists exclusively of a frontquarter and hindquarter. Sides or halves must consist of only anatomically natural proportions of cuts from frontquarters or hindquarters;

(18) Representing primal cuts in a manner other than described in subdivision (1) of section 265.490;

(19) Using the words "bundle", "sample order" or words of similar import to describe a quantity of meat unless the seller itemizes each type of cut and the weight of each type of cut which the buyer will receive;

(20) Advertising or offering a free, bonus, or extra product or service combined with or conditioned on the purchase of any other product or service unless the additional product or service is accurately described, including, whenever applicable, grade, net weight or measure, type and brand or trade name. The words "free", "bonus" or other words of similar import shall not be used in any advertisement unless the advertisement clearly and conspicuously sets forth the total price or amount which must be purchased to entitle the buyer to the additional product or service.

**266.600. SEEDS AND FERTILIZERS, NO ORDINANCE OR REGULATION ON LABELING, CULTIVATION, OR OTHER USE — EXCEPTION FOR RICE SEED. — 1. No political subdivision shall adopt or enforce any ordinance, rule, or regulation relating to the labeling, cultivation, or other use of seeds or fertilizers as such terms are defined or used in sections 266.021 and 266.291, respectively. The provisions of this section shall not apply to any ordinance, rule, or regulation enacted prior to August 28, 2018.**

**2. This section shall not apply to rice seed.**

**267.565. DEFINITIONS.** — Unless the context requires otherwise, as used in sections 267.560 to 267.660, the following terms mean:

(1) "Accredited approved veterinarian", a veterinarian who has been accredited by the United States Department of Agriculture and approved by the state department of agriculture and who is duly licensed under the laws of Missouri to engage in the practice of veterinary medicine, or a veterinarian domiciled and practicing veterinary medicine in a state other than Missouri, duly licensed under laws of the state in which he resides, accredited by the United States Department of Agriculture, and approved by the chief livestock sanitary official of that state;

(2) "Animal", an animal of the equine, bovine, porcine, ovine, caprine, or species domesticated or semidomesticated;

(3) "Approved laboratory", a laboratory approved by the department;

(4) "Approved vaccine" or "bacterin", a vaccine or bacterin produced under the license of the United States Department of Agriculture and approved by the department for the immunization of animals against infectious and contagious disease;

(5) "Bird", a bird of the avian species;

(6) "Certified free herd", a herd of cattle, swine, goats or a flock of sheep or birds which has met the requirements and the conditions set forth in sections 267.560 to 267.660 and as required by the department and as recommended by the United States Department of Agriculture, and for such status for a specific disease and for a herd of cattle, swine, goats or flock of sheep or birds in another state which has met those minimum requirements and conditions under the supervision of the livestock sanitary authority of the state in which said animals or birds are domiciled, and as recommended by the United States Department of Agriculture for such status for a specific disease;

(7) "Condition", upon examination of any animal or bird in this state by the state veterinarian or his or her duly authorized representative, the findings of which indicate the presence or suspected presence of a toxin in such animal or bird that warrants further examination or observation for confirmation of the presence or nonpresence of such toxin;

(8) "Department" or "department of agriculture", the department of agriculture of the state of Missouri, and when by this law the said department of agriculture is charged to perform a duty, it shall be understood to authorize the performance of such duty by the director of agriculture of the

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state of Missouri, or by the state veterinarian of the state of Missouri or his duly authorized deputies acting under the supervision of the director of agriculture;

(9) "Holding period", restriction of movement of animals or birds into or out of a premise under such terms and conditions as may be designated by order of the state veterinarian or his or her duly authorized representative prior to confirmation of a contagious disease or condition;

(10) "Infected animal" or "infected bird", an animal or bird which shows a positive reaction to any recognized serological test or growth on culture or any other recognized test for the detection of any disease of livestock or poultry as approved by the department or when clinical symptoms and history justifies designating such animal or bird as being infected with a contagious or infectious disease;

(11) "Isolated" or "isolation", a condition in which animals or birds are quarantined to a certain designated premises and quarantined separately and apart from any other animals or birds on adjacent premises;

(12) "Licensed market", a market as defined and licensed under chapter 277;

(13) "Livestock", horses, cattle, swine, sheep, goats, ratite birds including but not limited to ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, **bison**, elk documented as obtained from a legal source and not from the wild and raised in confinement for human consumption or animal husbandry, poultry and other domesticated animals or birds;

(14) "Official health certificate" is a legal record covering the requirements of the state of Missouri executed on an official form of the standard size from the state of origin and approved by the proper livestock sanitary official of the state of origin or an equivalent form provided by the United States Department of Agriculture and issued by an approved, accredited, licensed, graduate veterinarian;

(15) "Public stockyards", any public stockyards located within the state of Missouri and subject to regulations of the United States Department of Agriculture or the Missouri department of agriculture;

(16) "Quarantine", a condition in which an animal or bird of any species is restricted in movement to a particular premises under such terms and conditions as may be designated by order of the state veterinarian or his duly authorized deputies;

(17) "Traders" or "dealers", any person, firm or corporation engaged in the business of buying, selling or exchange of livestock on any basis other than on a commission basis at any sale pen, concentration point, farm, truck or other conveyance including persons, firms or corporations employed as an agent of the vendor or purchaser excluding public stockyards under federal supervision or markets licensed under sections 267.560 to 267.660 and under the supervision of the department, breed association sales or any private farm sale.

**276.606. DEFINITIONS.** — As used in sections 276.600 to 276.661, the following terms mean:

(1) "Agent", any person authorized to act for a livestock dealer;

(2) "Dealer transactions", any purchase, sale, or exchange of livestock by a dealer, or agent, representative, or consignee of a dealer or person in which any interest equitable or legal is acquired or divested whether directly or indirectly;

(3) "Director", the director of the Missouri department of agriculture or his designated representative;

(4) "Engaged in the business of buying, selling, or exchanging in commerce livestock", sales and purchases of greater frequency than the person would make in feeding operation under the normal operation of a farm, if the person is a farmer. If the person is not a farmer he is a dealer engaged in the business of buying, selling, or exchanging in commerce livestock;

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(5) "Livestock", cattle, swine, sheep, goats, horses and poultry, llamas, alpaca, buffalo, **bison**, and other domesticated or semidomesticated or exotic animals;

(6) "Livestock dealer", any person engaged in the business of buying, selling, or exchanging in commerce of livestock;

(7) "Livestock transactions", any purchase, sale or exchange of livestock by a person, whether or not a livestock dealer, in which any interest equitable or legal is acquired or divested whether directly or indirectly;

(8) "Official ear tag", a metal or plastic ear tag prescribed by the director conforming to the nine character alpha-numeric national uniform ear-tagging system;

(9) "Person", any individual, partnership, corporation, association or other legal entity;

(10) "State veterinarian", the state veterinarian of the Missouri department of agriculture, or his appointed agent.

**277.020. DEFINITIONS.** — The following terms as used in this chapter mean:

(1) "Livestock", cattle, swine, sheep, ratite birds including but not limited to ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, **bison**, elk documented as obtained from a legal source and not from the wild and raised in confinement for human consumption or animal husbandry, goats and poultry, equine and exotic animals;

(2) "Livestock market", a place of business or place where livestock is concentrated for the purpose of sale, exchange or trade made at regular or irregular intervals, whether at auction or not, except this definition shall not apply to any public farm sale or purebred livestock sale, or to any sale, transfer, or exchange of livestock from one person to another person for movement or transfer to other farm premises or directly to a licensed market;

(3) "Livestock sale", the business of mediating, for a commission, or otherwise, sale, purchase, or exchange transactions in livestock, whether or not at a livestock market; except the term "livestock sale" shall not apply to order buyers, livestock dealers or other persons acting directly as a buying agent for any third party;

(4) "Person", individuals, partnerships, corporations and associations;

(5) "State veterinarian", the state veterinarian of the Missouri state department of agriculture.

**414.032. REQUIREMENTS, STANDARDS, CERTAIN FUELS — DIRECTOR MAY INSPECT FUELS, PURPOSE — WAIVER, WHEN.** — 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline, gasoline-alcohol blends and other motor fuels shall meet the requirements in the annual book of ASTM standards and supplements thereto. The director may promulgate rules and regulations on the labeling, standards for, and identity of motor fuels and heating oils.

2. The director may inspect gasoline, gasoline-alcohol blends or other motor fuels to insure that these fuels conform to advertised grade and octane. In no event shall the penalty for a first violation of this section exceed a written reprimand.

**3. The director may waive specific requirements in this section and in regulations promulgated according to this section, or may establish temporary alternative requirements for fuels as determined to be necessary in the event of an extreme and unusual fuel supply circumstance as a result of a petroleum pipeline or petroleum refinery equipment failure, emergency, or a natural disaster as determined by the director for a specified period of time.**

**4. Any waiver issued under subsection 3 of this section shall be as limited in scope and applicability as necessary, and shall apply equally and uniformly to all persons and companies in the impacted petroleum motor fuel supply and distribution system, including but not limited to petroleum producers, terminals, distributors, and retailers.**

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

**[254.150. YIELD TAX ON CUTTINGS — EXCEPTIONS.** — All products of cuttings on classified lands shall pay a yield tax as provided by this chapter, except materials from cuttings permitted by section 254.140, when such materials shall be used by the owner of the land, or by a tenant with the permission of the owner upon property belonging to such owner, which is taxable in the same county as the timber land from which the timber was removed.]

**[254.160. COLLECTION OF YIELD TAX FROM CUTTINGS — METHODS.** — If such products of cuttings shall be sold or otherwise disposed of or transferred to the ownership of other persons it shall be subject to the yield tax provided in this chapter. Whenever a cutting shall be made other than as excepted in sections 254.140 and 254.150, of this chapter, the owner of the land shall file a sworn statement with the commission of the quantity and species of timber cut; this statement shall be filed not later than one month following said cutting or at the end of each month where the cutting is continuous. The commission shall review this statement and determine the stumpage value and forward its report to the director of revenue. The director of revenue or his agent shall arrange collection of the yield tax from the owner.]

**[254.170. YIELD TAX, WHEN — VALUE, HOW DETERMINED — RATE OF TAX.** — Whenever a cutting shall be made on lands so classified, except as otherwise provided in this chapter and in addition to the local tax, the material so cut shall be subject to a yield tax on the value as determined under section 254.160 and at the rate of six percentum of such value.]

**[254.180. YIELD TAX AND REIMBURSEMENTS TO BE DEPOSITED IN CONSERVATION COMMISSION FUND.** — Yield taxes provided for in section 254.150 and reimbursements as provided for in sections 254.210 and 254.220 shall be deposited in the conservation commission fund.]

Approved June 1, 2018

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SCS SB 629

**Enacts provisions relating to tax increment financing.**

AN ACT to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

SECTION

- A. Enacting clause.  
 99.845 Tax increment financing adoption — division of ad valorem taxes — payments in lieu of tax, deposit, inclusion and exclusion of current equalized assessed valuation for certain purposes, when — other taxes included, amount — new state revenues, disbursements — supplemental tax increment financing fund established, disbursement — property taxes for sheltered workshops and related services not affected.

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

**SECTION A. ENACTING CLAUSE.** — Section 99.845, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 99.845, to read as follows:

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

**99.845. TAX INCREMENT FINANCING ADOPTION — DIVISION OF AD VALOREM TAXES — PAYMENTS IN LIEU OF TAX, DEPOSIT, INCLUSION AND EXCLUSION OF CURRENT EQUALIZED ASSESSED VALUATION FOR CERTAIN PURPOSES, WHEN — OTHER TAXES INCLUDED, AMOUNT — NEW STATE REVENUES, DISBURSEMENTS — SUPPLEMENTAL TAX INCREMENT FINANCING FUND ESTABLISHED, DISBURSEMENT — PROPERTY TAXES FOR SHELTERED WORKSHOPS AND RELATED SERVICES NOT AFFECTED.** — 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district's levy rate for ad valorem tax on real property, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered payments in lieu of taxes subject to deposit into a special allocation fund without the consent of such taxing district. Revenues will be considered directly attributable to the newly voter-approved incremental increase to the extent that they are generated from the difference between the taxing district's actual levy rate currently imposed and the maximum voter-approved levy rate at the time that the redevelopment project was adopted. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such

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properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850.

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to Article VI, Section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes.

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to Article VI, Section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of Article III, Section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of Section 6 of Article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660,

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taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales under and pursuant to section 67.700 or 650.399 for the purpose of emergency communication systems, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district's sales tax or use tax, other than the renewal of an expiring sales or use tax, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered economic activity taxes subject to deposit into a special allocation fund without the consent of such taxing district.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of

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administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to the following:

(1) Blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(a) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(b) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand;

(2) Blighted areas consisting solely of the site of a former automobile manufacturing plant located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants. For the purposes of this section, "former automobile manufacturing plant" means a redevelopment area containing a minimum of one hundred acres, and such redevelopment area was previously used primarily for the manufacture of automobiles but ceased such manufacturing after the 2007 calendar year; or

(3) Blighted areas consisting solely of the site of a former insurance company national service center containing a minimum of one hundred acres located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsection 4 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment

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financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri;

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

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(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund for redevelopment projects approved prior to August 28, 2018,

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exceed thirty-two million dollars; provided, however, that such thirty-two million dollar cap shall not apply to redevelopment plans or projects initially listed by name in the applicable appropriations bill after August 28, 2015, which involve [either]:

- (a) A former automobile manufacturing plant; [or]
- (b) The retention of a federal employer employing over two thousand geospatial intelligence jobs; or
- (c) A health information technology employer employing over seven thousand employees in the state of Missouri and which is estimated to create in excess of fifteen thousand new jobs with an average annual wage of more than seventy-five thousand dollars.**

At no time shall the annual amount of the new state revenues for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans and projects eligible under the provisions of paragraph (a) of this subdivision exceed four million dollars in the aggregate. At no time shall the annual amount of the new state revenues for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans and projects eligible under the provisions of paragraph (b) of this subdivision exceed twelve million dollars in the aggregate. To the extent a redevelopment plan or project independently meets the eligibility criteria set forth in both paragraphs (a) and (b) of this subdivision, then at no such time shall the annual amount of new state revenues for disbursements from the Missouri supplemental tax increment financing fund for such eligible redevelopment plan or project exceed twelve million dollars in the aggregate;

**(4) At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans or projects approved on or after August 28, 2018, and before August 28, 2028, be increased by or exceed ten million dollars. Any individual redevelopment plan or project approved prior to August 28, 2018, which is expanded with buildings of new construction shall not be increased by more than three million dollars annually in excess of the original previously approved maximum annual projected amount. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans or projects approved on or after August 28, 2028, exceed twenty million dollars; provided, however, that such ceilings shall not apply to redevelopment plans or projects exempted from such ceilings under subdivision (3) of this subsection. For all redevelopment plans or projects initially approved on or after August 28, 2018, at no time shall a single redevelopment plan or project within such redevelopment plan receive an appropriation under this section that exceeds three million dollars annually;**

**(5)** Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsection 4 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

15. Notwithstanding any other provision of the law to the contrary, the adoption of any tax increment financing authorized under sections 99.800 to 99.865 shall not supersede, alter, or reduce in any way a property tax levied under section 205.971.

Approved June 1, 2018

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SCS SB 644

**Enacts provisions relating to unclaimed property.**

AN ACT to repeal sections 447.562 and 447.581, RSMo, and to enact in lieu thereof two new sections relating to unclaimed property, with penalty provisions.

SECTION

- A. Enacting clause.
- 447.562 Claim to be filed for property delivered to the state, form, procedure, penalty — claims paid by holder, reimbursed by treasurer, when, exception.
- 447.581 Agreements to locate or reveal whereabouts of property, requirements for validity — agreements to pay or assist in recovery of property, requirements for enforceability — registration of recovery representative, requirements — suspension of registration, hearing, disclosure of information — penalty for violations — treasurer may withhold payment, when.

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

**SECTION A. ENACTING CLAUSE.** — Sections 447.562 and 447.581, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 447.562 and 447.581, to read as follows:

**447.562. CLAIM TO BE FILED FOR PROPERTY DELIVERED TO THE STATE, FORM, PROCEDURE, PENALTY — CLAIMS PAID BY HOLDER, REIMBURSED BY TREASURER, WHEN, EXCEPTION.** — Any person claiming an interest in any moneys or property delivered to the state under sections 447.500 to 447.595 may file a claim to such property or to the proceeds from the sale thereof. The form of the claim shall be prescribed by the treasurer and shall be signed by the claimant and shall contain a statement that it is made under oath or affirmation and that its representations are true, correct and complete to the best knowledge and belief of the claimant, subject to the penalties of making a false affidavit or declaration. **The form shall additionally contain the following statement: "Any person who assists in the recovery of property for a fee without being registered with the State Treasurer will be subject to penalties."** Any holder who has paid moneys to the treasurer pursuant to sections 447.500 to 447.595 may make payment to any person appearing to the holder to be entitled thereto, and upon proof of the payment and proof that the payee was entitled thereto, the treasurer shall reimburse the holder for the payment at any time after the moneys or property is delivered to the state, unless the treasurer has already made payment to said person pursuant to a claim filed under the provisions of this section.

**447.581. AGREEMENTS TO LOCATE OR REVEAL WHEREABOUTS OF PROPERTY, REQUIREMENTS FOR VALIDITY — AGREEMENTS TO PAY OR ASSIST IN RECOVERY OF PROPERTY, REQUIREMENTS FOR ENFORCEABILITY — REGISTRATION OF RECOVERY REPRESENTATIVE, REQUIREMENTS — SUSPENSION OF REGISTRATION, HEARING, DISCLOSURE OF INFORMATION — PENALTY FOR VIOLATIONS — TREASURER MAY WITHHOLD PAYMENT, WHEN.** — 1. No agreement entered into after a report is filed is valid if any person undertakes thereby to locate or reveal the whereabouts of property included in that report for a fee or compensation, unless the agreement discloses the nature and value of the property, is in writing, duly signed and acknowledged by the property owner.

2. Any agreement to pay compensation to recover or assist in the recovery of property reported or delivered to the treasurer under the provisions of sections 447.500 to 447.595 which is made within twelve months after the date of payment or delivery to the treasurer is unenforceable. Any agreement to pay compensation to recover or assist in the recovery of property reported or delivered to the treasurer which is made more than twelve months, but less than twenty-four months, after the date of payment or delivery to the treasurer shall be invalid if the compensation for recovery is greater than ten percent of the property at issue. Any agreement to pay compensation to recover or assist in the recovery of property reported or delivered to the treasurer which is made more than twenty-four months, but less than thirty-six months, after the date of payment or delivery to the treasurer shall be invalid if the compensation for recovery is greater than fifteen percent of the property at issue. Any agreement to pay compensation to recover or assist in the recovery of property reported or delivered to the treasurer which is made more than thirty-six months after the date of payment or delivery to the treasurer shall be invalid if the compensation for recovery is greater than twenty percent of the property at issue.

3. Except as provided in subsection 7 of this section, any person who enters into an agreement to recover or perform in a representative capacity to assist in the recovery of property reported or delivered to the treasurer under sections 447.500 to 447.595, for compensation, shall register with the treasurer prior to submitting a claim to the treasurer for recovery of such property. Any claim

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filed by a person acting in a representative capacity for the recovery of property reported or delivered to the treasurer under sections 447.500 to 447.595, for compensation, shall be invalid unless the person is registered with the treasurer in accordance with this section. Every person who registers with the treasurer in accordance with this section shall certify compliance and good standing with the tax, business registration and other regulatory requirements of the state of Missouri. To remain registered a person must annually recertify compliance with such requirements.

4. The treasurer may require such additional information from persons wishing to register in accordance with the provisions of this section as the treasurer reasonably believes to be necessary to protect the rightful owners of property presumed abandoned and the citizens of the state of Missouri, generally.

5. If the treasurer receives information, directly or indirectly, which gives the treasurer reason to believe that a person registered in accordance with the provisions of this section to recover or perform in a representative capacity to assist in the recovery of property reported or delivered to the treasurer, for compensation, has violated the provisions of sections 447.500 to 447.595, or any other provision of law, the treasurer may suspend the registration of such person. In such a case, the treasurer shall notify the person in writing of the grounds for the proposed suspension of registration and provide the person an opportunity to respond to the allegations in writing or, upon request, through a hearing conducted in accordance with the provisions of chapter 536. For good cause shown, the treasurer may refrain from acting on any claim filed by such a person pending determination of the appropriateness of suspending such a person's registration. Suspension of a person's registration by the treasurer shall not be a prerequisite nor a substitute for any other civil or criminal causes of action to which such person may otherwise be subject, but is in addition to such possible remedies. Any information obtained or compiled by the treasurer in determining whether to register or suspend such a person's registration may be disclosed to appropriate law enforcement agencies, in any investigation, action or proceeding, civil, criminal or mixed, brought by a governmental agency to enforce the laws of this state, and except for the treasurer's office work product, upon court order in any action or proceeding where such information is material to an issue in the action or proceeding.

6. Any person whose registration has been suspended or which has lapsed pursuant to this section may thereafter seek to reregister in accordance with the provisions of this section.

7. Subsection 1 of this section shall not apply to any agreement made by any person, including personal representatives, guardians, trustee, and others in a representative capacity, with another to discover property in which such person has an interest for a fixed fee or hourly or daily rate, not contingent upon the discovery of property or the value of property discovered; provided, however, that any agreement entered into under this subsection for the purpose of evading the provisions of subsection 1 of this section shall be invalid and unenforceable.

8. Nothing in this section shall be construed to prevent an owner from asserting, at any time, that any agreement to locate or reveal the whereabouts of properties is based on an excessive or unjust consideration.

**9. Except as provided under subsection 7 of this section, any person who enters into an agreement to recover or perform in a representative capacity to assist in the recovery of property reported or delivered to the treasurer under sections 447.500 to 447.595, for compensation, without first registering with the treasurer under subsection 3 of this section shall be guilty of an infraction, unless the person has previously been found guilty of a violation of this section, in which case he or she shall be guilty of a class A misdemeanor. The treasurer may prohibit the registration of any person convicted for violation of this section.**

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Matter in bold-face type is proposed language.

**10. The treasurer may review any claim and contact any person or other party making a claim to ensure compliance with sections 447.500 to 447.595. The treasurer may withhold payment of any claim until the treasurer is reasonably satisfied that the claim is legitimate, that the representative acting under an agreement under this section is in compliance with the provisions of this section, and that the person making the claim is aware of the nature and potential value of the person's claim.**

Approved July 5, 2018

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SS SCS SB 652

**Enacts provisions relating to county sheriffs.**

AN ACT to repeal sections 57.117 and 57.450, RSMo, and to enact in lieu thereof two new sections relating to county sheriffs.

SECTION

A. Enacting clause.

57.117 Deputy sheriff to be resident of state — or adjoining state — exception, Jackson County and City of St. Louis.

57.450 Laws applicable — enforcement of general criminal laws, when.

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

**SECTION A. ENACTING CLAUSE.** — Sections 57.117 and 57.450, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 57.117 and 57.450, to read as follows:

**57.117. DEPUTY SHERIFF TO BE RESIDENT OF STATE — OR ADJOINING STATE — EXCEPTION, JACKSON COUNTY AND CITY OF ST. LOUIS.** — Hereafter no sheriff in this state shall appoint any under sheriff or deputy sheriff [except] **unless** the person so appointed shall be, at the time of his **or her** appointment, a bona fide resident of [the] **this state or of an adjoining state.**

**57.450. LAWS APPLICABLE — ENFORCEMENT OF GENERAL CRIMINAL LAWS, WHEN.** — All general laws relating and applicable to the sheriffs of the several counties of this state shall apply to the same officer in the City of St. Louis, except that the sheriff of the City of St. Louis shall not enforce the general criminal laws of the state of Missouri unless such enforcement shall be incidental to the duties customarily performed by the sheriff of the City of St. Louis. **The sheriff and sworn deputies of the office of sheriff of the city of St. Louis may be eligible for training and licensure by the peace officer standards and training commission under chapter 590, and such office shall be considered a law enforcement agency with the sheriff and sworn deputies considered law enforcement officers.** All acts and parts of acts providing for any legal process to be directed to any sheriff of any county shall be so construed as to mean the sheriff of the city of St. Louis as if such officer were specifically named in such act.

Approved June 29, 2018

## CCS HCS SB 655

**Enacts provisions relating to the protection of children.**

AN ACT to repeal sections 43.650, 451.090, 556.037, 589.400, 589.402, 589.403, 589.405, 589.407, and 589.414, RSMo, and to enact in lieu thereof eleven new sections relating to the protection of children.

## SECTION

- A. Enacting clause.
- 43.650 Internet site to be maintained, registered sex offender search — confidentiality, release of information, when — juveniles exempt from public notification.
- 451.090 Issuance of license prohibited, when — parental consent, when required — proof of age.
- 556.037 Time limitations for prosecutions for sexual offenses involving a person under eighteen.
- 589.400 Registration of certain offenders with chief law officers of county of residence — time limitation — registration requirements — fees — automatic removal from registry — petitions for exemption — procedure, notice, denial of petition — nonresident workers, higher education students and workers.
- 589.401 Removal from registry, petition, procedure.
- 589.402 Internet search capability of registered sex offenders to be maintained — information to be made available — newspaper publication — juveniles exempt from public notification.
- 589.403 Correctional facility or mental health institution releasing on parole or discharge, official in charge, duties.
- 589.404 Definitions.
- 589.405 Court's duties upon release of sexual offender.
- 589.407 Registration, required information — substantiating accuracy of information — changes to information, notification to other jurisdictions.
- 589.414 Registrant's duties on change of information — change in online identifiers, duty to report.

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

**SECTION A. ENACTING CLAUSE.** — Sections 43.650, 451.090, 556.037, 589.400, 589.402, 589.403, 589.405, 589.407, and 589.414, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 43.650, 451.090, 556.037, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, and 589.414, to read as follows:

**43.650. INTERNET SITE TO BE MAINTAINED, REGISTERED SEX OFFENDER SEARCH — CONFIDENTIALITY, RELEASE OF INFORMATION, WHEN — JUVENILES EXEMPT FROM PUBLIC NOTIFICATION.** — 1. The patrol shall, subject to appropriation, maintain a web page on the internet which shall be open to the public and shall include a registered sexual offender search capability.

2. **Except as provided in subsections 4 and 5 of this section**, the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425], except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

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- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;
- (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
- (5) Any photographs of the offender;
- (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;
- (7) The nature and dates of all offenses qualifying the offender to register, **including the tier level assigned to the offender under sections 589.400 to 589.425;**
- (8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;
- (9) Compliance status of the offender with the provisions of section 589.400 to 589.425; and
- (10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

**5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.**

**451.090. ISSUANCE OF LICENSE PROHIBITED, WHEN — PARENTAL CONSENT, WHEN REQUIRED — PROOF OF AGE. — 1.** No recorder shall, in any event except as herein provided, issue a license authorizing the marriage of any [person] **male or female** under [fifteen] **sixteen** years of age; provided, however, that such license may be issued on order of a circuit or associate circuit judge of the county in which the license is applied for, such license being issued only for good cause shown and by reason of such unusual conditions as to make such marriage advisable] **nor shall a license be issued authorizing the marriage of any male or female twenty-one years of age or older to a male or female under eighteen years of age.**

2. No recorder shall issue a license authorizing the marriage of any male **or female** under the age of eighteen years [or of any female under the age of eighteen years], except with the consent of his or her custodial parent or guardian, which consent shall be given at the time, in writing, stating the residence of the person giving such consent, signed and sworn to before an officer authorized to administer oaths.

3. The recorder shall state in every license whether the parties applying for same, one or either or both of them, are of age, or whether the male is under the age of eighteen years or the female under the age of eighteen years, and if the male is under the age of eighteen years or the female is under the age of eighteen years, the name of the custodial parent or guardian consenting to such marriage. **Applicants shall provide proof of age to the recorder in the form of a certified copy of the applicant's birth certificate, passport, or other government-issued identification, which shall then be documented by the recorder.**

**556.037. TIME LIMITATIONS FOR PROSECUTIONS FOR SEXUAL OFFENSES INVOLVING A PERSON UNDER EIGHTEEN. — 1.** Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under [must

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be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, kidnapping, kidnapping in the first degree, attempted sodomy in the first degree, or attempted forcible sodomy in which case such prosecutions] may be commenced at any time.

**2. For purposes of this section, "sexual offenses" include, but are not limited to, all offenses for which registration is required under sections 589.400 to 589.425.**

**589.400. REGISTRATION OF CERTAIN OFFENDERS WITH CHIEF LAW OFFICERS OF COUNTY OF RESIDENCE — TIME LIMITATION — REGISTRATION REQUIREMENTS — FEES — AUTOMATIC REMOVAL FROM REGISTRY — PETITIONS FOR EXEMPTION — PROCEDURE, NOTICE, DENIAL OF PETITION — NONRESIDENT WORKERS, HIGHER EDUCATION STUDENTS AND WORKERS.** — 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter [convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor,] **adjudicated for an offense referenced in section 589.414**, unless such person is [exempted] **exempt** from registering under subsection [8] **9 or 10** of this section **or section 589.401**; [or]

(2) [Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

(3)] Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; [or]

[(4)] **(3)** Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense [listed] **referenced** in [subdivision (1) or (2) of this subsection] **section 589.414**; [or]

[(5)] **(4)** Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been [convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall

include any attempt or conspiracy to commit such offense;] **adjudicated for an offense listed under section 589.414;**

[(6)] **(5)** Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

[(7)] **(6)** Any person who is a resident of this state who has, since July 1, 1979, **been** or is hereafter [convicted of, been found guilty of, or pled guilty to or nolo contendere] **adjudicated** in any other state, **territory, the District of Columbia,** or foreign country, or under federal, tribal, or military jurisdiction [to committing, attempting to commit, or conspiring to commit] **for** an offense which, if committed in this state, would [be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection] **constitute an offense listed under section 589.414,** or has been or is required to register in another state, **territory, the District of Columbia, or foreign country,** or has been or is required to register under tribal, federal, or military law; or

[(8)] **(7)** Any person who has been or is required to register in another state, **territory, the District of Columbia, or foreign country,** or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three **business** days of [conviction] **adjudication,** release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. **For any juvenile under subdivision (5) of subsection 1 of this section, within three business days of adjudication or release from commitment to the division of youth services, the department of mental health, or other placement, such juvenile shall register with the chief law enforcement official of the county or city not within a county in which he or she resides unless he or she has already registered in such county or city not within a county for the same offense.** Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three **business** days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official[, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested].

3. The registration requirements of sections 589.400 through 589.425 [are lifetime registration requirements] **shall be as provided under subsection 4 of this section** unless:

- (1) All offenses requiring registration are reversed, vacated, or set aside;
- (2) [The registrant is pardoned of the offenses requiring registration;
- (3)] The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of [subsection 6 of this] section **589.414;** or

[(4)] **(3)** The [registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the] court orders the removal or exemption of such person from the registry **under section 589.401.**

**4. The registration requirements shall be as follows:**

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(1) Fifteen years if the offender is a tier I sex offender as provided under section 589.414;  
(2) Twenty-five years if the offender is a tier II sex offender as provided under section 589.414; or

(3) The life of the offender if the offender is a tier III sex offender.

5. (1) The registration period shall be reduced as described in subdivision (3) of this subsection for a sex offender who maintains a clean record for the periods described under subdivision (2) of this subsection by:

(a) Not being adjudicated of any offense for which imprisonment for more than one year may be imposed;

(b) Not being adjudicated of any sex offense;

(c) Successfully completing any periods of supervised release, probation, or parole; and

(d) Successfully completing an appropriate sex offender treatment program certified by the attorney general.

(2) In the case of a:

(a) Tier I sex offender, the period during which the clean record shall be maintained is ten years;

(b) Tier III sex offender adjudicated delinquent for the offense which required registration in a sex offender registry under sections 589.400 to 589.425, the period during which the clean record shall be maintained is twenty-five years.

(3) In the case of a:

(a) Tier I sex offender, the reduction is five years;

(b) Tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (b) of subdivision (2) of this subsection is maintained.

6. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

[5.] 7. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

[6.] 8. Any person currently on the sexual offender registry [for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit,] **or who otherwise would be required to register for being adjudicated for the offense of felonious restraint of a nonsexual nature** when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping **of a nonsexual nature** when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

[7.] 9. **The following persons shall be exempt from registering as a sexual offender upon petition to the court of jurisdiction under section 589.401; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425:**

(1) Any person currently on the sexual offender registry [for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a

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petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register] **or who otherwise would be required to register for a sexual offense involving:**

(a) **Sexual conduct where no force or threat of force was directed toward the victim or any other individual involved, if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense; or**

(b) **Sexual conduct where no force or threat of force was directed toward the victim, the victim was at least fourteen years of age, and the offender was not more than four years older than the victim at the time of the offense; or**

(2) **Any person currently required to register for the following sexual offenses:**

(a) **Promoting obscenity in the first degree under section 573.020;**

(b) **Promoting obscenity in the second degree under section 573.030;**

(c) **Furnishing pornographic materials to minors under section 573.040;**

(d) **Public display of explicit sexual material under section 573.060;**

(e) **Coercing acceptance of obscene material under section 573.065;**

(f) **Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor under section 566.206;**

(g) **Abusing an individual through forced labor under section 566.203;**

(h) **Contributing to human trafficking through the misuse of documentation under section 566.215; or**

(i) **Acting as an international marriage broker and failing to provide the information and notice as required under section 578.475.**

[8. Effective August 28, 2009,] **10.** Any person **currently** on the sexual offender registry for having been [convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense] **adjudicated for a tier I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses listed under section 589.414 may file a petition under section 589.401.**

[9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal

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Matter in bold-face type is proposed language.

or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.]

[10.] **11.** Any nonresident worker, including work as a volunteer or intern, or nonresident student shall register for the duration of such person's employment, **including participation as a volunteer or intern**, or attendance at any school of higher education [and is not entitled to relief under the provisions of subsection 9 of this section] **whether public or private, including any secondary school, trade school, professional school, or institution of higher education on a full-time or part-time basis in this state unless granted relief under section 589.401.** Any registered offender shall provide information regarding any place in which the offender is staying when away from his or her residence for seven or more days, **including the period of time the offender is staying in such place.** Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency [and is not entitled to the provisions of subsection 9 of this section] **unless granted relief under section 589.401.**

[11. Any person whose name is removed or exempted from the sexual offender registry under subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.]

**589.401. REMOVAL FROM REGISTRY, PETITION, PROCEDURE. — 1. A person on the sexual offender registry may file a petition in the division of the circuit court in the county or city not within a county in which the offense requiring registration was committed to have his or her name removed from the sexual offender registry.**

**2. A person who is required to register in this state because of an offense that was adjudicated in another jurisdiction shall file his or her petition for removal according to the laws of the state, territory, tribal, or military jurisdiction, the District of Columbia, or foreign country in which his or her offense was adjudicated. Upon the grant of the petition for removal in the jurisdiction where the offense was adjudicated, such judgment may be registered in this state by sending the information required under subsection 5 of this section as well as one authenticated copy of the order granting removal from the sexual offender registry in the jurisdiction where the offense was adjudicated to the court in the county or city not within a county in which the offender is required to register. On receipt of a request for registration removal, the registering court shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form. The petitioner shall be responsible for costs associated with filing the petition.**

**3. A person required to register as a tier III offender shall not file a petition under this section unless the requirement to register results from a juvenile adjudication.**

4. The petition shall be dismissed without prejudice if the following time periods have not elapsed since the date the person was required to register for his or her most recent offense under sections 589.400 to 589.425:

- (1) For a tier I offense, ten years;
- (2) For a tier II offense, twenty-five years; or
- (3) For a tier III offense adjudicated delinquent, twenty-five years.

5. The petition shall be dismissed without prejudice if it fails to include any of the following:

- (1) The petitioner's:
  - (a) Full name, including any alias used by the individual;
  - (b) Sex;
  - (c) Race;
  - (d) Date of birth;
  - (e) Last four digits of the Social Security number;
  - (f) Address; and
  - (g) Place of employment, school, or volunteer status;
- (2) The offense and tier of the offense that required the petitioner to register;
- (3) The date the petitioner was adjudicated for the offense;
- (4) The date the petitioner was required to register;
- (5) The case number and court, including the county or city not within a county, that entered the original order for the adjudicated sex offense;
- (6) Petitioner's fingerprints on an applicant fingerprint card;
- (7) If the petitioner was pardoned or an offense requiring registration was reversed, vacated, or set aside, an authenticated copy of the order; and
- (8) If the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register.

6. The petition shall name as respondents the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the petition is filed.

7. All proceedings under this section shall be governed under the Missouri supreme court rules of civil procedure.

8. The person seeking removal or exemption from the registry shall provide the prosecuting attorney in the circuit court in which the petition is filed with notice of the petition. The prosecuting attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition.

9. The prosecuting attorney in the circuit court in which the petition is filed shall have access to all applicable records concerning the petitioner including, but not limited to, criminal history records, mental health records, juvenile records, and records of the department of corrections or probation and parole.

10. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with such petition.

11. The court shall not enter an order directing the removal of the petitioner's name **from the sexual offender registry unless it finds the petitioner:**

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

(1) Has not been adjudicated or does not have charges pending for any additional nonsexual offense for which imprisonment for more than one year may be imposed since the date the offender was required to register for his or her current tier level;

(2) Has not been adjudicated or does not have charges pending for any additional sex offense that would require registration under sections 589.400 to 589.425 since the date the offender was required to register for his or her current tier level, even if the offense was punishable by less than one year imprisonment;

(3) Has successfully completed any required periods of supervised release, probation, or parole without revocation since the date the offender was required to register for his or her current tier level;

(4) Has successfully completed an appropriate sex offender treatment program as approved by a court of competent jurisdiction or the Missouri department of corrections; and

(5) Is not a current or potential threat to public safety.

12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11 of this section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol. The petitioner shall be responsible for all costs associated with the fingerprint-based criminal history check of both state and federal files under section 43.530.

13. If the petition is denied due to an adjudication in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until:

(1) Fifteen years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier I offender;

(2) Twenty-five years have passed from the date of adjudication resulting in the denial of relief if the petitioner is classified as a tier II offender; or

(3) Twenty-five years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile adjudication.

14. If the petition is denied due to the petitioner having charges pending in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until:

(1) The pending charges resulting in the denial of relief have been finally disposed of in a manner other than adjudication; or

(2) If the pending charges result in an adjudication, the necessary time period has elapsed under subsection 13 of this section.

15. If the petition is denied for reasons other than those outlined in subsection 11 of this section, no successive petition requesting such relief shall be filed for at least five years from the date the judgment denying relief is entered.

16. If the court finds the petitioner is entitled to have his or her name removed from the sexual offender registry, the court shall enter judgment directing the removal of the name. A copy of the judgment shall be provided to the respondents named in the petition.

17. Any person subject to the judgment requiring his or her name to be removed from the sexual offender registry is not required to register under sections 589.400 to 589.425 unless such person is required to register for an offense that was different from that listed on the judgment of removal.

**18. The court shall not deny the petition unless the petition failed to comply with the provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence demonstrating the petition should be denied.**

**589.402. INTERNET SEARCH CAPABILITY OF REGISTERED SEX OFFENDERS TO BE MAINTAINED — INFORMATION TO BE MADE AVAILABLE — NEWSPAPER PUBLICATION — JUVENILES EXEMPT FROM PUBLIC NOTIFICATION.** — 1. The chief law enforcement officer of the county or city not within a county may maintain a web page on the internet, which shall be open to the public and shall include a registered sexual offender search capability.

2. **Except as provided in subsections 4 and 5 of this section**, the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425], except that only persons who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

3. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;
- (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
- (5) Any photographs of the offender;
- (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;
- (7) The nature and dates of all offenses qualifying the offender to register, **including the tier level assigned to the offender under sections 589.400 to 589.425;**
- (8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;
- (9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; and
- (10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county.

**5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.**

**589.403. CORRECTIONAL FACILITY OR MENTAL HEALTH INSTITUTION RELEASING ON PAROLE OR DISCHARGE, OFFICIAL IN CHARGE, DUTIES.** — 1. Any person [to whom subsection 1 of section 589.400 applies] **who is required to register under sections 589.400 to 589.425 and**

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who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections [or], any mental health institution, **private jail under section 221.095, or other private facility recognized by or contracted with the department of corrections or department of mental health** where such person was confined shall:

(1) **If the person plans to reside in this state**, be informed by the official in charge of such correctional facility, **private jail**, or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility, **private jail**, or the mental health institution shall complete the initial registration **notification at least seven days** prior to release and forward the offender's registration, within three business days **of release, to the Missouri state highway patrol and** the chief law enforcement official of the county or city not within a county where the person expects to reside upon discharge, parole, or release]. When the person lists an address where he or she expects to reside that is not in this state, the initial registration shall be forwarded to the Missouri state highway patrol.]; **or**

(2) **If the person does not reside or plan to reside in Missouri**, be informed by the official in charge of such correctional facility, **private jail**, or mental health institution of the person's possible duty to register under sections 589.400 to 589.425. If such person is required to register under sections 589.400 to 589.425, the official in charge of the correctional facility, **private jail**, or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration, within three business days of release, to the Missouri state highway patrol and the chief law enforcement official within the county or city not within a county where the correctional facility, **private jail**, or mental health institution is located.

2. If the offender refuses to complete and sign the registration information as outlined in this section or fails to register with the chief law enforcement official within three business days as directed, the offender commits the offense of failure to register under section 589.425 within the jurisdiction where the correctional facility, **private jail**, or mental health institution is located.

589.404. DEFINITIONS. — As used in sections 589.400 to 589.425, the following terms mean:

(1) "Adjudicated" or "adjudication", adjudication of delinquency, a finding of guilt, plea of guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere to committing, attempting to commit, or conspiring to commit;

(2) "Adjudicated delinquent", a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(3) "Chief law enforcement official", the sheriff's office of each county or the police department of a city not within a county;

(4) "Offender registration", the required minimum informational content of sex offender registries, which shall consist of, but not be limited to, a full set of fingerprints on a standard sex offender registration card upon initial registration in Missouri, as well as all other forms required by the Missouri state highway patrol upon each initial and subsequent registration;

(5) "Residence", any place where an offender sleeps for seven or more consecutive or nonconsecutive days or nights within a twelve-month period;

(6) "Sex offender", any person who meets the criteria to register under sections 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248;

(7) "Sex offense", any offense which is listed under section 589.414 or comparable to those listed under section 589.414 or otherwise comparable to offenses covered under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248;

(8) "Sexual act", any type or degree of genital, oral, or anal penetration;

(9) "Sexual contact", any sexual touching of or contact with a person's body, either directly or through the clothing;

(10) "Sexual element", used for the purposes of distinguishing if sexual contact or a sexual act was committed. Authorities shall refer to information filed by the prosecutor, amended information filed by the prosecutor, indictment information filed by the prosecutor, or amended indictment information filed by the prosecutor, the plea agreement, or court documentation to determine if a sexual element exists;

(11) "Signature", the name of the offender signed in writing or electronic form approved by the Missouri state highway patrol;

(12) "Student", an individual who enrolls in or attends the physical location of an educational institution, including a public or private secondary school, trade or professional school, or an institution of higher education;

(13) "Vehicle", any land vehicle, watercraft, or aircraft.

**589.405. COURT'S DUTIES UPON RELEASE OF SEXUAL OFFENDER.** — 1. Any person [to whom subsection 1 of section 589.400 applies] **who is required to register under sections 589.400 to 589.425 and** who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge **and at the time of adjudication**, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to register pursuant to sections 589.400 to 589.425 **and is placed on probation**, the court shall [obtain the address where the person expects to reside upon discharge, parole or release and shall] **make it a condition of probation that the offender** report[,] within three business days[, such address] to the chief law enforcement official of the county **of adjudication** or city not within a county [where the person expects to reside, upon discharge, parole or release] **of adjudication to complete initial registration. If such offender is not placed on probation, the court shall:**

(1) **If the offender resides in Missouri, complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the offender resides; or**

(2) **If the offender does not reside in Missouri:**

(a) **Order the offender to report directly to the chief law enforcement official in the county or city not within a county where the adjudication was heard to register as provided in sections 589.400 to 589.425; and**

(b) **Complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law**

enforcement official in the county or city not within a county where the offender was adjudicated.

2. If the offender resides in Missouri and refuses to complete and sign the registration information as provided in subdivision (1) of subsection 1 of this section, or if the offender resides outside of Missouri and refuses to directly report to the chief law enforcement official as provided in subdivision (2) of subsection 1 of this section, the offender commits the offense of failure to register under section 589.425.

**589.407. REGISTRATION, REQUIRED INFORMATION — SUBSTANTIATING ACCURACY OF INFORMATION — CHANGES TO INFORMATION, NOTIFICATION TO OTHER JURISDICTIONS. —**

1. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol **or other format approved by the Missouri state highway patrol**. Such form shall **consist of a statement, including the signature of the offender, and shall** include, but is not limited to, the following:

(1) A statement in writing signed by the person, giving the name, address, **date of birth**, Social Security number, and phone number of the person, the license plate number and vehicle description, including the year, make, model, and color of each vehicle owned or operated by the offender, any online identifiers, as defined in section 43.651, used by the person, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 566.125, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable;

(2) The fingerprints[,] **and** palm prints[, and a photograph] of the person; [and]

(3) **Unless the offender's appearance has not changed significantly, a photograph of such offender as follows:**

(a) **Quarterly if a tier III sex offender under section 589.414. Such photograph shall be taken every ninety days beginning in the month of the person's birth;**

(b) **Semiannually if a tier II sex offender. Such photograph shall be taken in the month of the person's birth and six months thereafter; and**

(c) **Yearly if a tier I sex offender. Such photograph shall be taken in the month of the person's birth; and**

(4) A DNA sample **from the individual**, if a sample has not already been obtained.

2. The offender shall provide positive identification and documentation to substantiate the accuracy of the information completed on the offender registration form, including but not limited to the following:

(1) A photocopy of a valid driver's license or nondriver's identification card;

(2) A document verifying proof of the offender's residency; and

(3) A photocopy of the vehicle registration for each of the offender's vehicles.

3. **The Missouri state highway patrol shall maintain all required registration information in digitized form.**

4. **Upon receipt of any changes to an offender's registration information contained in this section, the Missouri state highway patrol shall immediately notify all other jurisdictions in which the offender is either registered or required to register.**

5. The offender shall be responsible for reviewing his or her existing registration information for accuracy at every regular in-person appearance and, if any inaccuracies are found, provide proof of the information in question.

6. The signed offender registration form shall serve as proof that the individual understands his or her duty to register as a sexual offender under sections 589.400 to 589.425 and a statement to this effect shall be included on the form that the individual is required to sign at each registration.

**589.414. REGISTRANT'S DUTIES ON CHANGE OF INFORMATION — CHANGE IN ONLINE IDENTIFIERS, DUTY TO REPORT.** — 1. Any person required by sections 589.400 to 589.425 to register shall, [not later than] **within** three business days [after each change of name, residence within the county or city not within a county at which the offender is registered, employment, or student status], appear in person to the chief law enforcement officer of the county or city not within a county [and inform such officer of all changes in the information required by the offender. The chief law enforcement officer shall immediately forward the registrant changes to the Missouri state highway patrol within three business days] **if there is a change to any of the following information:**

- (1) **Name;**
- (2) **Residence;**
- (3) **Employment, including status as a volunteer or intern;**
- (4) **Student status; or**
- (5) **A termination to any of the items listed in this subsection.**

2. Any person required to register under sections 589.400 to 589.425 shall, within three business days, notify the chief law enforcement official of the county or city not within a county of any changes to the following information:

- (1) **Vehicle information;**
- (2) **Temporary lodging information;**
- (3) **Temporary residence information;**
- (4) **Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or**
- (5) **Telephone or other cellular number, including any new forms of electronic communication.**

3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.

[2.] 4. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes [their state] **his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction** of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, **territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction** having jurisdiction over the new residence or address within three business days of

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such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, **territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction**, the Missouri state highway patrol shall inform the responsible official in the new state, **territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction** of residence within three business days.

[3.] **5. Tier I sexual offenders**, in addition to the requirements of subsections 1 [and 2] to 4 of this section, [the following offenders] shall report in person to the chief law enforcement [agency every ninety days] **official annually in the month of their birth** to verify the information contained in their statement made pursuant to section 589.407. **Tier I sexual offenders include:**

(1) Any offender [registered as a predatory or persistent sexual offender under the definitions found in section 566.125] **who has been adjudicated for the offense of:**

(a) **Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;**

(b) **Sexual misconduct involving a child under section 566.083 if it is a first offense and the punishment is less than one year;**

(c) **Sexual abuse in the second degree under section 566.101 if the punishment is less than a year;**

(d) **Kidnapping in the second degree under section 565.120 with sexual motivation;**

(e) **Kidnapping in the third degree under section 565.130;**

(f) **Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is less than one year;**

(g) **Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;**

(h) **Sexual contact with a prisoner or offender under section 566.145 if the victim is eighteen years of age or older;**

(i) **Sex with an animal under section 566.111;**

(j) **Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;**

(k) **Possession of child pornography under section 573.037;**

(l) **Sexual misconduct in the first degree under section 566.093;**

(m) **Sexual misconduct in the second degree under section 566.095;**

(n) **Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the punishment is less than one year; or**

(o) **Invasion of privacy under section 565.252 if the victim is less than eighteen years of age;**

(2) [Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

4.] **Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.**

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6. **Tier II sexual offenders**, in addition to the requirements of subsections 1 [and 2] to 4 of this section, [all registrants] shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement [agency] **official** to verify the information contained in their statement made pursuant to section 589.407. [All registrants shall allow the chief law enforcement officer to take a current photograph of the offender in the month of his or her birth to the chief law enforcement agency.] **Tier II sexual offenders include:**

(1) **Any offender who has been adjudicated for the offense of:**

(a) **Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;**

(b) **Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;**

(c) **Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;**

(d) **Enticement of a child under section 566.151;**

(e) **Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;**

(f) **Sexual exploitation of a minor under section 573.023;**

(g) **Promoting child pornography in the first degree under section 573.025;**

(h) **Promoting child pornography in the second degree under section 573.035;**

(i) **Patronizing prostitution under section 567.030;**

(j) **Sexual contact with a prisoner or offender under section 566.145 if the victim is thirteen to seventeen years of age;**

(k) **Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;**

(l) **Sexual misconduct involving a child under section 566.083 if it is a first offense and the penalty is a term of imprisonment of more than a year; or**

(m) **Age misrepresentation with intent to solicit a minor under section 566.153;**

(2) **Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense and who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or**

(3) **Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.**

7. **Tier III sexual offenders**, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official every ninety days to verify the information contained in their statement made under section 589.407. **Tier III sexual offenders include:**

(1) **Any offender registered as a predatory sexual offender as defined in section 566.123 or a persistent sexual offender as defined in section 566.124;**

(2) **Any offender who has been adjudicated for the crime of:**

(a) **Rape in the first degree under section 566.030;**

(b) **Statutory rape in the first degree under section 566.032;**

(c) **Rape in the second degree under section 566.031;**

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- (d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;
- (e) Sodomy in the first degree under section 566.060;
- (f) Statutory sodomy under section 566.062;
- (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;
- (h) Sodomy in the second degree under section 566.061;
- (i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;
- (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;
- (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;
- (l) Child kidnapping under section 565.115;
- (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is greater than a year;
- (n) Incest under section 568.020;
- (o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- (p) Child molestation in the first degree under section 566.067;
- (q) Child molestation in the second degree under section 566.068;
- (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;
- (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;
- (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;
- (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;
- (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;
- (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;
- (x) Sexual trafficking of a child in the first degree under section 566.210;
- (y) Sexual trafficking of a child in the second degree under section 566.211;
- (z) Genital mutilation of a female child under section 568.065;
- (aa) Statutory rape in the second degree under section 566.034;
- (bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;
- (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of imprisonment of more than a year;
- (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;
- (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;
- (ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is under thirteen years of age;
- (gg) Sexual intercourse with a prisoner or offender under section 566.145;

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(hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;

(ii) Use of a child in a sexual performance under section 573.200; or

(jj) Promoting a sexual performance by a child under section 573.205;

(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;

(4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

(5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.

[5.] 8. In addition to the requirements of subsections 1 [and 2] to 7 of this section, all Missouri registrants who work, **including as a volunteer or unpaid intern**, or attend any school [or training] **whether public or private, including any secondary school, trade school, professional school, or institution of higher education**, on a full-time or part-time basis [in any other state] **or have a temporary residence in this state** shall be required to report in person to the chief law enforcement officer in the area of the state where they work, **including as a volunteer or unpaid intern**, or attend any school or training and register in that state. "Part-time" in this subsection means for more than seven days in any twelve-month period.

[6.] 9. If a person[,] who is required to register as a sexual offender under sections 589.400 to 589.425[,] changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.

Approved July 13, 2018

HCS SB 659

**Enacts provisions relating to the department of natural resources.**

AN ACT to repeal sections 260.242, 260.262, 260.391, 319.129, 414.032, and 640.620, RSMo, and to enact in lieu thereof ten new sections relating to the department of natural resources.

SECTION

A. Enacting clause.

253.147 Maintenance, repair, and construction report to general assembly, contents.

260.242 Coal combustion residual units — rules for closure and groundwater criteria — state CCR program — fees, deposit in subaccount — rulemaking authority.

260.262 Retailers of lead-acid batteries, duties — notice to purchaser, contents.

260.391 Hazardous waste fund created — payments — subaccount created, purpose — transfer of moneys — restrictions on use of moneys — general revenue appropriation to be requested annually.

260.558 Radioactive waste investigation fund created, purpose, use of moneys — limitation on transfers.

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

- 260.1150 Citation of law — public benefit nonprofit corporation, purpose — powers — board, members — immunity from liability. (Iron, Jefferson, Madison, Reynolds, St. Francois, Washington and Wayne counties)
- 319.129 Petroleum storage tank insurance fund created — fees — state treasurer may deposit funds where, interest credited to fund — administration of fund — board of trustees created, members, meetings — expires when — continuation after expiration, when — independent audit.
- 319.140 Task force on the petroleum storage tank insurance fund established, members, duties, meetings — expiration date
- 414.032 Requirements, standards, certain fuels — director may inspect fuels, purpose — waiver, when.
- 640.620 Limitation on grants — exceptions.

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

**SECTION A. ENACTING CLAUSE.** — Sections 260.242, 260.262, 260.391, 319.129, 414.032, and 640.620, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 253.147, 260.242, 260.262, 260.391, 260.558, 260.1150, 319.129, 319.140, 414.032, and 640.620, to read as follows:

**253.147. MAINTENANCE, REPAIR, AND CONSTRUCTION REPORT TO GENERAL ASSEMBLY, CONTENTS.** — **The department of natural resources shall submit a report to the general assembly on or before January 1, 2019, and annually thereafter, regarding maintenance, repair, and construction at state parks and historic sites. The report shall include the following:**

- (1) The total cost of all maintenance, repair, and construction projects completed in the prior fiscal year;**
- (2) For each project for which the total cost exceeded the state competitive bid minimum referenced in section 34.040, a list of all such projects, the total cost of all such projects, and the amount and source of funding for each such project;**
- (3) For each project for which the total cost was less than the state competitive bid minimum referenced in section 34.040, the total cost of all such projects and aggregate total costs by category;**
- (4) A list of planned maintenance, repair, and construction projects the department expects will exceed the state competitive bid minimum referenced in section 34.040 for the upcoming fiscal year;**
- (5) The current status of each project that was planned but not completed in the previous fiscal year;**
- (6) The amount of revenue generated by, and the operating expenditures of, each state park and historic site averaged over the two previous fiscal years; and**
- (7) The total amount of revenue generated by all state parks and historic sites averaged over the two previous fiscal years.**

**260.242. COAL COMBUSTION RESIDUAL UNITS — RULES FOR CLOSURE AND GROUNDWATER CRITERIA — STATE CCR PROGRAM — FEES, DEPOSIT IN SUBACCOUNT — RULEMAKING AUTHORITY.** — [All fly ash produced by coal combustion generating facilities shall be exempt from all solid waste permitting requirements of this chapter, if such ash is constructively reused or disposed of by a grout technique in any active or inactive noncoal, non-open-pit mining operation located in a city having a population of at least three hundred fifty thousand located in more than one county and is also located in a county of the first class without a charter form of government with a population of greater than one hundred fifty thousand and less than one hundred

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sixty thousand, provided said ash is not considered hazardous waste under the Missouri hazardous waste law.] 1. The department shall have the authority to promulgate rules for the management, closure, and post-closure of coal combustion residual (CCR) units in accordance with Sections 1008(a)(3) and 4004(a) of the Resource Conservation and Recovery Act (RCRA) and to approve site-specific groundwater criteria. At the discretion of the department, the Missouri risk-based corrective action (MRBCA) rules, 10 CSR 25-18.010, and accompanying guidance may be used to establish site-specific targets for soil and groundwater impacted by coal combustion residual (CCR) constituents. As used in this section, a "CCR unit" means a surface impoundment, utility waste landfill, or a CCR landfill. To the extent there is a conflict between this section and section 644.026 or 644.143, this section shall prevail.

2. Prior to federal approval of a state CCR program pursuant to 4004(a) of the RCRA, nothing in this section shall prohibit the department from issuing guidance or entering into enforceable agreements with CCR unit owners or operators to establish risk-based target levels, using all or part of the MRBCA rules and guidance, for closure and corrective action at CCR units. Nothing in this section shall prohibit the department, owners, or operators of CCR units not otherwise covered by 40 CFR 257 from utilizing the MRBCA rules and guidance.

3. No later than December 31, 2018, the department shall propose for promulgation a state CCR program, including procedures regarding payment, submission of fees, reimbursement of excess fee collection, inspection, and record keeping.

4. The department shall not apply standards to any existing landfill or new landfills constructed contiguous to existing power station facilities located on municipally owned land that was purchased by the municipality prior to December 31, 2018, that are in conflict with 40 CFR 257, unless sound and reasonably proven scientific data confirm an imminent threat to human health and the environment.

5. Effective January 1, 2019, and in order to implement the state CCR program, the department shall have the authority to assess one-time enrollment and annual fees on each owner, operator, or permittee of a CCR unit subject to 40 CFR 257, only as follows:

(1) For units that have not closed, an enrollment fee in the amount of sixty-two thousand dollars per CCR unit, except no fee shall apply to CCR units permitted as a utility waste landfill;

(2) For CCR units that have completed closure in place under 40 CFR 257 prior to December 31, 2018, an enrollment fee of forty-eight thousand dollars per CCR unit;

(3) An annual fee of fifteen thousand dollars per CCR unit, except an annual fee shall not be assessed on CCR units that have closed prior to December 31, 2018. The obligation to pay an annual fee under this section shall terminate at the end of the CCR unit's post-closure period, so long as the CCR unit is not under a requirement to complete a corrective action, or sooner, if authorized by the department.

6. All fees received under this section shall be deposited into the "Coal Combustion Residuals Subaccount" of the solid waste management fund created under section 260.330. Fees collected under this section are dedicated, upon appropriation, to the department for conducting activities required by this section and rules adopted under this section. Fees established by this section shall not yield revenue greater than the cost of administering this section and the rules adopted under this section, but shall be adequate to ensure sustained operation of the state CCR program. The department shall prepare an annual report detailing costs incurred in connection with the management and closure of CCR units. The

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provisions of section 33.080 to the contrary notwithstanding, moneys and interest earned on moneys in the subaccount shall not revert to the general revenue fund at the end of each biennium.

7. Interest shall be imposed on the moneys due to the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the subaccount created under this section.

8. All fees under this section shall be paid by check or money order made payable to the department and, unless otherwise required by this section, shall be due on January first of each calendar year and be accompanied by a form provided by the department.

9. The department may pursue penalties under section 260.240 for failure to timely submit the fees imposed in this section.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**260.262. RETAILERS OF LEAD-ACID BATTERIES, DUTIES — NOTICE TO PURCHASER, CONTENTS.** — A person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in the state shall:

(1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

(2) Post written notice which must be at least four inches by six inches in size and must contain the universal recycling symbol and the following language:

(a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

(b) Recycle your used batteries; and

(c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries for recycling, in exchange for new batteries purchased; and

(3) Manage used lead-acid batteries in a manner consistent with the requirements of the state hazardous waste law;

(4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the seller as collection costs, shall be paid to the department of revenue in the form and manner required by the department and shall include the total number of batteries sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of batteries to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However, this fee shall not be paid on batteries sold for use in agricultural operations upon written certification by the purchaser; and

(5) The department of revenue shall administer, collect, and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the

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department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The provisions of subdivision (4) and this subdivision shall terminate December 31, [2018] **2023**.

**260.391. HAZARDOUS WASTE FUND CREATED — PAYMENTS — SUBACCOUNT CREATED, PURPOSE — TRANSFER OF MONEYS — RESTRICTIONS ON USE OF MONEYS — GENERAL REVENUE APPROPRIATION TO BE REQUESTED ANNUALLY.** — 1. There is hereby created in the state treasury a fund to be known as the "Hazardous Waste Fund". All funds received from hazardous waste permit and license fees, generator fees or taxes, penalties, or interest assessed on those fees or taxes, taxes collected by contract hazardous waste landfill operators, general revenue, federal funds, gifts, bequests, donations, or any other moneys so designated shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste fund. The hazardous waste fund, subject to appropriation by the general assembly, shall be used by the department as provided by appropriations and consistent with rules and regulations established by the hazardous waste management commission for the purpose of carrying out the provisions of sections 260.350 to 260.430 and sections 319.100 to 319.127, and 319.137, and 319.139 for the management of hazardous waste, responses to hazardous substance releases as provided in sections 260.500 to 260.550, corrective actions at regulated facilities and illegal hazardous waste sites, prevention of leaks from underground storage tanks and response to petroleum releases from underground and aboveground storage tanks and other related activities required to carry out provisions of sections 260.350 to 260.575 and sections 319.100 to 319.127, and for payments to other state agencies for such services consistent with sections 260.350 to 260.575 and sections 319.100 to 319.139 upon proper warrant issued by the commissioner of administration, and for any other expenditures which are not covered pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, including but not limited to the following purposes:

(1) Administrative services as appropriate and necessary for the identification, assessment and cleanup of abandoned or uncontrolled sites pursuant to sections 260.435 to 260.550;

(2) Payments to other state agencies for such services consistent with sections 260.435 to 260.550, upon proper warrant issued by the commissioner of administration, including, but not limited to, the department of health and senior services for the purpose of conducting health studies of persons exposed to waste from an uncontrolled or abandoned hazardous waste site or exposed to the release of any hazardous substance as defined in section 260.500;

(3) Acquisition of property as provided in section 260.420;

(4) The study of the development of a hazardous waste facility in Missouri as authorized in section 260.037;

(5) Financing the nonfederal share of the cost of cleanup and site remediation activities as well as postclosure operation and maintenance costs, pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; [and]

(6) Reimbursement of owners or operators who accept waste pursuant to departmental orders pursuant to subdivision (2) of subsection 1 of section 260.420; **and**

**(7) Transfer of funds, upon appropriation, into the radioactive waste investigation fund in section 260.558.**

2. The unexpended balance in the hazardous waste fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state treasurer, except as directed by the general assembly by appropriation, and shall be invested to generate income to the fund. The provisions

of section 33.080 relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to the hazardous waste fund.

3. There is hereby created within the hazardous waste fund a subaccount known as the "Hazardous Waste Facility Inspection Subaccount". All funds received from hazardous waste facility inspection fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste facility inspection subaccount. Moneys from such subaccount shall be used by the department for conducting inspections at facilities that are permitted or are required to be permitted as hazardous waste facilities by the department.

4. The fund balance remaining in the hazardous waste remedial fund shall be transferred to the hazardous waste fund created in this section.

5. No moneys shall be available from the fund for abandoned site cleanup unless the director has made all reasonable efforts to secure voluntary agreement to pay the costs of necessary remedial actions from owners or operators of abandoned or uncontrolled hazardous waste sites or other responsible persons.

6. The director shall make all reasonable efforts to recover the full amount of any funds expended from the fund for cleanup through litigation or cooperative agreements with responsible persons. All moneys recovered or reimbursed pursuant to this section through voluntary agreements or court orders shall be deposited to the hazardous waste fund created herein.

7. In addition to revenue from all licenses, taxes, fees, penalties, and interest, specified in subsection 1 of this section, the department shall request an annual appropriation of general revenue equal to any state match obligation to the U.S. Environmental Protection Agency for cleanup performed pursuant to the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

**260.558. RADIOACTIVE WASTE INVESTIGATION FUND CREATED, PURPOSE, USE OF MONEYS — LIMITATION ON TRANSFERS. — 1. There is hereby created in the state treasury the "Radioactive Waste Investigation Fund". The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the department of natural resources to investigate concerns of exposure to radioactive waste. Upon written request by a local governing body expressing concerns of radioactive waste contamination in a specified area within its jurisdiction, the department of natural resources shall use moneys in the radioactive waste investigation fund to develop and conduct an investigation, using sound scientific methods, for the specified area of concern. The request by a local governing body shall include a specified area of concern and any supporting documentation related to the concern. The department shall prioritize requests in the order in which they are received, except that the department may give priority to requests that are in close proximity to federally designated sites where radioactive contaminants are known or reasonably expected to exist. The investigation shall be performed by applicable federal or state agencies or by a qualified contractor selected by the department through a competitive bidding process. In conducting an investigation under this section, the department shall work with the applicable government agency or approved contractor, as well as local officials, to develop a sampling and analysis plan to determine if radioactive contaminants in the area of concern exceed federal standards for remedial action due to contamination. Within a residential area, this plan may include dust samples collected inside residential homes only after obtaining permission from the homeowners. The samples shall be analyzed for the isotopes necessary to correlate the**

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samples with the suspected contamination, as described in the sampling and analysis plan. Within forty-five days of receiving the final sampling results, the department shall report the results to the attorney general and the local governing body that requested the investigation and make the finalized report and testing results publicly available on the department's website.

2. The transfer to the fund shall not exceed one hundred fifty thousand dollars per fiscal year. Investigation costs expended from this fund shall not exceed one hundred fifty thousand dollars per fiscal year. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the hazardous waste fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

**260.1150. CITATION OF LAW — PUBLIC BENEFIT NONPROFIT CORPORATION, PURPOSE — POWERS — BOARD, MEMBERS — IMMUNITY FROM LIABILITY. (IRON, JEFFERSON, MADISON, REYNOLDS, ST. FRANCOIS, WASHINGTON AND WAYNE COUNTIES) — 1. This section shall be known and may be cited as the "Environmental Restoration Corporation Act".**

2. (1) A public benefit nonprofit corporation may be formed under the provisions of chapter 355 to hold, manage, or own environmentally impaired property that is otherwise subject to an ongoing cleanup or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601, et seq.; the Missouri hazardous waste management law, sections 260.350 to 260.433; the Federal Water Pollution Control Act, 33 U.S.C Section 1251, et seq.; or the Missouri clean water law, sections 644.006 to 644.150, for the purpose of promoting social welfare in Missouri by facilitating efforts to restore and redevelop such environmentally impaired property.

(2) The provisions of this section shall only apply to property located in:

(a) A county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants;

(b) A county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the fourth classification with more than two thousand four hundred but fewer than two thousand seven hundred inhabitants as the county seat;

(c) A county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants and with a county seat with more than fifteen thousand but fewer than seventeen thousand inhabitants;

(d) A county of the third classification without a township form of government and with more than ten thousand but fewer than twelve thousand inhabitants and with a city of the fourth classification with more than one thousand three hundred fifty but fewer than one thousand five hundred inhabitants as the county seat;

(e) A county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than three thousand seven hundred but fewer than four thousand inhabitants as the county seat;

(f) A county of the third classification without a township form of government and with more than six thousand but fewer than seven thousand inhabitants and with a city of the fourth classification with more than one hundred fifty but fewer than two hundred inhabitants as the county seat; and

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(g) A county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than five hundred but fewer than five hundred fifty inhabitants as the county seat.

3. Any such nonprofit corporation organized under this section shall, in addition to all powers conferred by chapter 355, have the following powers, which shall be exercised at the sole and exclusive discretion of the directors:

(1) To adopt bylaws and rules for the regulation of its affairs and the conduct of its business;

(2) To adopt an official seal;

(3) To sue and be sued;

(4) To accept gifts, contributions, disbursements, distributions, donations, endowments, loans, grants, settlement proceeds, and payments from the federal and state government, and from other sources, public or private, for carrying out any of its functions, which funds shall not be expended other than for the purposes provided;

(5) To acquire, accept, convey, dispose, encumber, manage, and own any real property that is subject to any cleanup or remedial action as described in subsection 2 of this section;

(6) To make and execute leases, contracts, releases, compromises, and other instruments necessary or convenient to carry out its purposes;

(7) To convey real property when the board of directors finds, at its sole discretion, that it has acquired all rights, title, and interest in the property within the area designated for cleanup or remediation and such conveyance is in the public interest. In any such conveyance, the board of directors may impose such conditions and covenants, including conservation easements, as it determines are reasonable and appropriate;

(8) To employ and pay compensation to such employees and agents, including accountants, attorneys, and others as the board of directors shall deem necessary to further the purposes of such nonprofit corporation; and

(9) To enter into contracts with private or public entities to conduct, implement, manage, oversee, and regulate any and all activities that may be necessary or required in connection with the management of the real property and the implementation of any cleanup or remedial action as described in subsection 2 of this section. Any such contract may include provisions for the delivery of administrative support services to the corporation and for a reasonable fee to be paid for management services related to the execution and implementation of any and all activities required by such contract.

4. Any such nonprofit corporation organized under this section shall be managed and regulated by a board consisting of no less than five directors, who shall initially be appointed by the incorporators. Any director shall not have any personal liability related to any official acts or obligations of the corporation. However, any such immunity shall not apply with regard to any intentional or negligent act or omission that results in a violation of any law set forth in subsection 2 of this section. No more than two directors shall be employed by a state, county, or local government, and no more than two directors shall be public nongovernmental members. The board shall meet at least four times per calendar year. A quorum of the board shall consist of three members. An action taken by a majority vote of the board at a meeting where a quorum is present shall be an act of the board. All powers and duties conferred upon the directors shall be exercised personally by the directors and not by alternates or representatives. All actions of any such nonprofit corporation shall be

taken at meetings open to the public, except for confidential matters relating to personnel, contracts, or litigation.

5. If any such nonprofit corporation receives public funds in connection with any specific environmental restoration activity at a specific property:

(1) The corporation shall allow for reasonable periodic audits by the state auditor with respect to the corporation's use of such public funds in relation to the property for which such public funds were received; and

(2) The corporation shall, upon reasonable request, provide an annual report to the general assembly concerning the receipt and use of such public funds.

6. Any such nonprofit corporation may include in any conveyance of any real property to any third party an environmental covenant in the form as set forth in sections 260.1000 to 260.1039 or a conservation easement under section 442.014.

7. Prior to acquiring any interest in any real property that is the subject of any environmental restoration activities, any such nonprofit corporation shall undertake all reasonable and appropriate due diligence activities in accordance with all applicable regulations adopted by the United States Environmental Protection Agency in order to qualify the nonprofit corporation as a bona fide prospective purchaser as defined in 42 U.S.C. Section 9601(40), as amended. Provided such nonprofit corporation qualifies as a bona fide prospective purchaser, such nonprofit corporation shall be immune from any liability of any kind or nature under the Missouri hazardous waste management law under sections 260.350 to 260.433; the Missouri solid waste management law under sections 260.200 to 260.345; or the Missouri clean water law under chapter 644 for any conditions that may exist at, on, or under any such real property; however, such corporation shall comply with all applicable regulatory requirements.

8. Any such nonprofit corporation owes no duty of care and shall have no liability of any kind or nature whatsoever to any trespasser who enters on any real property held, managed, or owned by the nonprofit corporation in relation to keeping the land safe for recreational or any other use or to giving any general or specific notice or warning with respect to any natural or artificial condition, structure, or personal property thereon.

**319.129. PETROLEUM STORAGE TANK INSURANCE FUND CREATED — FEES — STATE TREASURER MAY DEPOSIT FUNDS WHERE, INTEREST CREDITED TO FUND — ADMINISTRATION OF FUND — BOARD OF TRUSTEES CREATED, MEMBERS, MEETINGS — EXPIRES WHEN — CONTINUATION AFTER EXPIRATION, WHEN — INDEPENDENT AUDIT.** — 1. There is hereby created a special trust fund to be known as the "Petroleum Storage Tank Insurance Fund" within the state treasury which shall be the successor to the underground storage tank insurance fund. Moneys in such special trust fund shall not be deemed to be state funds. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not be transferred to general revenue at the end of each biennium.

2. The owner or operator of any underground storage tank, including the state of Missouri and its political subdivisions and public transportation systems, in service on August 28, 1989, shall submit to the department a fee of one hundred dollars per tank on or before December 31, 1989. The owner or operator of any underground storage tank who seeks to participate in the petroleum storage tank insurance fund, including the state of Missouri and its political subdivisions and public transportation systems, and whose underground storage tank is brought into service after August 28, 1998, shall transmit one hundred dollars per tank to the board with his or her initial application. Such amount shall be a one-time payment, and shall be in addition to the payment required by

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section 319.133. The owner or operator of any aboveground storage tank regulated by this chapter, including the state of Missouri and its political subdivisions and public transportation systems, who seeks to participate in the petroleum storage tank insurance fund, shall transmit one hundred dollars per tank to the board with his or her initial application. Such amount shall be a one-time payment and shall be in addition to the payment required by section 319.133. Moneys received pursuant to this section shall be transmitted to the director of revenue for deposit in the petroleum storage tank insurance fund.

3. The state treasurer may deposit moneys in the fund in any of the qualified depositories of the state. All such deposits shall be secured in a manner and upon the terms as are provided by law relative to state deposits. Interest earned shall be credited to the petroleum storage tank insurance fund.

4. The general administration of the fund and the responsibility for the proper operation of the fund, including all decisions relating to payments from the fund, are hereby vested in a board of trustees. The board of trustees shall consist of the commissioner of administration or the commissioner's designee, the director of the department of natural resources or the director's designee, the director of the department of agriculture or the director's designee, and eight citizens appointed by the governor with the advice and consent of the senate. Three of the appointed members shall be owners or operators of retail petroleum storage tanks, including one tank owner or operator of greater than one hundred tanks; one tank owner or operator of less than one hundred tanks; and one aboveground storage tank owner or operator. One appointed trustee shall represent a financial lending institution, and one appointed trustee shall represent the insurance underwriting industry. One appointed trustee shall represent industrial or commercial users of petroleum. The two remaining appointed citizens shall have no petroleum-related business interest, and shall represent the nonregulated public at large. The members appointed by the governor shall serve four-year terms except that the governor shall designate two of the original appointees to be appointed for one year, two to be appointed for two years, two to be appointed for three years and two to be appointed for four years. Any vacancies occurring on the board shall be filled in the same manner as provided in this section.

5. The board shall meet in Jefferson City, Missouri, within thirty days following August 28, 1996. Thereafter, the board shall meet upon the written call of the chairman of the board or by the agreement of any six members of the board. Notice of each meeting shall be delivered to all other trustees in person or by registered mail not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

6. Six trustees shall constitute a quorum for the transaction of business, and any official action of the board shall be based on a majority vote of the trustees present.

7. The trustees shall serve without compensation but shall receive from the fund their actual and necessary expenses incurred in the performance of their duties for the board.

8. The board of trustees shall be a type III agency and shall appoint an executive director and other employees as needed, who shall be state employees and be eligible for all corresponding benefits. The executive director shall have charge of the offices, operations, records, and other employees of the board, subject to the direction of the board. Employees of the board shall receive such salaries and necessary expenses as shall be fixed by the board.

9. Staff resources for the Missouri petroleum storage tank insurance fund may be provided by the department of natural resources or another state agency as otherwise specifically determined by the board. The fund shall compensate the department of natural resources or other state agency for all costs of providing staff required by this subsection. Such compensation shall be made

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pursuant to contracts negotiated between the board and the department of natural resources or other state agency.

10. In order to carry out the fiduciary management of the fund, the board may select and employ, or may contract with, persons experienced in insurance underwriting, accounting, the servicing of claims and rate making, and legal counsel to defend third-party claims, who shall serve at the board's pleasure. Invoices for such services shall be presented to the board in sufficient detail to allow a thorough review of the costs of such services.

11. At the first meeting of the board, the board shall elect one of its members as chairman. The chairman shall preside over meetings of the board and perform such other duties as shall be required by action of the board.

12. The board shall elect one of its members as vice chairman, and the vice chairman shall perform the duties of the chairman in the absence of the latter or upon the chairman's inability or refusal to act.

13. The board shall determine and prescribe all rules and regulations as they relate to fiduciary management of the fund, pursuant to the purposes of sections 319.100 to 319.137. In no case shall the board have oversight regarding environmental cleanup standards for petroleum storage tanks.

14. No trustee or staff member of the fund shall receive any gain or profit from any moneys or transactions of the fund. This shall not preclude any eligible trustee from making a claim or receiving benefits from the petroleum storage tank insurance fund as provided by sections 319.100 to 319.137.

15. The board may reinsure all or a portion of the fund's liability. Any insurer who sells environmental liability insurance in this state may, at the option of the board, reinsure some portion of the fund's liability.

16. The petroleum storage tank insurance fund shall expire on December 31, [2020] **2025**, unless extended by action of the general assembly. After December 31, [2020] **2025**, the board of trustees may continue to function for the sole purpose of completing payment of claims made prior to December 31, [2020] **2025**.

17. The board shall annually commission an independent financial audit of the petroleum storage tank insurance fund. The board shall biennially commission an actuarial analysis of the petroleum storage tank insurance fund. The results of the financial audit and the actuarial analysis shall be made available to the public. The board may contract with third parties to carry out the requirements of this subsection.

**319.140. TASK FORCE ON THE PETROLEUM STORAGE TANK INSURANCE FUND ESTABLISHED, MEMBERS, DUTIES, MEETINGS — EXPIRATION DATE —** 1. There is established a task force of the general assembly to be known as the "Task Force on the Petroleum Storage Tank Insurance Fund". Such task force shall be composed of eight members. Three members shall be from the house of representatives with two appointed by the speaker of the house of representatives and one appointed by the minority floor leader of the house of representatives. Three members shall be from the senate with two appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate. Two members shall be industry stakeholders with one appointed by the speaker of the house of representatives and one appointed by the president pro tempore of the senate. No more than two members from either the house of representatives or the senate shall be from the same political party. A majority of the task force shall constitute a quorum.

2. The task force shall conduct research and compile a report for delivery to the general assembly by December 31, 2018, on the following:

- (1) The efficacy of the petroleum storage tank insurance fund and program;
- (2) The sustainability of the petroleum storage tank insurance fund and program;
- (3) The administration of the petroleum storage tank insurance fund and program;
- (4) The availability of private insurance for above and below ground petroleum storage tanks, and the necessity of insurance subsidies created through the petroleum storage tank insurance program;
- (5) Compliance with federal programs, regulations, and advisory reports; and
- (6) The comparability of the petroleum storage tank insurance program to other states' programs and states without such programs.

3. The task force shall meet within thirty days after its creation and organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it.

4. The task force shall be staffed by legislative staff as necessary to assist the task force in the performance of its duties.

5. The members of the task force shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

6. This section shall expire on December 31, 2018.

**414.032. REQUIREMENTS, STANDARDS, CERTAIN FUELS — DIRECTOR MAY INSPECT FUELS, PURPOSE — WAIVER, WHEN.** — 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline, gasoline-alcohol blends and other motor fuels shall meet the requirements in the annual book of ASTM standards and supplements thereto. The director may promulgate rules and regulations on the labeling, standards for, and identity of motor fuels and heating oils.

2. The director may inspect gasoline, gasoline-alcohol blends or other motor fuels to insure that these fuels conform to advertised grade and octane. In no event shall the penalty for a first violation of this section exceed a written reprimand.

3. The director may waive specific requirements in this section and in regulations promulgated according to this section, or may establish temporary alternative requirements for fuels as determined to be necessary in the event of an extreme and unusual fuel supply circumstance as a result of a petroleum pipeline or petroleum refinery equipment failure, emergency, or a natural disaster as determined by the director for a specified period of time. If any action is taken by the director under this section, the director shall:

- (1) Advise the U.S. Environmental Protection Agency of such action;
- (2) Review the action after thirty days; and
- (3) Notify industry stakeholders of such action.

4. Any waiver issued or action taken under subsection 3 of this section shall be as limited in scope and applicability as necessary, and shall apply equally and uniformly to all persons and companies in the impacted petroleum motor fuel supply and distribution system, including but not limited to petroleum producers, terminals, distributors, and retailers.

**640.620. LIMITATION ON GRANTS — EXCEPTIONS.** — In any case, the grant shall not be in excess of [one] **three thousand [four hundred]** dollars per connection, or, in the case of a source water protection project, for more than twenty percent of the cost per acre for conservation reserve

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and, except as otherwise provided in this section, no district or system may receive more than one grant for any purpose in any two-year period. Grantees who received or who are receiving funds under the 1993-1994 special allocation for flood-impacted communities are not subject to the prohibition against receiving more than one grant during any two-year period for a period ending two years after the final grant allocation for flood-impacted communities is received by that grantee.

Approved June 29, 2018

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CCS HCS SB 660

**Enacts provisions relating to mental health.**

AN ACT to repeal sections 208.217, 337.025, 337.029, 337.033, 552.020, 630.745, 630.945, and 632.005, RSMo, and to enact in lieu thereof twenty-three new sections relating to mental health, with penalty provisions and a contingent effective date for certain sections.

SECTION

- A. Enacting clause.
  - 9.270 Posttraumatic stress awareness day designated.
  - 208.217 Department may obtain medical insurance information — failure to provide information, attorney general to bring action, penalty — confidential information, penalty for disclosure — applicability to department of mental health.
  - 337.025 Educational and experience requirements for licensure, certain persons.
  - 337.029 Licenses based on reciprocity to be issued, when — health service provider certification eligibility.
  - 337.033 Limitations on areas of practice — relevant professional education and training, defined — criteria for program of graduate study — health service provider certification, requirements for certain persons — automatic certification for certain persons.
  - 337.100 Citation of law — findings — purpose.
  - 337.105 Definitions.
  - 337.110 Home state licensure.
  - 337.115 Compact privilege to practice telepsychology.
  - 337.120 Compact temporary authorization to practice.
  - 337.125 Conditions of telepsychology practice in a receiving state.
  - 337.130 Adverse actions.
  - 337.135 Additional authorities invested in a compact state's psychology regulatory authority.
  - 337.140 Coordinated licensure information system.
  - 337.145 Establishment of the psychology interjurisdictional compact commission.
  - 337.150 Rulemaking.
  - 337.155 Oversight, dispute resolution and enforcement.
  - 337.160 Date of implementation of the psychology interjurisdictional compact commission and associated rules, withdrawal, and amendment.
  - 337.165 Construction and severability.
  - 552.020 Lack of mental capacity bar to trial or conviction — psychiatric examination, when, report of — plea of not guilty by reason of mental disease, supporting pretrial evaluation, conditions of release — commitment to hospital, when — statements of accused inadmissible, when — jury may be impaneled to determine mental fitness.
  - 630.745 Noncompliance with law revealed by inspection — procedure — corrective measures, time limit — reinspection, when — probationary license — posting of noncompliance notices.
  - 630.945 Maximum and intermediate facilities, work hours limited — exception for emergencies.
  - 632.005 Definitions.
- B. Contingent effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 208.217, 337.025, 337.029, 337.033, 552.020, 630.745, 630.945, and 632.005, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 9.270, 208.217, 337.025, 337.029, 337.033, 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, 337.165, 552.020, 630.745, 630.945, and 632.005, to read as follows:

**9.270. POSTTRAUMATIC STRESS AWARENESS DAY DESIGNATED.** — **June twenty-seventh of each year shall be known and designated as "Posttraumatic Stress Awareness Day". It is recommended to the people of the state that the day be appropriately observed through activities which will increase awareness of posttraumatic stress.**

**208.217. DEPARTMENT MAY OBTAIN MEDICAL INSURANCE INFORMATION — FAILURE TO PROVIDE INFORMATION, ATTORNEY GENERAL TO BRING ACTION, PENALTY — CONFIDENTIAL INFORMATION, PENALTY FOR DISCLOSURE — APPLICABILITY TO DEPARTMENT OF MENTAL HEALTH.** — 1. As used in this section, the following terms mean:

(1) "Data match", a method of comparing the department's information with that of another entity and identifying those records which appear in both files. This process is accomplished by a computerized comparison by which both the department and the entity utilize a computer readable electronic media format;

(2) "Department", the Missouri department of social services;

(3) "Entity":

(a) Any insurance company as defined in chapter 375 or any public organization or agency transacting or doing the business of insurance; or

(b) Any health service corporation or health maintenance organization as defined in chapter 354 or any other provider of health services as defined in chapter 354;

(c) Any self-insured organization or business providing health services as defined in chapter 354; or

(d) Any third-party administrator (TPA), administrative services organization (ASO), or pharmacy benefit manager (PBM) transacting or doing business in Missouri or administering or processing claims or benefits, or both, for residents of Missouri;

(4) "Individual", any applicant or present or former participant receiving public assistance benefits under sections 208.151 to 208.159 **or a person receiving department of mental health services for the purposes of subsection 9 of this section;**

(5) "Insurance", any agreement, contract, policy plan or writing entered into voluntarily or by court or administrative order providing for the payment of medical services or for the provision of medical care to or on behalf of an individual;

(6) "Request", any inquiry by the MO HealthNet division for the purpose of determining the existence of insurance where the department may have expended MO HealthNet benefits.

2. The department may enter into a contract with any entity, and the entity shall, upon request of the department of social services, inform the department of any records or information pertaining to the insurance of any individual.

3. The information which is required to be provided by the entity regarding an individual is limited to those insurance benefits that could have been claimed and paid by an insurance policy agreement or plan with respect to medical services or items which are otherwise covered under the MO HealthNet program.

4. A request for a data match made by the department pursuant to this section shall include sufficient information to identify each person named in the request in a form that is compatible with the record-keeping methods of the entity. Requests for information shall pertain to any individual or the person legally responsible for such individual and may be requested at a minimum of twice a year.

5. The department shall reimburse the entity which is requested to supply information as provided by this section for actual direct costs, based upon industry standards, incurred in furnishing the requested information and as set out in the contract. The department shall specify the time and manner in which information is to be delivered by the entity to the department. No reimbursement will be provided for information requested by the department other than by means of a data match.

6. Any entity which has received a request from the department pursuant to this section shall provide the requested information in compliance with [HIPAA] **HIPAA** required transactions within sixty days of receipt of the request. Willful failure of an entity to provide the requested information within such period shall result in liability to the state for civil penalties of up to ten dollars for each day thereafter. The attorney general shall, upon request of the department, bring an action in a circuit court of competent jurisdiction to recover the civil penalty. The court shall determine the amount of the civil penalty to be assessed. A health insurance carrier, including instances where it acts in the capacity of an administrator of an ASO account, and a TPA acting in the capacity of an administrator for a fully insured or self-funded employer, is required to accept and respond to the [HIPAA] **HIPAA** ANSI standard transaction for the purpose of validating eligibility.

7. The director of the department shall establish guidelines to assure that the information furnished to any entity or obtained from any entity does not violate the laws pertaining to the confidentiality and privacy of an applicant or participant receiving MO HealthNet benefits. Any person disclosing confidential information for purposes other than set forth in this section shall be guilty of a class A misdemeanor.

8. The application for or the receipt of benefits under sections 208.151 to 208.159 shall be deemed consent by the individual to allow the department to request information from any entity regarding insurance coverage of said person.

**9. The provisions of this section that apply to the department of social services shall also apply to the department of mental health when contracting with any entity to supply information as provided for in this section regarding an individual receiving department of mental health services.**

**337.025. EDUCATIONAL AND EXPERIENCE REQUIREMENTS FOR LICENSURE, CERTAIN PERSONS.** — 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association (APA), [or] the Canadian Psychological Association (CPA), **or the Psychological Clinical Science Accreditation System (PCSAS); provided that, such program includes a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;** or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours shall consist of:

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

(2) A minimum of two thousand hours of experience consisting of any combination of the following:

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;

(b) Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or

(c) Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers and other applicants shall involve and relate to the delivery of psychological services in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

6. For postinternship and postdoctoral hours, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

**337.029. LICENSES BASED ON RECIPROCITY TO BE ISSUED, WHEN — HEALTH SERVICE PROVIDER CERTIFICATION ELIGIBILITY.** — 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the psychologist passes a written

examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology;
- (2) Is a member of the National Register of Health Service Providers in Psychology;
- (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- (4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia and:
  - (a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;
  - (b) Has been licensed for the preceding five years; and
  - (c) Has had no disciplinary action taken against the license for the preceding five years; or
- (5) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement of the score from the examination of professional practice in psychology score will also be eligible for and shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;
- (2) Is a member of the National Register of Health Service Providers in Psychology; or
- (3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

**337.033. LIMITATIONS ON AREAS OF PRACTICE — RELEVANT PROFESSIONAL EDUCATION AND TRAINING, DEFINED — CRITERIA FOR PROGRAM OF GRADUATE STUDY — HEALTH SERVICE PROVIDER CERTIFICATION, REQUIREMENTS FOR CERTAIN PERSONS — AUTOMATIC CERTIFICATION FOR CERTAIN PERSONS.** — 1. A licensed psychologist shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself or herself out as a state certified or registered psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, whether temporary, provisional or permanent, psychologist who does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. "Relevant professional education and training" for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational

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institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**; or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery; or

(2) Is a member of the National Register of Health Service Providers in Psychology.

**337.100. CITATION OF LAW — FINDINGS — PURPOSE. — 1. Sections 337.100 to 337.165 shall be known as the "Psychology Interjurisdictional Compact". The party states find that:**

**(1) States license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice;**

**(2) This compact is intended to regulate the day to day practice of telepsychology, the provision of psychological services using telecommunication technologies, by psychologists**

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across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

(3) This compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

(4) This compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state;

(5) This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

(6) This compact does not apply when a psychologist is licensed in both the home and receiving states; and

(7) This compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

2. The general purposes of this compact are to:

(1) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;

(2) Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

(3) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;

(4) Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history;

(5) Promote compliance with the laws governing psychological practice in each compact state; and

(6) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

337.105. DEFINITIONS.— As used in this compact, the following terms shall mean:

(1) "Adverse action", any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record;

(2) "Association of State and Provincial Psychology Boards (ASPPB)", the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada;

(3) "Authority to practice interjurisdictional telepsychology", a licensed psychologist's authority to practice telepsychology, within the limits authorized under this compact, in another compact state;

(4) "Bylaws", those bylaws established by the psychology interjurisdictional compact commission pursuant to section 337.145 for its governance, or for directing and controlling its actions and conduct;

(5) "Client/patient", the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, or consulting services;

(6) "Commissioner", the voting representative appointed by each state psychology regulatory authority pursuant to section 337.145;

(7) "Compact state", a state, the District of Columbia, or United States territory that has enacted this compact legislation and which has not withdrawn pursuant to subsection 3 of section 337.160 or been terminated pursuant to subsection 2 of section 337.155;

(8) "Coordinated licensure information system" also referred to as "coordinated database", an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities;

(9) "Confidentiality", the principle that data or information is not made available or disclosed to unauthorized persons or processes;

(10) "Day", any part of a day in which psychological work is performed;

(11) "Distant state", the compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services;

(12) "E.Passport", a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;

(13) "Executive board", a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;

(14) "Home state", a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed;

(15) "Identity history summary", a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service;

(16) "In-person, face-to-face", interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies;

(17) "Interjurisdictional practice certificate (IPC)", a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one's qualifications for such practice;

(18) "License", authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization;

(19) "Noncompact state", any state which is not at the time a compact state;

(20) "Psychologist", an individual licensed for the independent practice of psychology;

(21) "Psychology interjurisdictional compact commission" also referred to as "commission", the national administration of which all compact states are members;

(22) "Receiving state", a compact state where the client/patient is physically located **when the telepsychological services are delivered;**

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(23) "Rule", a written statement by the psychology interjurisdictional compact commission promulgated pursuant to section 337.150 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule;

(24) "Significant investigatory information":

(a) Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

(b) Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and had an opportunity to respond;

(25) "State", a state, commonwealth, territory, or possession of the United States, the District of Columbia;

(26) "State psychology regulatory authority", the board, office or other agency with the legislative mandate to license and regulate the practice of psychology;

(27) "Telepsychology", the provision of psychological services using telecommunication technologies;

(28) "Temporary authorization to practice", a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state;

(29) "Temporary in-person, face-to-face practice", where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for thirty days within a calendar year and based on notification to the distant state.

**337.110. HOME STATE LICENSURE. — 1. The home state shall be a compact state where a psychologist is licensed to practice psychology.**

**2. A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.**

**3. Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.**

**4. Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.**

**5. A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:**

**(1) Currently requires the psychologist to hold an active E.Passport;**

**(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;**

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and

(5) Complies with the bylaws and rules of the commission.

6. A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

(1) Currently requires the psychologist to hold an active IPC;

(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and

(5) Complies with the bylaws and rules of the commission.

**337.115. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY. — 1. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice telepsychology in receiving states in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.**

**2. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:**

**(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:**

**(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or**

**(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;**

**(2) Hold a graduate degree in psychology that meets the following criteria:**

**(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;**

**(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;**

**(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;**

**(d) The program shall consist of an integrated, organized sequence of study;**

- (e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
  - (f) The designated director of the program shall be a psychologist and a member of the core faculty;
  - (g) The program shall have an identifiable body of students who are matriculated in that program for a degree;
  - (h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;
  - (i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;
  - (j) The program includes an acceptable residency as defined by the rules of the commission;
- (3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;
  - (4) Have no history of adverse action that violate the rules of the commission;
  - (5) Have no criminal record history reported on an identity history summary that violates the rules of the commission;
  - (6) Possess a current, active E.Passport;
  - (7) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and
  - (8) Meet other criteria as defined by the rules of the commission.
3. The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.
4. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.
5. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

**337.120. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE. — 1. Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice temporarily in distant states in which the psychologist is not licensed, as provided in the compact.**

**2. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:**

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

(2) Hold a graduate degree in psychology that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall consist of an integrated, organized sequence of study;

(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(f) The designated director of the program shall be a psychologist and a member of the core faculty;

(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;

(j) The program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(4) No history of adverse action that violate the rules of the commission;

(5) No criminal record history that violates the rules of the commission;

(6) Possess a current, active IPC;

(7) Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules of the commission.

3. A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

4. A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens.

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If a distant state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

**337.125. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE.** — A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

(1) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;

(2) Other conditions regarding telepsychology as determined by rules promulgated by the commission.

**337.130. ADVERSE ACTIONS.** — 1. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

2. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

3. (1) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

(2) All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

(3) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

(4) Other actions may be imposed as determined by the rules promulgated by the commission.

4. A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

5. A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In

such cases, distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

6. Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states shall require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

7. No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection 3 of this section.

**337.135. ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY.** — 1. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

(1) Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and

(2) Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice.

2. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

**337.140. COORDINATED LICENSURE INFORMATION SYSTEM.** — 1. The commission shall provide for the development and maintenance of a coordinated licensure information system "coordinated database" and reporting system containing licensure and disciplinary action information on all psychologist individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

2. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

(1) Identifying information;

- (2) Licensure data;
  - (3) Significant investigatory information;
  - (4) Adverse actions against a psychologist's license;
  - (5) An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;
  - (6) Nonconfidential information related to alternative program participation information;
  - (7) Any denial of application for licensure, and the reasons for such denial; and
  - (8) Other information which may facilitate the administration of this compact, as determined by the rules of the commission.
3. The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.
4. Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.
5. Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

**337.145. ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION.** — 1. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

- (1) The commission is a body politic and an instrumentality of the compact states.
  - (2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
  - (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.
2. The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:
- (1) Executive director, executive secretary or similar executive;
  - (2) Current member of the state psychology regulatory authority of a compact state; or
  - (3) Designee empowered with the appropriate delegate authority to act on behalf of the compact state.
3. (1) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.
- (2) Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 337.150.

(5) The commission may convene in a closed, nonpublic meeting if the commission shall discuss:

- (a) Noncompliance of a compact state with its obligations under the compact;
- (b) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
- (c) Current, threatened, or reasonably anticipated litigation against the commission;
- (d) Negotiation of contracts for the purchase or sale of goods, services or real estate;
- (e) Accusation against any person of a crime or formally censuring any person;
- (f) Disclosure of trade secrets or commercial or financial information which is privileged or confidential;
- (g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (h) Disclosure of investigatory records compiled for law enforcement purposes;
- (i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact;
- (j) Matters specifically exempted from disclosure by federal and state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of subsection 3 of this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

4. The commission shall, by a majority vote of the commissioners, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

- (1) Establishing the fiscal year of the commission;
- (2) Providing reasonable standards and procedures:
  - (a) For the establishment and meetings of other committees; and
  - (b) Governing any general or specific delegation of any authority or function of the commission;
- (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a

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copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;

(4) Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;

(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;

(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;

(7) Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations.

5. (1) The commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states;

(2) The commission shall maintain its financial records in accordance with the bylaws; and

(3) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

6. The commission shall have the following powers:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule shall have the force and effect of law and shall be binding in all compact states;

(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;

(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;

(9) To establish a budget and make expenditures;

(10) To borrow money;

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(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(12) To provide and receive information from, and to cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

7. (1) The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.

(2) The executive board shall be comprised of six members:

(a) Five voting members who are elected from the current membership of the commission by the commission;

(b) One ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.

(3) The ex officio member shall have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

(4) The commission may remove any member of the executive board as provided in bylaws.

(5) The executive board shall meet at least annually.

(6) The executive board shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;

(b) Ensure compact administration services are appropriately provided, contractual or otherwise;

(c) Prepare and recommend the budget;

(d) Maintain financial records on behalf of the commission;

(e) Monitor compact compliance of member states and provide compliance reports to the commission;

(f) Establish additional committees as necessary; and

(g) Other duties as provided in rules or bylaws.

8. (1) The commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

(3) The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall promulgate a rule binding upon all compact states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

9. (1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

**337.150. RULEMAKING. — 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.**

**2. If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.**

**3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.**

**4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:**

**(1) On the website of the commission; and**

**(2) On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.**

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

5. The notice of proposed rulemaking shall include:

- (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
- (2) The text of the proposed rule or amendment and the reason for the proposed rule;
- (3) A request for comments on the proposed rule from any interested person;
- (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

6. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

- (1) At least twenty-five persons who submit comments independently of each other;
- (2) A governmental subdivision or agency; or
- (3) A duly appointed person in an association that has at least twenty-five members.

8. (1) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

(2) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(3) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(4) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(5) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of commission or compact state funds;

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) Protect public health and safety.

13. (1) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule.

(2) A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

**337.155. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT.**—1. (1) The executive, legislative and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

2. (1) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the commission; and

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

(4) A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

(5) The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. (1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and noncompact states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

**337.160. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT. — 1.** The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

2. Any state which joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

3. (1) Any compact state may withdraw from this compact by enacting a statute repealing the same.

(2) A compact state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(3) Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

4. Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a noncompact state which does not conflict with the provisions of this compact.

5. This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

**337.165. CONSTRUCTION AND SEVERABILITY. — This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.**

**552.020. LACK OF MENTAL CAPACITY BAR TO TRIAL OR CONVICTION — PSYCHIATRIC EXAMINATION, WHEN, REPORT OF — PLEA OF NOT GUILTY BY REASON OF MENTAL DISEASE, SUPPORTING PRETRIAL EVALUATION, CONDITIONS OF RELEASE — COMMITMENT TO HOSPITAL, WHEN — STATEMENTS OF ACCUSED INADMISSIBLE, WHEN — JURY MAY BE IMPANELED TO DETERMINE MENTAL FITNESS. — 1.** No person who as a result of mental disease or defect lacks capacity to understand the proceedings against him **or her** or to assist in his **or her** own defense shall be tried, convicted or sentenced for the commission of an offense so long as the incapacity endures.

2. Whenever any judge has reasonable cause to believe that the accused lacks mental fitness to proceed, [he] **the judge** shall, upon his **or her** own motion or upon motion filed by the state or by or on behalf of the accused, by order of record, appoint one or more private psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, who are neither employees nor contractors of the department of mental health for purposes of performing the examination in question, to examine the accused; or shall direct the director to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability, developmental disability, or mental illness. The order shall direct that a written report or reports of such examination be filed with the clerk of the court. No private physician, psychiatrist, or psychologist shall be appointed by the court unless he **or she** has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that, if the order directs the director of the department to have the accused examined, the director, or his **or her** designee, shall determine the time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses and may require the provision of police reports to the department for use in evaluations. The department shall establish standards and provide training for those individuals performing examinations pursuant to this section and section 552.030. No individual who is employed by or contracts with the department shall be designated to perform an examination pursuant to this chapter unless the individual meets the qualifications so established by the department. Any examination performed pursuant to this subsection shall be completed and filed with the court within sixty days of the order unless the court for good cause orders otherwise. Nothing in this section or section 552.030 shall be construed to permit psychologists to engage in any activity not authorized by chapter 337. One pretrial evaluation shall be provided at no charge to the defendant by the department. All costs of subsequent evaluations shall be assessed to the party requesting the evaluation.

3. A report of the examination made under this section shall include:

- (1) Detailed findings;
- (2) An opinion as to whether the accused has a mental disease or defect;

(3) An opinion based upon a reasonable degree of medical or psychological certainty as to whether the accused, as a result of a mental disease or defect, lacks capacity to understand the proceedings against him **or her** or to assist in his **or her** own defense;

(4) A recommendation as to whether the accused should be held in custody in a suitable hospital facility for treatment pending determination, by the court, of mental fitness to proceed; and

(5) A recommendation as to whether the accused, if found by the court to be mentally fit to proceed, should be detained in such hospital facility pending further proceedings.

4. If the accused has pleaded lack of responsibility due to mental disease or defect or has given the written notice provided in subsection 2 of section 552.030, the court shall order the report of the examination conducted pursuant to this section to include, in addition to the information required in subsection 3 of this section, an opinion as to whether at the time of the alleged criminal conduct the accused, as a result of mental disease or defect, did not know or appreciate the nature, quality, or wrongfulness of his **or her** conduct or as a result of mental disease or defect was incapable of conforming his **or her** conduct to the requirements of law. A plea of not guilty by reason of mental disease or defect shall not be accepted by the court in the absence of any such pretrial evaluation which supports such a defense. In addition, if the accused has pleaded not guilty by reason of mental disease or defect, and the alleged crime is not a dangerous felony as defined in section 556.061, or those crimes set forth in subsection [11] **10** of section 552.040, or the attempts thereof, the court shall order the report of the examination to include an opinion as to whether or not the accused should be immediately conditionally released by the court pursuant to the provisions of section 552.040 or should be committed to a mental health or developmental disability facility. If such an evaluation is conducted at the direction of the director of the department of mental health, the court shall also order the report of the examination to include an opinion as to the conditions of release which are consistent with the needs of the accused and the interest of public safety, including, but not limited to, the following factors:

(1) Location and degree of necessary supervision of housing;

(2) Location of and responsibilities for appropriate psychiatric, rehabilitation and aftercare services, including the frequency of such services;

(3) Medication follow-up, including necessary testing to monitor medication compliance;

(4) At least monthly contact with the department's forensic case monitor;

(5) Any other conditions or supervision as may be warranted by the circumstances of the case.

5. If the report contains the recommendation that the accused should be committed to or held in a suitable hospital facility pending determination of the issue of mental fitness to proceed, and if the accused is not admitted to bail or released on other conditions, the court may order that the accused be committed to or held in a suitable hospital facility pending determination of the issue of mental fitness to proceed.

6. The clerk of the court shall deliver copies of the report to the prosecuting or circuit attorney and to the accused or his **or her** counsel. The report shall not be a public record or open to the public. Within ten days after the filing of the report, both the defendant and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subsection shall be completed and a report filed with the court within sixty days of the date it is received by the department or private

psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise. A copy shall be furnished the opposing party.

7. If neither the state nor the accused nor his **or her** counsel requests a second examination relative to fitness to proceed or contests the findings of the report referred to in subsections 2 and 3 of this section, the court may make a determination and finding on the basis of the report filed or may hold a hearing on its own motion. If any such opinion is contested, the court shall hold a hearing on the issue. The court shall determine the issue of mental fitness to proceed and may impanel a jury of six persons to assist in making the determination. The report or reports may be received in evidence at any hearing on the issue but the party contesting any opinion therein shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue.

8. At a hearing on the issue pursuant to subsection 7 of this section, the accused is presumed to have the mental fitness to proceed. The burden of proving that the accused does not have the mental fitness to proceed is by a preponderance of the evidence and the burden of going forward with the evidence is on the party raising the issue. The burden of going forward shall be on the state if the court raises the issue.

9. If the court determines that the accused lacks mental fitness to proceed, the criminal proceedings shall be suspended and the court shall commit him or her to the director of the department of mental health. **After the person has been committed, legal counsel for the department of mental health shall have standing to file motions and participate in hearings on the issue of involuntary medications.**

10. Any person committed pursuant to subsection 9 of this section shall be entitled to the writ of habeas corpus upon proper petition to the court that committed him or her. The issue of the mental fitness to proceed after commitment under subsection 9 of this section may also be raised by a motion filed by the director of the department of mental health or by the state, alleging the mental fitness of the accused to proceed. A report relating to the issue of the accused's mental fitness to proceed may be attached thereto. **When a motion to proceed is filed, legal counsel for the department of mental health shall have standing to participate in hearings on such motions.** If the motion is not contested by the accused or his **or her** counsel or if after a hearing on a motion the court finds the accused mentally fit to proceed, or if he **or she** is ordered discharged from the director's custody upon a habeas corpus hearing, the criminal proceedings shall be resumed.

11. The following provisions shall apply after a commitment as provided in this section:

(1) Six months after such commitment, the court which ordered the accused committed shall order an examination by the head of the facility in which the accused is committed, or a qualified designee, to ascertain whether the accused is mentally fit to proceed and if not, whether there is a substantial probability that the accused will attain the mental fitness to proceed to trial in the foreseeable future. The order shall direct that written report or reports of the examination be filed with the clerk of the court within thirty days and the clerk shall deliver copies to the prosecuting attorney or circuit attorney and to the accused or his **or her** counsel. The report required by this subsection shall conform to the requirements under subsection 3 of this section with the additional requirement that it include an opinion, if the accused lacks mental fitness to proceed, as to whether there is a substantial probability that the accused will attain the mental fitness to proceed in the foreseeable future;

(2) Within ten days after the filing of the report, both the accused and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one

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year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subdivision shall be completed and filed with the court within thirty days unless the court, for good cause, orders otherwise. A copy shall be furnished to the opposing party;

(3) If neither the state nor the accused nor his **or her** counsel requests a second examination relative to fitness to proceed or contests the findings of the report referred to in subdivision (1) of this subsection, the court may make a determination and finding on the basis of the report filed, or may hold a hearing on its own motion. If any such opinion is contested, the court shall hold a hearing on the issue. The report or reports may be received in evidence at any hearing on the issue but the party contesting any opinion therein relative to fitness to proceed shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue;

(4) If the accused is found mentally fit to proceed, the criminal proceedings shall be resumed;

(5) If it is found that the accused lacks mental fitness to proceed but there is a substantial probability the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall continue such commitment for a period not longer than six months, after which the court shall reinstitute the proceedings required under subdivision (1) of this subsection;

(6) If it is found that the accused lacks mental fitness to proceed and there is no substantial probability that the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall dismiss the charges without prejudice and the accused shall be discharged, but only if proper proceedings have been filed under chapter 632 or chapter 475, in which case those sections and no others will be applicable. The probate division of the circuit court shall have concurrent jurisdiction over the accused upon the filing of a proper pleading to determine if the accused shall be involuntarily detained under chapter 632, or to determine if the accused shall be declared incapacitated under chapter 475, and approved for admission by the guardian under section 632.120 or 633.120, to a mental health or developmental disability facility. When such proceedings are filed, the criminal charges shall be dismissed without prejudice if the court finds that the accused is mentally ill and should be committed or that he **or she** is incapacitated and should have a guardian appointed. The period of limitation on prosecuting any criminal offense shall be tolled during the period that the accused lacks mental fitness to proceed.

12. If the question of the accused's mental fitness to proceed was raised after a jury was impaneled to try the issues raised by a plea of not guilty and the court determines that the accused lacks the mental fitness to proceed or orders the accused committed for an examination pursuant to this section, the court may declare a mistrial. Declaration of a mistrial under these circumstances, or dismissal of the charges pursuant to subsection 11 of this section, does not constitute jeopardy, nor does it prohibit the trial, sentencing or execution of the accused for the same offense after he **or she** has been found restored to competency.

13. The result of any examinations made pursuant to this section shall not be a public record or open to the public.

14. No statement made by the accused in the course of any examination or treatment pursuant to this section and no information received by any examiner or other person in the course thereof, whether such examination or treatment was made with or without the consent of the accused or upon his **or her** motion or upon that of others, shall be admitted in evidence against the accused on the issue of guilt in any criminal proceeding then or thereafter pending in any court, state or federal. A finding by the court that the accused is mentally fit to proceed shall in no way prejudice the accused in a defense to the crime charged on the ground that at the time thereof he **or she** was

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afflicted with a mental disease or defect excluding responsibility, nor shall such finding by the court be introduced in evidence on that issue nor otherwise be brought to the notice of the jury.

**630.745. NONCOMPLIANCE WITH LAW REVEALED BY INSPECTION — PROCEDURE — CORRECTIVE MEASURES, TIME LIMIT — REINSPECTION, WHEN — PROBATIONARY LICENSE — POSTING OF NONCOMPLIANCE NOTICES.** — 1. If a duly authorized representative of the department finds upon inspection of a residential facility or day program that it is not in compliance with the provisions of sections 630.705 to 630.760, and the standards established thereunder, the head of the facility or program shall be informed of the deficiencies in an exit interview conducted with him. A written report shall be prepared of any deficiency for which there has not been prompt remedial action, and a copy of such report and a written correction order shall be sent to the [head of the] facility or program [by certified mail, return receipt requested,] at the facility or program address within twenty working days after the inspection, stating separately each deficiency and the specific statute or regulation violated.

2. The head of the facility or program shall have twenty working days following receipt of the report and correction order to request any conference and to submit a plan of correction for the department's approval which contains specific dates for achieving compliance. Within ten working days after receiving a plan of correction, the department shall give its written approval or rejection of the plan.

3. A reinspection shall be conducted within [fifty-five] **sixty** days after the original inspection to determine if deficiencies are being corrected as required in the approved correction plan or any subsequent authorized modification. If the facility or program is not in substantial compliance and the head of the facility or program is not correcting the noncompliance in accordance with the time schedules in his approved plan of correction, the department shall issue a notice of noncompliance, which shall be sent by certified mail, return receipt requested, to the head of the facility or program.

4. The notice of noncompliance shall inform the head of the facility or program that the department may seek the imposition of any of the sanctions and remedies provided for in section 630.755, or any other action authorized by law.

5. At any time after an inspection is conducted, the head of the facility or program may choose to enter into a consent agreement with the department to obtain a probationary license. The consent agreement shall include a provision that the head of the facility or program will voluntarily surrender the license if substantial compliance is not reached in accordance with the terms and deadlines established under the agreement. The agreement shall specify the stages, actions and time span to achieve substantial compliance.

6. If a notice of noncompliance has been issued, the head of the facility or program shall post a copy of the notice of noncompliance and a copy of the most recent inspection report in a conspicuous location in the facility or program, and the department shall send a copy of the notice of noncompliance to any concerned federal, state or local governmental agencies.

**630.945. MAXIMUM AND INTERMEDIATE FACILITIES, WORK HOURS LIMITED — EXCEPTION FOR EMERGENCIES.** — Beginning July 1, 2013, no state employee, regardless of job classification, who is working in a maximum or intermediate security mental health facility or any portion of a mental health facility which has maximum or intermediate security shall be mandated to work more than twelve hours in any twenty-four hour period unless the department of mental health declares an emergency workforce shortage. **The provisions of this section shall not apply on the first Sunday of November each year when the standard time changes according to 15 U.S.C. Section 260a.**

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**632.005. DEFINITIONS.** — As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Comprehensive psychiatric services", any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;

(2) "Council", the Missouri advisory council for comprehensive psychiatric services;

(3) "Court", the court which has jurisdiction over the respondent or patient;

(4) "Division", the division of comprehensive psychiatric services of the department of mental health;

(5) "Division director", director of the division of comprehensive psychiatric services of the department of mental health, or his designee;

(6) "Head of mental health facility", superintendent or other chief administrative officer of a mental health facility, or his designee;

(7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

(8) "Licensed physician", a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

(9) "Licensed professional counselor", a person licensed as a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

(10) "Likelihood of serious harm" means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself. Evidence of substantial risk may also include information about patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself;

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his capacity to make decisions with respect to his hospitalization and need for treatment as evidenced by his current mental disorder or mental illness which results in an inability to provide for his own basic necessities of food, clothing, shelter, safety or medical care or his inability to provide for his own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

(11) "Mental health coordinator", a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

(12) "Mental health facility", any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;

(13) "Mental health professional", a psychiatrist, resident in psychiatry, **psychiatric physician assistant, psychiatric assistant physician, psychiatric advanced practice registered nurse**, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

(14) "Mental health program", any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

(15) "Ninety-six hours" shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

(16) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

(17) **"Psychiatric advanced practice registered nurse", a registered nurse who is currently recognized by the board of nursing as an advanced practice registered nurse, who has at least two years of experience in providing psychiatric treatment to individuals suffering from mental disorders;**

(18) **"Psychiatric assistant physician", a licensed assistant physician under chapter 334 and who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders;**

(19) "Psychiatric nurse", a registered professional nurse who is licensed under chapter 335 and who has had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

(20) **"Psychiatric physician assistant", a licensed physician assistant under chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;**

[(18)] (21) "Psychiatric social worker", a person with a master's or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;

[(19)] (22) "Psychiatrist", a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(20)] **(23)** "Psychologist", a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;

[(21)] **(24)** "Resident in psychiatry", a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(22)] **(25)** "Respondent", an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;

[(23)] **(26)** "Treatment", any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.

**SECTION B. CONTINGENT EFFECTIVE DATE.** — The enactment of sections 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, and 337.165 of this act shall become effective upon notification by the commission to the revisor of statutes that seven states have adopted the psychology interjurisdictional compact.

Approved June 1, 2018

SB 683

**Enacts provisions relating to transportation of cranes.**

AN ACT to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to transportation of cranes.

SECTION

A. Enacting clause.

304.180 Regulations as to weight — axle load, tandem axle defined — transport of specific items, total gross weight permitted — requirements during disasters — emergency vehicles, maximum gross weight — natural gas fueled vehicles, increase in maximum gross weight, when.

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

**SECTION A. ENACTING CLAUSE.** — Section 304.180, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.180, to read as follows:

**304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED — TRANSPORT OF SPECIFIC ITEMS, TOTAL GROSS WEIGHT PERMITTED — REQUIREMENTS DURING DISASTERS — EMERGENCY VEHICLES, MAXIMUM GROSS WEIGHT — NATURAL GAS FUELED VEHICLES, INCREASE IN MAXIMUM GROSS WEIGHT, WHEN.** — 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater

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weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise

Maximum load in pounds

Feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		

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16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000

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39	60,000	68,000	72,500	77,500
40	60,000	68,500	73,000	78,000
41	60,000	69,500	73,500	78,500
42	60,000	70,000	74,000	79,000
43	60,000	70,500	75,000	80,000
44	60,000	71,500	75,500	80,000
45	60,000	72,000	76,000	80,000
46	60,000	72,500	76,500	80,000
47	60,000	73,500	77,500	80,000
48	60,000	74,000	78,000	80,000
49	60,000	74,500	78,500	80,000
50	60,000	75,500	79,000	80,000
51	60,000	76,000	80,000	80,000
52	60,000	76,500	80,000	80,000
53	60,000	77,500	80,000	80,000
54	60,000	78,000	80,000	80,000
55	60,000	78,500	80,000	80,000
56	60,000	79,500	80,000	80,000
57	60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the commission

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to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of P.L. 97-424 codified in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9, 10, 12, and 13 of this section.

7. Notwithstanding any provision of this section to the contrary, the commission shall issue a single-use special permit, or, upon request of the owner of the truck or equipment[,] shall issue an annual permit, for the transporting of any **crane**, concrete pump truck, or well-drillers' equipment. The commission shall set fees for the issuance of permits **and parameters for the transport of cranes** pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk, from a farm to a processing facility or livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the commission shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the department of transportation motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The commission shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010,

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that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

12. Notwithstanding any provision of this section to the contrary, emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to mitigate hazardous situations may have a maximum gross vehicle weight of eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single steering axle; thirty-three thousand five hundred pounds on a single drive axle; sixty-two thousand pounds on a tandem axle; or fifty-two thousand pounds on a tandem rear-drive steer axle.

13. Notwithstanding any provision of this section to the contrary, a vehicle operated by an engine fueled primarily by natural gas may operate upon the public highways of this state in excess of the vehicle weight limits set forth in this section by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. In no event shall the maximum gross vehicle weight of the vehicle operating with a natural gas engine exceed eighty-two thousand pounds.

Approved June 1, 2018

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CCS HCS SB 687

**Enacts provisions relating to student transportation.**

AN ACT to repeal sections 160.530, 302.272, and 304.060, RSMo, and to enact in lieu thereof three new sections relating to student transportation.

SECTION

- A. Enacting clause.
- 160.530 Eligibility for state aid, allocation of funds to professional development committee — statewide areas of critical need, funds — success leads to success grant program created, purpose — listing of expenditures.
- 302.272 School bus endorsement, qualifications — grounds for refusal to issue or renew endorsement — rulemaking authority — reciprocity.
- 304.060 School buses and other district vehicles, use to be regulated by board — field trips in common carriers, regulation authorized — violation by employee, effect — design of school buses, regulated by board — St. Louis County buses may use word "special".

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

**SECTION A. ENACTING CLAUSE.** — Sections 160.530, 302.272, and 304.060, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 160.530, 302.272, and 304.060, to read as follows:

**160.530. ELIGIBILITY FOR STATE AID, ALLOCATION OF FUNDS TO PROFESSIONAL DEVELOPMENT COMMITTEE — STATEWIDE AREAS OF CRITICAL NEED, FUNDS — SUCCESS LEADS TO SUCCESS GRANT PROGRAM CREATED, PURPOSE — LISTING OF EXPENDITURES.** —

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1. Beginning with fiscal year 1994 and for all fiscal years thereafter, in order to be eligible for state aid distributed pursuant to section 163.031, a school district shall allocate one percent of moneys received pursuant to section 163.031, exclusive of categorical add-ons, to the professional development committee of the district as established in subdivision (1) of subsection 4 of section 168.400, **provided that in any fiscal year ending with fiscal year 2024 in which the amount appropriated and expended to the public schools under section 163.161 for the transportation of pupils is less than twenty-five percent of the allowable costs of providing pupil transportation under said section, a school district may, by majority vote of its board, allocate an amount less than one percent of the moneys received pursuant to section 163.031, exclusive of categorical add-ons, to the professional development committee of the district but in no instance shall the district allocate less than one-half of one percent of the moneys received pursuant to section 163.031, exclusive of categorical add-ons, to the professional development committee of the district.** Of the moneys allocated to the professional development committee in any fiscal year as specified by this subsection, seventy-five percent of such funds shall be spent in the same fiscal year for purposes determined by the professional development committee after consultation with the administrators of the school district and approved by the local board of education as meeting the objectives of a school improvement plan of the district that has been developed by the local board. Moneys expended for staff training pursuant to any provisions of [this] **the outstanding schools** act shall not be considered in determining the requirements for school districts imposed by this subsection.

2. Beginning with fiscal year 1994 and for all fiscal years thereafter, eighteen million dollars shall be distributed by the commissioner of education to address statewide areas of critical need for learning and development, provided that such disbursements are approved by the joint committee on education as provided in subsection 5 of this section, and as determined by rule and regulation of the state board of education with the advice of the advisory council provided by subsection 1 of section 168.015. The moneys described in this subsection may be distributed by the commissioner of education to colleges, universities, private associations, professional education associations, statewide associations organized for the benefit of members of boards of education, public elementary and secondary schools, and other associations and organizations that provide professional development opportunities for teachers, administrators, family literacy personnel and boards of education for the purpose of addressing statewide areas of critical need, provided that subdivisions (1), (2) and (3) of this subsection shall constitute priority uses for such moneys. "Statewide areas of critical need for learning and development" shall include:

(1) Funding the operation of state management teams in districts with academically deficient schools and providing resources specified by the management team as needed in such districts;

(2) Funding for grants to districts, upon application to the department of elementary and secondary education, for resources identified as necessary by the district, for those districts which are failing to achieve assessment standards;

(3) Funding for family literacy programs;

(4) Ensuring that all children, especially children at risk, children with special needs, and gifted students are successful in school;

(5) Increasing parental involvement in the education of their children;

(6) Providing information which will assist public school administrators and teachers in understanding the process of site-based decision making;

(7) Implementing recommended curriculum frameworks as outlined in section 160.514;

(8) Training in new assessment techniques for students;

(9) Cooperating with law enforcement authorities to expand successful antidrug programs for students;

(10) Strengthening existing curricula of local school districts to stress drug and alcohol prevention;

(11) Implementing and promoting programs to combat gang activity in urban areas of the state;

(12) Establishing family schools, whereby such schools adopt proven models of one-stop state services for children and families;

(13) Expanding adult literacy services; and

(14) Training of members of boards of education in the areas deemed important for the training of effective board members as determined by the state board of education.

3. Beginning with fiscal year 1994 and for all fiscal years thereafter, two million dollars of the moneys appropriated to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, exclusive of categorical add-ons, shall be distributed in grant awards by the state board of education, by rule and regulation, for the "Success Leads to Success" grant program, which is hereby created. The purpose of the success leads to success grant program shall be to recognize, disseminate and exchange information about the best professional teaching practices and programs in the state that address student needs, and to encourage the staffs of schools with these practices and programs to develop school-to-school networks to share these practices and programs.

4. The department shall include a listing of all expenditures under this section in the annual budget documentation presented to the governor and general assembly.

5. Prior to distributing any funds under subsection 2 of this section, the commissioner of education shall appear before the joint committee on education and present a proposed delineation of the programs to be funded under the provisions of subsection 2 of this section. The joint committee shall review all proposed spending under subsection 2 of this section and shall affirm, by a majority vote of all members serving on the committee, the spending proposal of the commissioner prior to any disbursement of funds under subsection 2 of this section.

6. If any provision of subdivision (11) of subsection 4 of section 160.254 or any provision of subsection 2 or 5 of this section regarding approval of disbursements by the joint committee on education is held to be invalid for any reason, then such decision shall invalidate subsection 2 of this section in its entirety.

**302.272. SCHOOL BUS ENDORSEMENT, QUALIFICATIONS — GROUNDS FOR REFUSAL TO ISSUE OR RENEW ENDORSEMENT — RULEMAKING AUTHORITY — RECIPROCITY. — 1.** No person shall operate any school bus owned by or under contract with a public school or the state board of education unless such driver has qualified for a school bus endorsement under this section and complied with the pertinent rules and regulations of the department of revenue and any final rule issued by the secretary of the United States Department of Transportation or has a valid school bus endorsement on a valid commercial driver's license issued by another state. A school bus endorsement shall be issued to any applicant who meets the following qualifications:

(1) The applicant has a valid state license issued under this chapter;

(2) The applicant is at least twenty-one years of age; and

(3) The applicant has successfully passed an examination for the operation of a school bus as prescribed by the director of revenue. The examination shall include any examinations prescribed by the secretary of the United States Department of Transportation, and a driving test in the type of vehicle to be operated. The test shall be completed in the appropriate class of vehicle to be

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driven. For purposes of this section classes of school buses shall comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570). For drivers who are at least seventy years of age, such examination, **excluding the pre-trip inspection portion of the commercial driver's license skills test**, shall be completed annually **to retain the school bus endorsement**.

2. The director of revenue, to the best of the director's knowledge, shall not issue or renew a school bus endorsement to any applicant whose driving record shows that such applicant's privilege to operate a motor vehicle has been suspended, revoked or disqualified or whose driving record shows a history of moving vehicle violations.

3. The director may adopt any rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

4. Notwithstanding the requirements of this section, an applicant who resides in another state and possesses a valid driver's license from his or her state of residence with a valid school bus endorsement for the type of vehicle being operated shall not be required to obtain a Missouri driver's license with a school bus endorsement.

**304.060. SCHOOL BUSES AND OTHER DISTRICT VEHICLES, USE TO BE REGULATED BY BOARD — FIELD TRIPS IN COMMON CARRIERS, REGULATION AUTHORIZED — VIOLATION BY EMPLOYEE, EFFECT — DESIGN OF SCHOOL BUSES, REGULATED BY BOARD — ST. LOUIS COUNTY BUSES MAY USE WORD "SPECIAL".** — 1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

2. **Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri in an urban district containing the greater part of the population of a city which has more than three hundred thousand inhabitants may contract with any municipality, bi-state agency, or other governmental entity for the purpose of transporting school children attending a grade or grades not lower than the ninth nor higher than the twelfth grade, provided that such contract shall be for additional transportation services, and shall not replace or fulfill any of the school district's obligations pursuant to section**

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**167.231. The school district may notify students of the option to use district contracted transportation services.**

3. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

[3.] 4. Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word "special".

Approved June 29, 2018

SS SB 705

**Enacts provisions relating to rate adjustments outside of general rate proceedings for certain public utilities.**

AN ACT to repeal section 386.266, RSMo, and to enact in lieu thereof two new sections relating to rate adjustments outside of general rate proceedings for certain public utilities.

SECTION

- A. Enacting clause.
- 386.266 Rate schedules for interim energy charges or periodic rate adjustment — application for approval, procedure — adjustment mechanisms — rulemaking authority — task force to be appointed — surveillance monitoring, requirements.
- 393.358 Planned infrastructure projects, qualification process for contractors — definitions — requirements — report to general assembly.

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

**SECTION A. ENACTING CLAUSE.** — Section 386.266, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 386.266 and 393.358, to read as follows:

**386.266. RATE SCHEDULES FOR INTERIM ENERGY CHARGES OR PERIODIC RATE ADJUSTMENT — APPLICATION FOR APPROVAL, PROCEDURE — ADJUSTMENT MECHANISMS — RULEMAKING AUTHORITY — TASK FORCE TO BE APPOINTED — SURVEILLANCE MONITORING, REQUIREMENTS.** — 1. Subject to the requirements of this section, any electrical corporation may make an application to the commission to approve rate schedules authorizing an interim energy charge, or periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in its prudently incurred fuel and purchased-power costs, including transportation. The commission may, in accordance with existing law, include in such rate schedules features designed to provide the electrical corporation with incentives to improve the efficiency and cost-effectiveness of its fuel and purchased-power procurement activities.

2. Subject to the requirements of this section, any electrical, gas, or water corporation may make an application to the commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in its prudently

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incurred costs, whether capital or expense, to comply with any federal, state, or local environmental law, regulation, or rule. Any rate adjustment made under such rate schedules shall not exceed an annual amount equal to two and one-half percent of the electrical, gas, or water corporation's Missouri gross jurisdictional revenues, excluding gross receipts tax, sales tax and other similar pass-through taxes not included in tariffed rates, for regulated services as established in the utility's most recent general rate case or complaint proceeding. In addition to the rate adjustment, the electrical, gas, or water corporation shall be permitted to collect any applicable gross receipts tax, sales tax, or other similar pass-through taxes, and such taxes shall not be counted against the two and one-half percent rate adjustment cap. Any costs not recovered as a result of the annual two and one-half percent limitation on rate adjustments may be deferred, at a carrying cost each month equal to the utilities net of tax cost of capital, for recovery in a subsequent year or in the corporation's next general rate case or complaint proceeding.

3. Subject to the requirements of this section, any gas corporation may make an application to the commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings to reflect the nongas revenue effects of increases or decreases in residential and commercial customer usage due to variations in either weather, conservation, or both.

**4. Subject to the requirements of this section, a water corporation with more than eight thousand Missouri retail customers may make an application to the commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings to ensure revenues billed by such water corporation for regulated services equal the revenue requirement for regulated services as established in the water corporation's most recent general rate proceeding or complaint proceeding, excluding any other commission-approved surcharges and gross receipts tax, sales tax, and other similar pass-through taxes not included in tariffed rates, due to any revenue variation resulting from increases or decreases in residential, commercial, public authority, and sale for resale usage.**

5. The commission shall have the power to approve, modify, or reject adjustment mechanisms submitted under subsections 1 to [3] 4 of this section only after providing the opportunity for a full hearing in a general rate proceeding, including a general rate proceeding initiated by complaint. The commission may approve such rate schedules after considering all relevant factors which may affect the costs or overall rates and charges of the corporation, provided that it finds that the adjustment mechanism set forth in the schedules:

(1) Is reasonably designed to provide the utility with a sufficient opportunity to earn a fair return on equity;

(2) Includes provisions for an annual true-up which shall accurately and appropriately remedy any over- or under-collections, including interest at the utility's short-term borrowing rate, through subsequent rate adjustments or refunds;

(3) In the case of an adjustment mechanism submitted under subsections 1 and 2 of this section, includes provisions requiring that the utility file a general rate case with the effective date of new rates to be no later than four years after the effective date of the commission order implementing the adjustment mechanism. However, with respect to each mechanism, the four-year period shall not include any periods in which the utility is prohibited from collecting any charges under the adjustment mechanism, or any period for which charges collected under the adjustment mechanism must be fully refunded. In the event a court determines that the adjustment mechanism is unlawful and all moneys collected thereunder are fully refunded, the utility shall be relieved of any obligation under that adjustment mechanism to file a rate case;

(4) In the case of an adjustment mechanism submitted under subsection 1 or 2 of this section, includes provisions for prudence reviews of the costs subject to the adjustment mechanism no less

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Matter in bold-face type is proposed language.

frequently than at eighteen-month intervals, and shall require refund of any imprudently incurred costs plus interest at the utility's short-term borrowing rate.

[5.] **6.** Once such an adjustment mechanism is approved by the commission under this section, it shall remain in effect until such time as the commission authorizes the modification, extension, or discontinuance of the mechanism in a general rate case or complaint proceeding.

[6.] **7.** Any amounts charged under any adjustment mechanism approved by the commission under this section shall be separately disclosed on each customer bill.

[7.] **8.** The commission may take into account any change in business risk to the corporation resulting from implementation of the adjustment mechanism in setting the corporation's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the corporation.

[8.] **9.** In the event the commission lawfully approves an incentive- or performance-based plan, such plan shall be binding on the commission for the entire term of the plan. This subsection shall not be construed to authorize or prohibit any incentive- or performance-based plan.

[9.] **10.** Prior to August 28, 2005, **for subsections 1 to 3 of this section, and upon the effective date of this section for subsection 4 of this section**, the commission shall have the authority to promulgate rules under the provisions of chapter 536 as it deems necessary, to govern the structure, content and operation of such rate adjustments, and the procedure for the submission, frequency, examination, hearing and approval of such rate adjustments. [Such rules shall be promulgated no later than one hundred fifty days after the initiation of such rulemaking proceeding.] Any electrical, gas, or water corporation may apply for any adjustment mechanism under this section whether or not the commission has promulgated any such rules.

[10.] **11.** Nothing contained in this section shall be construed as affecting any existing adjustment mechanism, rate schedule, tariff, incentive plan, or other ratemaking mechanism currently approved and in effect.

[11.] **12.** Each of the provisions of this section is severable. In the event any provision or subsection of this section is deemed unlawful, all remaining provisions shall remain in effect.

[12.] **13.** The provisions of **subsections 1 to 3 of this section** shall take effect on January 1, 2006, and the commission shall have previously promulgated rules to implement the application process for any rate adjustment mechanism under **subsections 1 to 3 of this section** prior to the commission issuing an order for any rate adjustment.

[13.] **14.** The public service commission shall appoint a task force, consisting of all interested parties, to study and make recommendations on the cost recovery and implementation of conservation and weatherization programs for electrical and gas corporations.

**393.358. PLANNED INFRASTRUCTURE PROJECTS, QUALIFICATION PROCESS FOR CONTRACTORS — DEFINITIONS — REQUIREMENTS — REPORT TO GENERAL ASSEMBLY. — 1. For purposes of this section, the following terms shall mean:**

(1) "Commission", the Missouri public service commission established under section 386.040;

(2) "Water corporation", a corporation with more than one thousand Missouri customers that otherwise meets the definition of "water corporation" in section 386.020.

**2. Water corporations shall develop a qualification process open to all contractors seeking to provide construction and construction-related services for planned infrastructure projects on the water corporation's distribution system. The water corporation shall specify qualification requirements and goals for contractors seeking to perform such work, including but not limited to experience, performance criteria, safety record and policies,**

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technical expertise, scheduling needs and available resources, supplier diversity and insurance requirements. Contractors that meet the qualification requirements shall be eligible to participate in a competitive bidding process for providing construction and construction-related services for planned infrastructure projects on the water corporation's distribution system, and the contractor making the lowest and best bid shall be awarded such contract. For contractors not qualifying through the competitive bid process, the water corporation, upon request from the contractor, shall provide information from the process in which the contractor can be informed as to how to be better positioned to qualify for such bid opportunities in the future. Nothing in this section shall be construed as requiring any water corporation to use third parties instead of its own employees to perform such work, to use the contractor qualification or competitive bidding process in the case of an emergency project, or to terminate any existing contract with a contractor prior to its expiration.

3. Within thirty days after the effective date of this section and with the filing of a general rate proceeding initiated by the water corporation, the water corporation shall file a statement with the commission confirming it has established a qualification process meeting the requirements of this section and that such process is used for no less than ten percent of the corporation's external expenditures for planned infrastructure projects on the water corporation's distribution system. The commission shall have the authority to verify the statements to ensure compliance with this section.

4. By December 31, 2020, the commission shall submit a report to the general assembly on the effects of this section, including water corporation compliance, the costs of performing planned infrastructure projects prior to the implementation of this section compared to after the implementation of this section, and any other information regarding the process established under this section that the commission deems necessary.

Approved June 1, 2018

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CCS HCS SS SCS SB 707

**Enacts provisions relating to vehicle sales.**

AN ACT to repeal sections 301.213, 301.550, 301.553, 301.557, 301.559, 301.560, 301.562, 301.563, 301.564, 301.566, 301.568, 301.570, and 307.350, RSMo, and to enact in lieu thereof thirteen new sections relating to vehicle sales, with existing penalty provisions.

SECTION

- A. Enacting clause.
- 301.213 Dealers may purchase or accept in trade vehicles subject to existing liens, when — sale of vehicles subject to lien, when — replacement certificate, when — liability, when — violation, penalty.
- 301.550 Definitions — classification of dealers.
- 301.553 Department of revenue responsible for licensing dealers and manufacturers — transfer of commission powers and duties to department of revenue — official seal — rules and regulations, promulgation of, procedure.
- 301.557 Duties of director of revenue in regulating dealers and manufacturers — contents, confidentiality.
- 301.559 Licenses required for dealer, manufacturer or auction, penalty, expiration of — issuance, application — license not required, when.

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- 301.560 Application requirements, additional — bonds, fees, signs required — license number, certificate of numbers — duplicate dealer plates, issues, fees — test driving motor vehicles and vessels, use of plates — proof of educational seminar required, exceptions, contents of seminar.
- 301.562 License suspension, revocation, refusal to renew — procedure — grounds — complaint may be filed, when — clear and present danger, what constitutes, revocation or suspension authorized, procedure — agreement permitted, when.
- 301.563 Subpoenas, issuance of process, department's authority — witnesses, costs — failure to obey process, penalty, continuing violations.
- 301.564 Inspection of certain documents and odometer readings in possession of dealers, manufacturers and auctions — law enforcement official, defined.
- 301.566 Motor vehicle sales or shows held away from registered place of business, allowed, when — off-site retail sale of vehicles, when — recreational vehicle dealer participation in off-premise events, recreational vehicle shows and vehicle exhibitions — out-of-state participants — violation, penalty.
- 301.568 Exchange of motor vehicles between dealers, registration not required, when.
- 301.570 Sale of six or more motor vehicles in a year without license, prohibited — prosecuting attorney, duties — penalty, exceptions.
- 307.350 Motor vehicles, biennial inspection required, exceptions — authorization to operate inspection station for inspection authorized — violation, penalty.

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

**SECTION A. ENACTING CLAUSE.** — Sections 301.213, 301.550, 301.553, 301.557, 301.559, 301.560, 301.562, 301.563, 301.564, 301.566, 301.568, 301.570, and 307.350, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 301.213, 301.550, 301.553, 301.557, 301.559, 301.560, 301.562, 301.563, 301.564, 301.566, 301.568, 301.570, and 307.350, to read as follows:

**301.213. DEALERS MAY PURCHASE OR ACCEPT IN TRADE VEHICLES SUBJECT TO EXISTING LIENS, WHEN — SALE OF VEHICLES SUBJECT TO LIEN, WHEN — REPLACEMENT CERTIFICATE, WHEN — LIABILITY, WHEN — VIOLATION, PENALTY.** — 1. Notwithstanding the provisions of sections 301.200 and 301.210, any person licensed as a motor vehicle dealer under sections 301.550 to 301.580 that has provided to the director of revenue a surety bond or irrevocable letter of credit in an amount not less than one hundred thousand dollars in a form which complies with the requirements of section 301.560 and in lieu of the [twenty-five] **fifty** thousand dollar bond otherwise required for licensure as a motor vehicle dealer shall be authorized to purchase or accept in trade any motor vehicle for which there has been issued a certificate of ownership, and to receive such vehicle subject to any existing liens thereon created and perfected under sections 301.600 to 301.660 provided the licensed dealer receives the following:

(1) A signed written contract between the licensed dealer and the owner of the vehicle outlining the terms of the sale or acceptance in trade of such motor vehicle without transfer of the certificate of ownership; and

(2) Physical delivery of the vehicle to the licensed dealer; and

(3) A power of attorney from the owner to the licensed dealer, in accordance with subsection 4 of section 301.300, authorizing the licensed dealer to obtain a duplicate or replacement title in the owner's name and sign any title assignments on the owner's behalf.

2. If the dealer complies with the requirements of subsection 1 of this section, the sale or trade of the vehicle to the dealer shall be considered final, subject to any existing liens created and perfected under sections 301.600 to 301.660. Once the prior owner of the motor vehicle has physically delivered the motor vehicle to the licensed dealer, the prior owners' insurable interest in such vehicle shall cease to exist.

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3. If a licensed dealer complies with the requirements of subsection 1 of this section, and such dealer has provided to the director of revenue a surety bond or irrevocable letter of credit in amount not less than one hundred thousand dollars in a form which complies with the requirements of section 301.560 and in lieu of the [twenty-five] **fifty** thousand dollar bond otherwise required for licensure as a motor vehicle dealer, such dealer may sell such vehicle prior to receiving and assigning to the purchaser the certificate of ownership, provided such dealer complies with the following:

(1) All outstanding liens created on the vehicle pursuant to sections 301.600 to 301.660 have been paid in full, and the dealer provides a copy of proof or other evidence to the purchaser; and

(2) The dealer has obtained proof or other evidence from the department of revenue confirming that no outstanding child support liens exist upon the vehicle at the time of sale and provides a copy of said proof or other evidence to the purchaser; and

(3) The dealer has obtained proof or other evidence from the department of revenue confirming that all applicable state sales tax has been satisfied on the sale of the vehicle to the previous owner and provides a copy of said proof or other evidence to the purchaser; and

(4) The dealer has signed an application for duplicate or replacement title for the vehicle under subsection 4 of section 301.300 and provides a copy of the application to the purchaser, along with a copy of the power of attorney required by subsection 1 of this section, and the dealer has prepared and delivered to the purchaser an application for title for the vehicle in the purchaser's name; and

(5) The dealer and the purchaser have entered into a written agreement for the subsequent assignment and delivery of such certificate of ownership, on a form prescribed by the director of revenue, to take place at a time, not to exceed sixty calendar days, after the time of delivery of the motor vehicle to the purchaser. Such agreement shall require the purchaser to provide to the dealer proof of financial responsibility in accordance with chapter 303 and proof of comprehensive and collision coverage on the motor vehicle. Such dealer shall maintain the original or an electronic copy of the signed agreement and deliver a copy of the signed agreement to the purchaser. Such dealer shall also complete and deliver to the director of revenue such form as the director shall prescribe demonstrating that the purchaser has purchased the vehicle without contemporaneous delivery of the title.

Notwithstanding any provision of law to the contrary, completion of the requirements of this subsection shall constitute prima facie evidence of an ownership interest vested in the purchaser of the vehicle for all purposes other than for a subsequent transfer of ownership of the vehicle by the purchaser, subject to the rights of any secured lienholder of record; however, the purchaser may use the dealer-supplied copy of the agreement to transfer his or her ownership of the vehicle to an insurance company in situations where the vehicle has been declared salvage or a total loss by the insurance company as a result of a settlement of a claim. Such insurance company may apply for a salvage certificate of title or junking certificate pursuant to the provisions of subsection 3 of section 301.193 in order to transfer its interest in such vehicle. The purchaser may also use the dealer-supplied copy of the agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lender or insurance company may rely upon a copy of the signed written agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lien placed upon a vehicle based upon such signed written agreement shall be valid and enforceable, notwithstanding the absence of a certificate of ownership.

4. Following a sale or other transaction in which a certificate of ownership has not been assigned from the owner to the licensed dealer, the dealer shall, within ten business days, apply for a duplicate or replacement certificate of ownership. Upon receipt of a duplicate or replacement

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certificate of ownership applied for under subsection 4 of section 301.300, the dealer shall assign and deliver said certificate of ownership to the purchaser of the vehicle within five business days. The dealer shall maintain proof of the assignment and delivery of the certificate of ownership to the purchaser. For purposes of this subsection, a dealer shall be deemed to have delivered the certificate of ownership to the purchaser upon either:

(1) Physical delivery of the certificate of ownership to any of the purchasers identified in the contract with such dealer; or

(2) Mailing of the certificate, postage prepaid, return receipt requested, to any of the purchasers at any of their addresses identified in the contract with such dealer.

5. If a licensed dealer fails to comply with subsection 3 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees.

6. If a licensed dealer fails or is unable to comply with subsection 4 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees. If the dealer cannot be found by the purchaser after making reasonable attempts, or if the dealer fails to assign and deliver the duplicate or replacement certificate of ownership to the purchaser by the date agreed upon by the dealer and the purchaser, as required by subsection 4 of this section, then the purchaser may deliver to the director a copy of the contract for sale of the vehicle, a copy of the application for duplicate title provided by the dealer to the purchaser, a copy of the secure power of attorney allowing the dealer to assign the duplicate title, and the proof or other evidence obtained by the purchaser from the dealer under subsection 3 of this section. Thereafter, the director shall mail by certified mail, return receipt requested, a notice to the dealer at the last address given to the department by that dealer. That notice shall inform the dealer that the director intends to cancel any prior certificate of title which may have been issued to the dealer on the vehicle and issue to the purchaser a certificate of title in the name of the purchaser, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle, unless the dealer, within ten business days from the date of the director's notice, files with the director a written objection to the director taking such action. If the dealer does file a timely, written objection with the director, then the director shall not take any further action without an order from a court of competent jurisdiction. However, if the dealer does not file a timely, written objection with the director, then the director shall cancel the prior certificate of title issued to the dealer on the vehicle and issue a certificate of title to the purchaser of the vehicle, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle and subject to the purchaser satisfying all applicable taxes and fees associated with registering the vehicle.

7. If a seller misrepresents to a dealer that the seller is the owner of a vehicle and the dealer, the owner, any subsequent purchaser, or any prior or subsequent lienholder is thereby damaged, then the seller shall be liable to each such party for actual and punitive damages, plus court costs and reasonable attorney fees.

8. When a lienholder is damaged as a result of a licensed dealer's acts, errors, omissions, or violations of this section, then the dealer shall be liable to the lienholder for actual damages, plus court costs and reasonable attorney fees.

9. No court costs or attorney fees shall be awarded under this section unless, prior to filing any such action, the following conditions have been met:

(1) The aggrieved party seeking damages has delivered an itemized written demand of the party's actual damages to the party from whom damages are sought; and

(2) The party from whom damages are sought has not satisfied the written demand within thirty days after receipt of the written demand.

10. The department of revenue may use a dealer's repeated or intentional violation of this section as a cause to suspend, revoke, or refuse to issue or renew any license required pursuant to sections 301.550 to 301.580, in addition to the causes set forth in section 301.562. The hearing process shall be the same as that established in subsection 6 of section 301.562.

**301.550. DEFINITIONS — CLASSIFICATION OF DEALERS.** — 1. The definitions contained in section 301.010 shall apply to sections 301.550 to [301.573] **301.580**, and in addition as used in sections 301.550 to [301.573] **301.580**, the following terms mean:

(1) "Boat dealer", any natural person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections 301.550 to [301.573] **301.580**. The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as a boat dealer pursuant to sections 301.550 to [301.573] **301.580**;

(2) "Boat manufacturer", any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers;

(3) "Department", the Missouri department of revenue;

(4) "Director", the director of the Missouri department of revenue;

(5) "Emergency vehicles", motor vehicles used as ambulances, law enforcement vehicles, and fire fighting and assistance vehicles;

(6) "Manufacturer", any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles;

(7) "Motor vehicle broker", a person who holds himself out through solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not:

(a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

(b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a manufacturer;

(c) The owner of the vehicle involved in the transaction; or

(d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are licensed dealers in this or any other jurisdiction;

(8) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The sale of [six] **eight** or more motor vehicles or trailers in any calendar year shall be required as evidence that such

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person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections 301.550 to [301.573] **301.580**. [Any motor vehicle dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of six or more motor vehicles provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the dealer has been in business before August 28, 2007.] Any licensed motor vehicle dealer failing to meet the minimum vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. **To be eligible for license renewal**, applicants [who reapply after the one-year period] shall meet the **minimum** requirement of [six] **eight** sales per year;

(9) "New motor vehicle", any motor vehicle being transferred for the first time from a manufacturer, distributor or new vehicle dealer which has not been registered or titled in this state or any other state and which is offered for sale, barter or exchange by a dealer who is franchised to sell, barter or exchange that particular make of motor vehicle. The term "new motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(10) "New motor vehicle franchise dealer", any motor vehicle dealer who has been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell, barter or exchange used motor vehicles;

(11) "Person" includes an individual, a partnership, corporation, an unincorporated society or association, joint venture or any other entity;

(12) "Powersport dealer", any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this chapter and chapter 306;

(13) "Public motor vehicle auction", any person, firm or corporation who takes possession of a motor vehicle whether by consignment, bailment or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer;

(14) "Recreational motor vehicle dealer", a dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle;

(15) "Storage lot", an area within the same city or county where a dealer may store excess vehicle inventory;

(16) "Trailer dealer", any person selling, either exclusively or otherwise, trailers as defined in section 301.010. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any calendar year shall be required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer under sections 301.550 to [301.573] **301.580**. [Any trailer dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of six or more trailers provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the dealer has been in business before August 28, 2007.] Any licensed trailer dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or

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her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(17) "Used motor vehicle", any motor vehicle which is not a new motor vehicle, as defined in sections 301.550 to [301.573] **301.580**, and which has been sold, bartered, exchanged or given away or which may have had a title issued in this state or any other state, or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle. In the event of an assignment of the statement of origin from an original franchise dealer to any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership shall be obtained in the assignee's name. The term "used motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(18) "Used motor vehicle dealer", any motor vehicle dealer who is not a new motor vehicle franchise dealer;

(19) "Vessel", every boat and watercraft defined as a vessel in section 306.010;

(20) "Vessel trailer", any trailer, as defined by section 301.010 which is designed and manufactured for the purposes of transporting vessels;

(21) "Wholesale motor vehicle auction", any person, firm or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government-owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle;

(22) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class.

2. For purposes of sections 301.550 to [301.573] **301.580**, neither the term motor vehicle nor the term trailer shall include manufactured homes, as defined in section 700.010.

3. Dealers shall be divided into classes as follows:

- (1) Boat dealers;
- (2) Franchised new motor vehicle dealers;
- (3) Used motor vehicle dealers;
- (4) Wholesale motor vehicle dealers;
- (5) Recreational motor vehicle dealers;
- (6) Historic motor vehicle dealers;
- (7) Classic motor vehicle dealers;
- (8) Powersport dealers; and
- (9) Trailer dealers.

**301.553. DEPARTMENT OF REVENUE RESPONSIBLE FOR LICENSING DEALERS AND MANUFACTURERS — TRANSFER OF COMMISSION POWERS AND DUTIES TO DEPARTMENT OF REVENUE — OFFICIAL SEAL — RULES AND REGULATIONS, PROMULGATION OF, PROCEDURE.**

— 1. The department of revenue shall be responsible for the licensing of all manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers pursuant to the provisions of sections 301.550 to [301.573] **301.580** and the rules and regulations which it may adopt.

2. All the powers, duties and functions of the Missouri motor vehicle commission, sections 301.550 to 301.573, in effect immediately prior to July 1, 1997, are transferred by type I transfer, as provided in the Omnibus State Reorganization Act of 1974, to the department of revenue. The rules and regulations adopted by the commission which were adopted pursuant to this section prior to July 1, 1997, shall continue in effect after July 1, 1997.

3. All orders or decisions of the department shall be in writing, signed by the director and the official seal affixed thereto.

4. The department shall have the authority to promulgate those rules and regulations necessary to perform the provisions of sections 301.550 to [301.573] **301.580** and is vested with those powers and duties necessary and proper to enable it to fully and effectively carry out the provisions of sections 301.550 to [301.573] **301.580**. No rule or portion of a rule promulgated under the authority of sections 301.550 to [301.573] **301.580** shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

**301.557. DUTIES OF DIRECTOR OF REVENUE IN REGULATING DEALERS AND MANUFACTURERS — CONTENTS, CONFIDENTIALITY.** — 1. The duties of the director shall include, but not be limited to:

- (1) The supervision and direction of the activities of the department's employees;
- (2) Keeping custody of the department's official seal and affixing of this seal to all licenses and orders issued by the department pursuant to sections 301.550 to [301.573] **301.580**;
- (3) The receipt and prompt disposition of all correspondence or inquiries directed to the department;
- (4) Maintaining a record of total number of annual new motor vehicle sales by individual franchise dealers and a separate record of total annual used motor vehicle sales by individual motor vehicle dealers from the director of revenue. These records will be available for public inspection;
- (5) Being the custodian of the files and records of the department;
- (6) The performance of any other duty required in the enforcement of sections 301.550 to [301.573] **301.580**.

2. The director shall receive complaints concerning its licensee's business or professional practices. The complaints shall be logged into record, the record shall include at a minimum, the licensee's name, the name of the complaining party, if given, the date of the complaint and a brief statement of the complaint and its ultimate disposition. Notwithstanding any provisions of law to the contrary, such complaint shall be kept in confidence by the director until such time as formal proceedings are filed with the director, or the director disposes of the complaint in accordance with section 301.562; provided that upon inquiry from a licensee against whom a complaint has been received, the director shall acknowledge to the licensee that a complaint has been made. The licensee shall have access to all complaints and information contained therein.

**301.559. LICENSES REQUIRED FOR DEALER, MANUFACTURER OR AUCTION, PENALTY, EXPIRATION OF — ISSUANCE, APPLICATION — LICENSE NOT REQUIRED, WHEN.** — 1. It shall be unlawful for any person to engage in business as or act as a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a license from the department as required in sections 301.550 to [301.573] **301.580**. Any person who maintains or operates any business wherein a license is required pursuant to the provisions of sections 301.550 to [301.573] **301.580**, without such license, is guilty of a class A misdemeanor. Any person committing a second violation of sections 301.550 to [301.573] **301.580** shall be guilty of a class E felony.

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2. All dealer licenses shall expire on December thirty-first of the designated license period. The department shall notify each person licensed under sections 301.550 to [301.573] **301.580** of the date of license expiration and the amount of the fee required for renewal. The notice shall be mailed at least ninety days before the date of license expiration to the licensee's last known business address. The director shall have the authority to issue licenses valid for a period of up to two years and to stagger the license periods for administrative efficiency and equalization of workload, at the sole discretion of the director.

3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make application to the department for issuance of a license. The application shall be on forms prescribed by the department and shall be issued under the terms and provisions of sections 301.550 to [301.573] **301.580** and require all applicants, as a condition precedent to the issuance of a license, to provide such information as the department may deem necessary to determine that the applicant is bona fide and of good moral character, except that every application for a license shall contain, in addition to such information as the department may require, a statement to the following facts:

(1) The name and business address, not a post office box, of the applicant and the fictitious name, if any, under which [he] **the applicant** intends to conduct [his] business; and], **the applicant's regular business hours, and a phone number and email address where the applicant may be contacted during regular business hours.** If the applicant [be] is a partnership, the **application shall list** the name and residence address of each partner, an indication of whether the partner is a limited or general partner and the name under which the partnership business is to be conducted. In the event that the applicant is a corporation, the application shall list the names of the principal officers of the corporation and the state in which it is incorporated. Each application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer;

(2) Whether the application is being made for registration as a manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

(3) When the application is for a new motor vehicle franchise dealer, the application shall be accompanied by a copy of the franchise agreement in the registered name of the dealership setting out the appointment of the applicant as a franchise holder and it shall be signed by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall include a description of the make of all motor vehicles covered by the franchise. The department shall not require a copy of the franchise agreement to be submitted with each renewal application unless the applicant is now the holder of a franchise from a different manufacturer or distributor from that previously filed, or unless a new term of agreement has been entered into;

(4) When the application is for a public motor vehicle auction, that the public motor vehicle auction has met the requirements of section 301.561.

4. No insurance company, finance company, credit union, savings and loan association, bank or trust company shall be required to obtain a license from the department in order to sell any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance with applicable title and registration laws of this state.

5. No person shall be issued a license to conduct a public motor vehicle auction or wholesale motor vehicle auction if such person has a violation of sections 301.550 to [301.573] **301.580** or other violations of chapter 301, sections 407.511 to 407.556, or section 578.120 which resulted in

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a felony conviction or finding of guilt or a violation of any federal motor vehicle laws which resulted in a felony conviction or finding of guilt.

**301.560. APPLICATION REQUIREMENTS, ADDITIONAL — BONDS, FEES, SIGNS REQUIRED — LICENSE NUMBER, CERTIFICATE OF NUMBERS — DUPLICATE DEALER PLATES, ISSUES, FEES — TEST DRIVING MOTOR VEHICLES AND VESSELS, USE OF PLATES — PROOF OF EDUCATIONAL SEMINAR REQUIRED, EXCEPTIONS, CONTENTS OF SEMINAR.** — 1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department:

(1) Every application other than a renewal application for a motor vehicle franchise dealer shall include a certification that the applicant has a bona fide established place of business. Such application shall include an annual certification that the applicant has a bona fide established place of business for the first three years and only for every other year thereafter. The certification shall be performed by a uniformed member of the Missouri state highway patrol or authorized or designated employee stationed in the troop area in which the applicant's place of business is located; except that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed. When the application is being made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a uniformed member of the Missouri state water patrol stationed in the district area in which the applicant's place of business is located or by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located or, if the applicant's place of business is located within the jurisdiction of a metropolitan police department in a first class county, by an officer of such metropolitan police department. A bona fide established place of business for any new motor vehicle franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall be a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The [applicant's place of business] **applicant** shall [contain] **maintain** a working telephone [which shall be maintained] **number** during the entire registration year **which will allow the public, the department, and law enforcement to contact the applicant during regular business hours. The applicant shall also maintain an email address during the entire registration year which may be used for official correspondence with the department.** In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior sign displayed carrying the name of the business set forth in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the secretary of state, has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name registration has been provided to the department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona fide place

of business, including the related law enforcement certification requirements, and from meeting the minimum yearly sales;

(2) The initial application for licensure shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building, lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to [301.573] **301.580**. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed;

(3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of [twenty-five] **fifty** thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a copy of a current dealer garage policy bearing the policy number and name of the insurer and the insured;

(4) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.580. All fees payable pursuant to the provisions of sections 301.550 to 301.580, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080 to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction,

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trailer dealer, or a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this section, the department shall make a decision to grant or deny the license to the applicant within eight working hours after receipt of the dealer's application, notwithstanding any rule of the department.

3. **Except as otherwise provided in subsection 6 of this section**, upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number and two additional number plates or certificates of number within eight working hours after presentment of the application **and payment by the applicant of a fee of fifty dollars for the first plate or certificate and ten dollars and fifty cents for each additional plate or certificate**. Upon renewal, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer. **The license plates described in this section shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.**

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

New motor vehicle franchise dealers	D-0 through D-999
New powersport dealers [and motorcycle franchise dealers]	D-1000 through D-1999
Used motor vehicle[,] <b>and</b> used powersport[, and used motorcycle] dealers	D-2000 through D-9999
Wholesale motor vehicle dealers	W-0 through W-1999
Wholesale motor vehicle auctions	WA-0 through WA-999
New and used trailer dealers	T-0 through T-9999
Motor vehicle, trailer, and boat manufacturers	DM-0 through DM-999
Public motor vehicle auctions	A-0 through A-1999
Boat dealers	M-0 through M-9999
New and used recreational motor vehicle dealers	RV-0 through RV-999

For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year. The provisions of this subsection shall become effective on the date the director of the department of revenue begins to reissue new license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new license plates under the

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authority granted under section 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the revisor of statutes of such fact.

5. Upon the sale of a currently licensed [new] motor vehicle [franchise] dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer. **If the new approved dealer applicant elects not to retain the selling dealer's license number, the department shall issue the new dealer applicant a new dealer's license number and an equal number of plates or certificates as the department had issued to the selling dealer.**

6. **In the case of motor vehicle dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue one additional number plate to the applicant upon payment by the dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for the additional number plate. The department may issue a third plate to the motor vehicle dealer upon completion of the dealer's fifteenth qualified transaction and payment of a fee of ten dollars and fifty cents.** In the case of new motor vehicle manufacturers, [motor vehicle dealers,] powersport dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue two additional number plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate. [Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.] Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. Additional number plates and as many additional certificates of number may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a distinctive dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury,

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the dealer's number of sales during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle, for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and boat manufacturers may display their certificate of number on a vessel or vessel trailer when transporting a vessel or vessels to an exhibit or show.

9. If any law enforcement officer has probable cause to believe that any license plate or certificate of number issued under subsection 3 or 6 of this section is being misused in violation of subsection 7 or 8 of this section, the license plate or certificate of number may be seized and surrendered to the department.

10. (1) Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and public auto auctions and applicants currently holding a new or used license for a separate dealership shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to [301.573] **301.580**, the rules promulgated to implement, enforce, and administer sections 301.550 to [301.570] **301.580**, and any other rules and regulations promulgated by the department.

**301.562. LICENSE SUSPENSION, REVOCATION, REFUSAL TO RENEW — PROCEDURE — GROUNDS — COMPLAINT MAY BE FILED, WHEN — CLEAR AND PRESENT DANGER, WHAT CONSTITUTES, REVOCATION OR SUSPENSION AUTHORIZED, PROCEDURE — AGREEMENT PERMITTED, WHEN. —** 1. The department may refuse to issue or renew any license required pursuant to sections 301.550 to 301.580 for any one or any combination of causes stated in subsection 2 of this section. The department shall notify the applicant or licensee in writing at his or her last known address of the reasons for the refusal to issue or renew the license and shall advise the applicant or licensee of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

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2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license issued under sections 301.550 to 301.580 for any one or any combination of the following causes:

(1) The applicant or license holder was previously the holder of a license issued under sections 301.550 to 301.580, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled;

(2) The applicant or license holder was previously a partner, stockholder, director or officer controlling or managing a partnership or corporation whose license issued under sections 301.550 to 301.580 was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled;

(3) The applicant or license holder has, within ten years prior to the date of the application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any business licensed under sections 301.550 to 301.580; for any offense, an essential element of which is fraud, dishonesty, or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued pursuant to sections 301.550 to 301.580;

(5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or other compensation by fraud, deception, or misrepresentation;

(6) Violation of, or assisting or enabling any person to violate any provisions of this chapter and chapters 143, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation adopted pursuant to this chapter and chapters 143, 144, 306, 307, 407, 578, and 643;

(7) The applicant or license holder has filed an application for a license which, as of its effective date, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(8) The applicant or license holder has failed to pay the proper application or license fee or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a bona fide place of business;

(9) Uses or permits the use of any special license or license plate assigned to the license holder for any purpose other than those permitted by law;

(10) The applicant or license holder is finally adjudged insane or incompetent by a court of competent jurisdiction;

(11) Use of any advertisement or solicitation which is false;

(12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a conviction or finding of guilt or violation of any federal motor vehicle laws which result in a conviction or finding of guilt.

3. Any such complaint shall be filed within one year of the date upon which the department receives notice of an alleged violation of an applicable statute or regulation. After the filing of such complaint, the proceedings shall, except for the matters set forth in subsection 5 of this section, be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, refuse to issue the person a license, issue a license for a period of less than two years, issue a private reprimand, place the person on probation on such terms and conditions as the department deems appropriate for a period of one day to five years, suspend the person's license from one day to six days, or revoke

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the person's license for such period as the department deems appropriate. The applicant or licensee shall have the right to appeal the decision of the administrative hearing commission and department in the manner provided in chapter 536.

4. Upon the suspension or revocation of any person's license issued under sections 301.550 to 301.580, the department shall recall any distinctive number plates that were issued to that licensee. If any licensee who has been suspended or revoked shall neglect or refuse to surrender his or her license or distinctive number license plates issued under sections 301.550 to 301.580, the director shall direct any agent or employee of the department or any law enforcement officer, to secure possession thereof and return such items to the director. For purposes of this subsection, a "law enforcement officer" means any member of the highway patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his or her official capacity. Failure of the licensee to surrender his or her license or distinctive number license plates upon demand by the director, any agent or employee of the department, or any law enforcement officer shall be a class A misdemeanor.

5. Notwithstanding the foregoing provisions of this section, the following events or acts by the holder of any license issued under sections 301.550 to 301.580 are deemed to present a clear and present danger to the public welfare and shall be considered cause for suspension or revocation of such license under the procedure set forth in subsection 6 of this section, at the discretion of the director:

(1) The expiration or revocation of any corporate surety bond or irrevocable letter of credit, as required by section 301.560, without submission of a replacement bond or letter of credit which provides coverage for the entire period of licensure;

(2) The failure to maintain a bona fide established place of business as required by section 301.560;

(3) Criminal convictions as set forth in subdivision (3) of subsection 2 of this section; or

(4) Three or more occurrences of violations which have been established following proceedings before the administrative hearing commission under subsection 3 of this section, or which have been established following proceedings before the director under subsection 6 of this section, of this chapter and chapters 143, 144, 306, 307, 578, and 643 or of any lawful rule or regulation adopted under this chapter and chapters 143, 144, 306, 307, 578, and 643, not previously set forth herein.

6. (1) Any license issued under sections 301.550 to 301.580 [shall] **may** be suspended or revoked, following an evidentiary hearing before the director or his or her designated hearing officer, if affidavits or sworn testimony by an authorized agent of the department alleges the occurrence of any of the events or acts described in subsection 5 of this section.

(2) For any license which the department believes may be subject to suspension or revocation under this subsection, the director shall immediately issue a notice of hearing to the licensee of record. The director's notice of hearing:

(a) Shall be served upon the licensee personally or by first class mail to the dealer's last known address, as registered with the director;

(b) Shall be based on affidavits or sworn testimony presented to the director, and shall notify the licensee that such information presented therein constitutes cause to suspend or revoke the licensee's license;

(c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;

(d) Shall specify the events or acts which may provide cause for suspension or revocation of the license, and shall include with the notice a copy of all affidavits, sworn testimony or other information presented to the director which support discipline of the license; and

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(e) Shall inform the licensee that he or she has the right to attend the hearing and present any evidence in his or her defense, including evidence to show that the event or act which may result in suspension or revocation has been corrected to the director's satisfaction, and that he or she may be represented by counsel at the hearing.

(3) At any hearing before the director conducted under this subsection, the director or his or her designated hearing officer shall consider all evidence relevant to the issue of whether the license should be suspended or revoked due to the occurrence of any of the acts set forth in subsection 5 herein. Within twenty business days after such hearing, the director or his or her designated hearing officer shall issue a written order, with findings of fact and conclusions of law, which either grants or denies the issuance of an order of suspension or revocation. The suspension or revocation shall be effective ten days after the date of the order. The written order of the director or his or her hearing officer shall be the final decision of the director and shall be subject to judicial review under the provisions of chapter 536.

(4) Notwithstanding the provisions of this chapter or chapter 610 or 621 to the contrary, the proceedings under this section shall be closed and no order shall be made public until it is final, for purposes of appeal.

7. In lieu of acting under subsection 2 or 6 of this section, the department of revenue may enter into an agreement with the holder of the license to ensure future compliance with sections 301.210, 301.213, 307.380, sections 301.217 to 301.229, and sections 301.550 to 301.580. Such agreement may include an assessment fee not to exceed five hundred dollars per violation or five thousand dollars in the aggregate unless otherwise permitted by law, probation terms and conditions, and other requirements as may be deemed appropriate by the department of revenue and the holder of the license. Any fees collected by the department of revenue under this subsection shall be deposited into the motor vehicle commission fund created in section 301.560.

**301.563. SUBPOENAS, ISSUANCE OF PROCESS, DEPARTMENT'S AUTHORITY — WITNESSES, COSTS — FAILURE TO OBEY PROCESS, PENALTY, CONTINUING VIOLATIONS. — 1.** The department or its designated representative may issue process, subpoena witnesses, administer oaths, examine books and papers, and require the production thereof, and cause the deposition of any witness to be taken and the costs thereof paid as other costs under sections 301.550 to [301.573] **301.580.** Any party may process to compel the attendance of witnesses and the production of books and papers, and at his own cost to take and use depositions in like manner as in civil cases in the circuit court. The subpoena shall extend to all parts of the state, and may be served as in civil actions in the circuit court, but the costs of the service shall be as in other civil actions. Each witness shall receive the fees and mileage prescribed by law in civil cases, but the same shall not be allowed as costs to the party in whose behalf the witness was summoned unless the person who conducts the hearing certifies that the testimony of the witness was necessary. All costs under this section shall be approved by the department and paid out of the Missouri motor vehicle commission fund established in section 301.560, except that if the department determines that any proceedings are brought, prosecuted or defended without reasonable ground, it may assess the whole cost of the proceedings upon the party who brought, prosecuted or defended the proceedings.

2. If any person subpoenaed to appear at any hearing or proceeding fails to obey the command of such subpoena without reasonable cause or if any person attending a hearing or proceeding shall, without reasonable cause, refuse to be sworn or to be examined or to answer a question or to produce a book or paper or to subscribe or swear to his deposition, such person is guilty of a class B misdemeanor and on conviction thereof shall be punished by a fine of not more than five hundred

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dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment, and in the case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense.

**301.564. INSPECTION OF CERTAIN DOCUMENTS AND ODOMETER READINGS IN POSSESSION OF DEALERS, MANUFACTURERS AND AUCTIONS — LAW ENFORCEMENT OFFICIAL, DEFINED.** — 1. Any person or his agent licensed or registered as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction pursuant to the provisions of sections 301.550 to [301.573,] **301.580** shall permit an employee of the department of revenue or any law enforcement official to inspect, during normal business hours, any of the following documents which are in his possession or under his custody or control:

- (1) Any title to any motor vehicle or vessel;
- (2) Any application for title to any motor vehicle or vessel;
- (3) Any affidavit provided pursuant to sections 301.550 to [301.573] **301.580** or chapter 407;
- (4) Any assignment of title to any motor vehicle or vessel;
- (5) Any disclosure statement or other document relating to mileage or odometer readings required by the laws of the United States or any other state;
- (6) Any inventory and related documentation.

2. For purposes of this section, the term "law enforcement official" shall mean any of the following:

- (1) Attorney general, or any person designated by him to make such an inspection;
- (2) Any prosecuting attorney or any person designated by a prosecuting attorney to make such an inspection;
- (3) Any member of the highway patrol or water patrol;
- (4) Any sheriff or deputy sheriff;
- (5) Any peace officer certified pursuant to chapter 590 acting in his official capacity.

**301.566. MOTOR VEHICLE SALES OR SHOWS HELD AWAY FROM REGISTERED PLACE OF BUSINESS, ALLOWED, WHEN — OFF-SITE RETAIL SALE OF VEHICLES, WHEN — RECREATIONAL VEHICLE DEALER PARTICIPATION IN OFF-PREMISE EVENTS, RECREATIONAL VEHICLE SHOWS AND VEHICLE EXHIBITIONS — OUT-OF-STATE PARTICIPANTS — VIOLATION, PENALTY.** — 1. [A motor vehicle dealer may participate in no more than two motor vehicle shows or sales annually and conduct sales of motor vehicles away from the dealer's usual, licensed place of business if either the requirements of subsection 2 or 3 of this section are met or the event is conducted for not more than five consecutive days, the event does not require any motor vehicle dealer participant to pay an unreasonably prohibitive participation fee, and if a majority of the motor vehicle dealers within a class of dealers described pursuant to subsection 3 of section 301.550 in a city or town participate or are invited and have the opportunity to participate in the event, except that a recreational motor vehicle dealer classified in subdivision (5) of subsection 3 of section 301.550 may participate in such a show or sale even if a majority of recreational motor vehicle dealers in a city or town do not participate in the event. If any show or sale includes a class of dealer or franchised new vehicle line-make, that is also represented by a same class dealer or dealer representing the same line-make outside of the boundary lines of the city or town and is within ten miles of where the show or sale is to take place, the dealer outside of the boundary lines of the city or town shall be invited to participate in the show or sale. The department shall consider such events to be proper in all respects and as if each dealer participant was conducting business

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Matter in bold-face type is proposed language.

at the dealer's usual business location. Nothing contained in this section shall be construed as applying to the sale of motor vehicles or trailers through either a wholesale motor vehicle auction or public motor vehicle auction.] **Except as provided in this section, it shall be unlawful for a motor vehicle dealer to sell or offer to sell any motor vehicle away from the dealer's registered place of business.**

2. [Any person, partnership, corporation or association disposing of vehicles used and titled solely in its ordinary course of business as provided in section 301.570 may sell at retail such vehicles away from that person's bona fide established place of business, thus constituting an off-site sale, by adhering to each of the following conditions with regard to each and every off-site sale conducted:

(1) Have in effect a valid license, pursuant to sections 301.550 to 301.575, from the department for the sale of used motor vehicles;

(2) No off-site sale may exceed five days in duration, and only one sale may be held per year, per county;

(3) Pay to the motor vehicle commission fund, pursuant to section 301.560, a permit fee of five hundred fifty dollars for each off-site sale event;

(4) Advise the department, at least ten days prior to the sale, of the date, location and duration of each off-site sale;

(5) The sale of vehicles at off-site sales shall be limited to sales by a seller of vehicles used and titled solely in its ordinary course of business, and such sales shall be held in conjunction with a credit union and limited to members of the credit union, thus constituting a private sale to be advertised to members only[;].

[(6)] **3.** Off-site sales by a seller of vehicles used and titled solely in its ordinary course of business may also be held in conjunction with other financial institutions provided that any such sale event shall be held on the premises of the financial institution, and sales shall be limited to persons who were customers of the financial institution prior to the date of the sale event. Off-site sales held with such other financial institutions shall be limited to one sale per year per institution[;]

(7) The sale of motor vehicles which have the designation of the current model year, except discontinued models, is prohibited at off-site sales until subsequent model year designated vehicles of the same manufacture and model are offered for sale to the public].

**4. A motor vehicle dealer may participate in up to two off-premise motor vehicle shows or sales annually and conduct sales of motor vehicles away from the dealer's registered place of business, which for purposes of this section shall be considered "off-premise events" provided the following:**

**(1) The off-premise event shall be conducted for not more than five consecutive days;**

**(2) The off-premise event shall not require any motor vehicle dealer participant to pay an unreasonably prohibitive participation fee;**

**(a) Participation fees may include those costs reasonably necessary for the off-premise event such as rental of real property and provision of insurance coverage;**

**(b) If a participation fee is required, the fee shall be the same for all motor vehicle dealers participating in the event, but in no event shall any participation fee exceed five hundred dollars per participant;**

**(3) A majority of motor vehicle dealers within a class of dealers described in subsection 3 of section 301.550 that are located within the city or town in which the off-premise event is situated participate in the event or are notified via mail or electronic means and have the opportunity to participate in the event;**

(4) A majority of motor vehicle dealers within a class of dealers described in subsection 3 of section 301.550 that are located within a ten-mile radius of the location of the off-premise event participate in the event or are notified via mail or electronic means and have the opportunity to participate in the event;

(5) Notices provided pursuant to subdivisions (3) and (4) of this subsection shall be provided not less than forty-five days before the off-premise event is to take place and invited dealers shall be given at least five business days to respond to the notice;

(6) The organizer of the off-premise event shall provide a copy of the notices issued pursuant to subdivisions (3) and (4) of this subsection to the director at the time they are mailed or electronically transmitted to the prospective participants; and

(7) No motor vehicle dealer shall participate in any off-premise event that is more than ten miles from its licensed location.

5. Provided the requirements of this section are met, the department shall consider such events to be proper in all respects and as if each dealer participant was conducting business at the dealer's usual business location. Nothing contained in this section shall be construed as applying to the sale of motor vehicles or trailers through either a wholesale motor vehicle auction or public motor vehicle auction. A recreational motor vehicle dealer, as classified by subdivision (5) of subsection 3 of section 301.550, may participate in an off-premise event even if a majority of recreational motor vehicle dealers in a city or town do not participate in the event.

[3.] 6. A recreational vehicle dealer, as that term is defined in section 700.010, who is licensed in another state may participate in recreational vehicle shows or exhibits with recreational vehicles within this state in which less than fifty dealers participate as exhibitors with permission of the dealer's licensed manufacturer if all of the following conditions exist:

(1) The show or exhibition has a minimum of ten recreational vehicle dealers licensed as motor vehicle dealers in this state;

(2) More than fifty percent of the participating recreational vehicle dealers are licensed motor vehicle dealers in this state; and

(3) The state in which the recreational vehicle is licensed is a state contiguous to Missouri and the state permits recreational vehicle dealers licensed in Missouri to participate in recreational vehicle shows in such state pursuant to conditions substantially equivalent to the conditions which are imposed on dealers from such state who participate in recreational vehicle shows in Missouri.

[4.] 7. A recreational vehicle dealer licensed in another state may participate in a vehicle show or exhibition in Missouri which has, when it opens to the public, at least fifty dealers displaying recreational vehicles if the show or exhibition is trade-oriented and is predominantly funded by recreational vehicle manufacturers. All of the participating dealers who are not licensed in Missouri shall be licensed as recreational vehicle dealers by the state of their residence.

[5.] 8. A recreational vehicle dealer licensed in another state who intends to participate in a vehicle show or exhibition in this state shall send written notification of such intended participation to the department of revenue at least thirty days prior to the vehicle show or exhibition. Upon receipt of such written notification, the department of revenue shall make a determination regarding compliance with the provisions of this section. If such recreational vehicle dealer would be unable to participate in the vehicle show or exhibition in this state pursuant to this section, the department of revenue shall notify the recreational vehicle dealer at least fifteen days prior to the vehicle show or exhibition of the inability to participate in the vehicle show or exhibition in this state.

[6.] 9. The department [of revenue] may assess a fine of up to one thousand dollars for **the off-premise sale or display of any motor vehicle in** violation of this section.

**301.568. EXCHANGE OF MOTOR VEHICLES BETWEEN DEALERS, REGISTRATION NOT REQUIRED, WHEN.** — New motor vehicles may be exchanged for resale from one new motor vehicle franchise dealer to another who is franchised to sell the same make of new motor vehicles by assignment of the manufacturer's statement of origin. Such exchange shall not be deemed to be a sale and shall not require the motor vehicle dealer to register and make application for a certificate of ownership as set out in this chapter. However, when an exchange by assignment of the manufacturer's statement of origin is between a new motor vehicle franchise dealer and another motor vehicle dealer who has a franchise for a different make of motor vehicle or a motor vehicle dealer who is not a new motor vehicle franchise dealer, the transaction shall be deemed a sale and shall void the resale of that motor vehicle as a new motor vehicle, and it shall be unlawful for any motor vehicle dealer to hold forth, offer for sale, advertise or sell such motor vehicle as a new motor vehicle. A motor vehicle dealer shall not assign ownership on any vehicle in a retail sale by the assignment of a manufacturer's statement of origin unless he is [enfranchised] **franchised** by the manufacturer to sell that particular make of vehicle; however, this provision shall not take effect if the motor vehicle dealer and the manufacturer are in the process of negotiating a new franchise agreement, or the motor vehicle dealer has filed a timely protest to the manufacturer or appealed under section 407.825 of the motor vehicle franchise practices act. The provisions of this section shall not apply to mobile homes or trailers.

**301.570. SALE OF SIX OR MORE MOTOR VEHICLES IN A YEAR WITHOUT LICENSE, PROHIBITED — PROSECUTING ATTORNEY, DUTIES — PENALTY, EXCEPTIONS.** — 1. It shall be unlawful for any person, partnership, corporation, company or association, unless the seller is a financial institution, or is selling repossessed motor vehicles or is disposing of vehicles used and titled solely in its ordinary course of business or is a collector of antique motor vehicles, to sell or display with an intent to sell six or more motor vehicles in a calendar year, except when such motor vehicles are registered in the name of the seller, unless such person, partnership, corporation, company or association is:

(1) Licensed as a motor vehicle dealer by the department under the provisions of sections 301.550 to [301.573] **301.580**;

(2) Exempt from licensure as a motor vehicle dealer pursuant to subsection 4 of section 301.559;

(3) Selling commercial motor vehicles with a gross weight of at least nineteen thousand five hundred pounds, but only with respect to such commercial motor vehicles;

(4) An auctioneer, acting at the request of the owner at an auction, when such auction is not a public motor vehicle auction.

2. Any person, partnership, corporation, company or association that has reason to believe that the provisions of this section are being violated shall file a complaint with the prosecuting attorney in the county in which the violation occurred. The prosecuting attorney shall investigate the complaint and take appropriate action.

3. For the purposes of sections 301.550 to [301.573] **301.580**, the sale, barter, exchange, lease or rental with option to purchase of six or more motor vehicles in a calendar year by any person, partnership, corporation, company or association, whether or not the motor vehicles are owned by them, shall be prima facie evidence of intent to make a profit or gain of money and such person,

partnership, corporation, company or association shall be deemed to be acting as a motor vehicle dealer without a license.

4. Any person, partnership, corporation, company or association who violates subsection 1 of this section is guilty of a class A misdemeanor. A second or subsequent conviction shall be deemed a class E felony.

5. The provisions of this section shall not apply to liquidation of an estate.

**307.350. MOTOR VEHICLES, BIENNIAL INSPECTION REQUIRED, EXCEPTIONS — AUTHORIZATION TO OPERATE INSPECTION STATION FOR INSPECTION AUTHORIZED — VIOLATION, PENALTY.** — 1. The owner of every motor vehicle as defined in section 301.010 which is required to be registered in this state, except:

(1) Motor vehicles, for the five-year period following their model year of manufacture, excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131;

(4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve months;

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred; **however, if a vehicle was purchased from a motor vehicle dealer and a valid inspection had been made within sixty days of the purchase date, the new owner shall be able to utilize an inspection performed within ninety days prior to the application for registration or transfer.** Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place

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where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144 or a set of any license plates available pursuant to section 301.142, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.

Approved July 5, 2018

SB 708

**Enacts provisions relating to motor vehicle financial responsibility.**

AN ACT to repeal sections 105.1073, 303.020, 303.030, 303.120, 303.190, 303.240, 379.110, and 379.118, RSMo, and to enact in lieu thereof nine new sections relating to motor vehicle financial responsibility, with an effective date for certain sections.

SECTION

- A. Enacting clause.
  - 105.1073 Liability coverage to be provided — amounts of coverage.
  - 303.020 Definitions.
  - 303.022 Applicability of certain state statutes to motor vehicle liability policies, when.
  - 303.030 Operator's license suspended on failure to give security for payment of damages after accident, burden of proof for challenging determination — exceptions — insurance accepted.
  - 303.120 Judgments deemed satisfied, when.
  - 303.190 Motor vehicle liability policy, contents.
  - 303.240 Cash deposit as proof of responsibility.
  - 379.110 Definitions.
  - 379.118 Notice of cancellation and renewals, due when — reinstatement, when — exemption, when.
- B. Effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 105.1073, 303.020, 303.030, 303.120, 303.190, 303.240, 379.110, and 379.118, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 105.1073, 303.020, 303.022, 303.030, 303.120, 303.190, 303.240, 379.110, and 379.118, to read as follows:

**105.1073. LIABILITY COVERAGE TO BE PROVIDED — AMOUNTS OF COVERAGE.** — Motor vehicle, aircraft, or marine liability insurance acquired pursuant to sections 105.1070 to 105.1079 shall provide coverage for state employees, members of the Missouri National Guard, or agents while operating state-controlled motor vehicles, aircraft, or marine vessels on state business in the course of their employment, military duties, or within the scope of their agency, subject to the following minimum amounts exclusive of interest and costs:

(1) Not less than twenty-five thousand dollars because of bodily injury to, or the death of, one person in any one accident;

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(2) Subject to the limit in subdivision (1), not less than fifty thousand dollars because of bodily injury to, or death of, two or more persons in any one accident; and

(3) Not less than [ten] **twenty-five** thousand dollars because of injury to, or destruction of, property of others in any one accident.

**303.020. DEFINITIONS.** — As used in this chapter the following words and phrases shall mean:

(1) "Chauffeur", a person who is employed for the principal purpose of operating a motor vehicle or any person who drives a motor vehicle while in use as a public or common carrier of persons or property for hire;

(2) "Director", director of revenue of the state of Missouri, acting directly or through his authorized officers and agents;

(3) "Judgment", a final judgment by a court of competent jurisdiction of any state or of the United States, upon a claim for relief for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a claim for relief on any agreement or settlement for such damages arising out of the ownership, maintenance or use of any motor vehicle;

(4) "License", an operator's or driver's license, temporary instruction permit, chauffeur's or registered operator's license issued under the laws of this state;

(5) "Motor vehicle", a self-propelled vehicle which is designed for use upon a highway, except trailers designed for use with such vehicles, traction engines, road rollers, farm tractors, tractor cranes, power shovels, well drillers and motorized bicycles, as defined in section 307.180, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails;

(6) "Nonresident", a person not a resident of the state of Missouri;

(7) "Nonresident's operating privilege", the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him in this state;

(8) "Operator", a person who is in actual physical control of a motor vehicle;

(9) "Owner", a person who holds the legal title to a motor vehicle; or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a motor vehicle is entitled to possession thereof, then such conditional vendee or lessee or mortgagor;

(10) "Proof of financial responsibility", proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of [ten] **twenty-five** thousand dollars because of injury to or destruction of property of others in any one accident;

(11) "Registration", registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;

(12) "State", any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada;

(13) "Street" or "highway", the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

**303.022. APPLICABILITY OF CERTAIN STATE STATUTES TO MOTOR VEHICLE LIABILITY POLICIES, WHEN.** — Sections 105.1073, 303.020, 303.030, 303.120, 303.190, and 303.240 shall apply to motor vehicle liability policies, as defined in section 303.190, that are issued or renewed in Missouri on or after July 1, 2019, and to any applicable filing under section 303.240 or subdivisions (2), (3), or (4) of subsection 1 of section 303.160 that goes into effect on or after July 1, 2019. A motor vehicle liability policy in effect prior to July 1, 2019, shall continue to constitute proof of compliance with the provisions of this chapter for the remainder of the term of that policy.

**303.030. OPERATOR'S LICENSE SUSPENDED ON FAILURE TO GIVE SECURITY FOR PAYMENT OF DAMAGES AFTER ACCIDENT, BURDEN OF PROOF FOR CHALLENGING DETERMINATION — EXCEPTIONS — INSURANCE ACCEPTED.** — 1. If within twenty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of five hundred dollars, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection 2 of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment for damages resulting from such accident as may be recovered against each operator or owner. Any person challenging the director's determination shall have the burden of proving he or she was not at fault.

2. The director shall, within ninety days after the receipt of such report of a motor vehicle accident, suspend the license of each operator, and all registrations of each owner of a motor vehicle, in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided notice of such suspension shall be sent by the director to such operator and owner not less than ten days prior to the effective date of such suspension and shall state the amount required as security; provided, however, that the period of suspension provided for in this section shall be in addition to any period of suspension imposed under sections 303.041 and 303.042.

3. Where erroneous information is given the director with respect to the matters set forth in subdivision (1), (2) or (3) of subsection 4 of this section, he shall take appropriate action as hereinbefore provided, within forty-five days after receipt by him of correct information with respect to said matters.

4. This section shall not apply under the conditions stated in section 303.070, nor:

(1) To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

(2) To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

(3) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; nor

(4) To any person qualifying as a self-insurer under section 303.220, nor to any person operating a motor vehicle for such self-insurer.

5. No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than [ten] **twenty-five** thousand dollars because of injury to or destruction of property of others in any one accident.

**303.120. JUDGMENTS DEEMED SATISFIED, WHEN.** — 1. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

(1) When twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(2) When, subject to such limit of twenty-five thousand dollars because of bodily injury to or death of one person, the sum of fifty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(3) When [ten] **twenty-five** thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

2. Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

**303.190. MOTOR VEHICLE LIABILITY POLICY, CONTENTS.** — 1. A "motor vehicle liability policy" as said term is used in this chapter shall mean an owner's or an operator's policy of liability insurance, certified as provided in section 303.170 or section 303.180 as proof of financial responsibility, and issued, except as otherwise provided in section 303.180 by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

2. Such owner's policy of liability insurance:

(1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted;

(2) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured,

against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits, exclusive of interest and costs, with respect to each such motor vehicle, as follows: twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and [ten] **twenty-five** thousand dollars because of injury to or destruction of property of others in any one accident; and

(3) May exclude coverage against loss from liability imposed by law for damages arising out of the use of such motor vehicles by a member of the named insured's household who is a specifically excluded driver in the policy.

3. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him or her by law for damages arising out of the use by him or her of any motor vehicle not owned by him or her, within the said territorial limits and subject to the same limits of liability as are set forth above with respect to any owner's policy of liability insurance.

4. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

5. Such motor vehicle liability policy need not insure any liability pursuant to any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

6. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(1) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his or her behalf and no violation of said policy shall defeat or void said policy;

(2) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage;

(3) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision (2) of subsection 2 of this section;

(4) The policy, the written application thereof, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

7. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor

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vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

8. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

9. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

10. The requirements of a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

11. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirement for such a policy.

**303.240. CASH DEPOSIT AS PROOF OF RESPONSIBILITY.** — 1. Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him ~~[sixty]~~ **seventy-five** thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of ~~[sixty]~~ **seventy-five** thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the director shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

2. Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

**379.110. DEFINITIONS.** — As used in sections 379.110 to 379.120 the following words and terms mean:

(1) "Insurer", any insurance company, association or exchange authorized to issue policies of automobile insurance in the state of Missouri;

(2) "Nonpayment of premium", failure of the named insured to discharge when due any of his or her obligations in connection with the payment of premiums on a policy, or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit;

(3) "Policy", an automobile policy providing automobile liability coverage, uninsured motorists coverage, automobile medical payments coverage, or automobile physical damage coverage insuring a private passenger automobile owned by an individual or partnership which has been in effect for more than sixty days or has been renewed. "Policy" does not mean:

(a) Any policy issued under an automobile assigned risk plan or automobile insurance plan;

(b) Any policy insuring more than four motor vehicles;

(c) Any policy covering the operation of a garage, automobile sales agency, repair shop, service station or public parking place;

(d) Any policy providing insurance only on an excess basis, or to any contract principally providing insurance to such named insured with respect to other than automobile hazards or losses even though such contract may incidentally provide insurance with respect to such motor vehicles;

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Matter in bold-face type is proposed language.

(4) "Reduction in coverage", a change made at renewal by the insurer to a policy form which is effective to all insureds with that policy form, which results in a removal of coverage, diminution in scope or less coverage, or the addition of an exclusion. Reduction in coverage does not include any change, reduction, or elimination of coverage made at the request of the insured. The correction of typographical or scrivener's errors or the application of mandated legislative changes is not a reduction in coverage. A reduction in coverage mandated by the insurer which does not apply to all insureds with the same policy form shall be treated as a nonrenewal.

(5) "Renewal" or "to renew", the issuance and delivery by an insurer of a policy superseding at the end of the policy period a policy previously issued and delivered by the same insurer, [such renewal policy to provide types and limits of coverage at least equal to those contained in the policy being superseded,] or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term [with types and limits of coverage at least equal to those contained in the policy being extended]; provided, however, that any policy with a policy period or term of less than six months or any period with no fixed expiration date shall for the purpose of this section be considered as if written for successive policy periods or terms of six months. Nothing in this subdivision shall be construed as superseding the provisions of subsection 9 of section 375.918, and the term "third anniversary date of the initial contract" as used in subsection 9 of section 375.918, means three years after the date of the initial contract.

**379.118. NOTICE OF CANCELLATION AND RENEWALS, DUE WHEN — REINSTATEMENT, WHEN — EXEMPTION, WHEN. —** 1. If any insurer proposes to cancel or to refuse to renew a policy of automobile insurance delivered or issued for delivery in this state except at the request of the named insured or for nonpayment of premium, it shall, on or before thirty days prior to the proposed effective date of the action, send written notice of its intended action to the named insured at his last known address. Notice shall be sent by United States Postal Service certificate of mailing, first class mail using Intelligent Mail barcode (IMb), or another mail tracking method used, approved, or accepted by the United States Postal Service. Where cancellation is for nonpayment of premium at least ten days' notice of cancellation shall be given and such notice shall contain the following notice or substantially similar in bold conspicuous type: "THIS POLICY IS CANCELLED EFFECTIVE AT THE DATE AND TIME INDICATED IN THIS NOTICE. THIS IS THE FINAL NOTICE OF CANCELLATION WE WILL SEND PRIOR TO THE EFFECTIVE DATE AND TIME OF CANCELLATION INDICATED IN THIS NOTICE.". The notice shall state:

- (1) The action taken;
- (2) The effective date of the action;
- (3) The insurer's actual reason for taking such action, the statement of reason to be sufficiently clear and specific so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Generalized terms such as "personal habits", "living conditions", "poor morals", or "violation or accident record" shall not suffice to meet the requirements of this subdivision;
- (4) That the insured may be eligible for insurance through the assigned risk plan if his insurance is to be cancelled.

2. Issuance of a notice of cancellation under subsection 1 of this section constitutes a present and unequivocal act of cancellation of the policy.

3. An insurer may reinstate a policy cancelled under subsection 1 of this section at any time after the notice of cancellation is issued if the reason for the cancellation is remedied. An insurer

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may send communications to the insured, including but not limited to billing notices for past-due premium, offers to reinstate the policy if past-due premium is paid, notices confirming cancellation of the policy, or billing notices for payment of earned but unpaid premium. The fact that a policy may be so reinstated or any such communication may be made does not invalidate or void any cancellation effectuated under subsection 1 of this section or defeat the present and unequivocal nature of acts of cancellation as described under subsection 2 of this section.

4. **(1)** An insurer shall send an insured written notice of an automobile policy renewal at least fifteen days prior to the effective date of the new policy. The notice shall be sent by first class mail or may be sent electronically if requested by the policyholder, and shall contain the insured's name, the vehicle covered, the total premium amount, and the effective date of the new policy. Any request for electronic delivery of renewal notices shall be designated on the application form signed by the applicant, made in writing by the policyholder, or made in accordance with sections 432.200 to 432.295. The insurer shall comply with any subsequent request by a policyholder to rescind authorization for electronic delivery and to elect to receive renewal notices by first class mail. Any delivery of a renewal notice by electronic means shall not constitute notice of cancellation of a policy even if such notice is included with the renewal notice.

**(2) An insurer shall provide a written notice of a reduction in coverage to the named insured no less than fifteen days prior to the effective date of the proposed reduction in coverage or shall send such notice of reduction in coverage with the written notice of renewal described in subdivision (1) of this subsection. Written notice of a reduction in coverage may be satisfied by providing the named insured a copy of or access to the updated policy form or the policy form language that will be changed. The notice shall be sent by first class mail or may be sent electronically if agreed to or requested by the policyholder.**

5. An insurer shall be exempt from the requirements of this section regarding notice of nonrenewal if:

- (1) The insurer assigns or transfers the insured's policy to an affiliate or subsidiary within the same insurance holding company system;
- (2) The assignment or transfer is effective upon the expiration of the existing policy; and
- (3) Prior to providing coverage for a subsequent policy term, an insurer accepting an assignment or transfer of the policy shall provide notice of such assignment or transfer to the named insured.

However, if the assignment or transfer of a policy does not result in coverage substantially equivalent to the coverage that was contained in the policy being assigned or transferred, the insurer shall, in lieu of providing the notice in subdivision (3) of this subsection, at least fifteen days in advance of the effective date of the assignment or transfer, notify the policyholder that some coverage provisions will change due to the assignment or transfer, advise the policyholder to refer to the new policy for coverage details, and provide a copy of or access to the replacement policy form or the executed replacement policy.

**SECTION B. EFFECTIVE DATE.** — The repeal and reenactment of sections 105.1073, 303.020, 303.030, 303.120, 303.190, and 303.240 and the enactment of section 303.022 of this act shall become effective July 1, 2019.

Approved July 5, 2018

## CCS HCS SCS SB 718

**Enacts provisions relating to health care.**

AN ACT to repeal sections 191.227, 192.947, 195.070, 210.070, 334.036, 334.037, 334.104, 334.735, 334.747, 337.025, 337.029, 337.033, 338.202, 374.426, 376.811, 376.1237, 376.1550, and 632.005, RSMo, and to enact in lieu thereof twenty-four new sections relating to health care, with an emergency clause for certain sections.

## SECTION

- A. Enacting clause.
  - 9.158 Diabetes awareness month designated.
  - 9.192 Show-Me freedom from opioid addiction decade designated.
  - 191.227 Medical records to be released to patient, when, exception — fee permitted, amount — liability of provider limited — annual handling fee adjustment — disclosure of deceased patient records, when.
  - 191.1150 Citation of law — definitions — designation of caregiver, when — requirements.
  - 192.947 Hemp extract, use of, immunity from liability, when.
  - 195.070 Prescriptive authority.
  - 195.265 Disposal of unused controlled substances, permitted methods — awareness program.
  - 208.183 Advisory council on rare diseases and personalized medicine, purpose, members, meetings — duties.
  - 210.070 Prophylactic eyedrops at birth — objection to, when.
  - 334.036 Assistant physicians — definitions — limitation on practice — licensure, rulemaking authority — collaborative practice arrangements — insurance reimbursement.
  - 334.037 Assistant physicians, collaborative practice arrangements, requirements — rulemaking authority — identification badges required, when — prescriptive authority.
  - 334.104 Collaborative practice arrangements, form, contents, delegation of authority — rules, approval, restrictions — disciplinary actions — notice of collaborative practice or physician assistant agreements to board, when — certain nurses may provide anesthesia services, when — contract limitations.
  - 334.735 Definitions — scope of practice — prohibited activities — board of healing arts to administer licensing program — supervision agreements — duties and liability of physicians.
  - 334.747 Prescribing controlled substances authorized, when — supervising physicians — certification.
  - 337.025 Educational and experience requirements for licensure, certain persons.
  - 337.029 Licenses based on reciprocity to be issued, when — health service provider certification eligibility.
  - 337.033 Limitations on areas of practice — relevant professional education and training, defined — criteria for program of graduate study — health service provider certification, requirements for certain persons — automatic certification for certain persons.
  - 338.202 Maintenance medications, pharmacist may exercise professional judgment on quantity dispensed, when.
  - 374.426 Health care financing entities and health care providers to provide data, contents, when — duties of department — scoring, limitations on.
  - 376.811 Coverage required for chemical dependency by all insurance and health service corporations — minimum standards — offer of coverage may be accepted or rejected by policyholders, companies may offer as standard coverage — mental health benefits provided, when — exclusions.
  - 376.1237 Refills for prescription eye drops, required, when — definitions.
  - 376.1550 Mental health coverage, requirements — definitions — exclusions.
  - 630.875 Citation of law — definitions — program created, purpose — requirements — rulemaking authority.
  - 632.005 Definitions.
- B. Emergency Clause

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

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**SECTION A. ENACTING CLAUSE.** — Sections 191.227, 192.947, 195.070, 210.070, 334.036, 334.037, 334.104, 334.735, 334.747, 337.025, 337.029, 337.033, 338.202, 374.426, 376.811, 376.1237, 376.1550, and 632.005, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 9.158, 9.192, 191.227, 191.1150, 192.947, 195.070, 195.265, 208.183, 210.070, 334.036, 334.037, 334.104, 334.735, 334.747, 337.025, 337.029, 337.033, 338.202, 374.426, 376.811, 376.1237, 376.1550, 630.875, and 632.005, to read as follows:

**9.158. DIABETES AWARENESS MONTH DESIGNATED.** — **The month of November shall be known and designated as "Diabetes Awareness Month". The citizens of the state of Missouri are encouraged to participate in appropriate activities and events to increase awareness of diabetes. Diabetes is a group of metabolic diseases in which the body has elevated blood sugar levels over a prolonged period of time and affects Missourians of all ages.**

**9.192. SHOW-ME FREEDOM FROM OPIOID ADDICTION DECADE DESIGNATED.** — **The years of 2018 to 2028 shall hereby be designated as the "Show-Me Freedom from Opioid Addiction Decade".**

**191.227. MEDICAL RECORDS TO BE RELEASED TO PATIENT, WHEN, EXCEPTION — FEE PERMITTED, AMOUNT — LIABILITY OF PROVIDER LIMITED — ANNUAL HANDLING FEE ADJUSTMENT — DISCLOSURE OF DECEASED PATIENT RECORDS, WHEN.** — 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) Search and retrieval, in an amount not more than twenty-four dollars and eighty-five cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six cents, as adjusted annually pursuant to subsection 5 of this section; or

(b) The records shall be furnished electronically upon payment of the search, retrieval, and copying fees set under this section at the time of the request or one hundred eight dollars and eighty-eight cents total, whichever is less, if such person:

a. Requests health records to be delivered electronically in a format of the health care provider's choice;

b. The health care provider stores such records completely in an electronic health record; and

c. The health care provider is capable of providing the requested records and affidavit, if requested, in an electronic format;

(2) Postage, to include packaging and delivery cost;

(3) Notary fee, not to exceed two dollars, if requested.

**3. For purposes of subsections 1 and 2 of this section, "a copy of his or her record of that patient's health history and treatment rendered" or "the patient's health care records"**

**include a statement or record that no such health history or treatment record responsive to the request exists.**

4. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

[4.] 5. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

[5.] 6. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's internet website by February first of each year.

[6.] 7. A health care provider may disclose a deceased patient's health care records or payment records to the executor or administrator of the deceased person's estate, or pursuant to a valid, unrevoked power of attorney for health care that specifically directs that the deceased person's health care records be released to the agent after death. If an executor, administrator, or agent has not been appointed, the deceased prior to death did not specifically object to disclosure of his or her records in writing, and such disclosure is not inconsistent with any prior expressed preference of the deceased that is known to the health care provider, a deceased patient's health care records may be released upon written request of a person who is deemed as the personal representative of the deceased person under this subsection. Priority shall be given to the deceased patient's spouse and the records shall be released on the affidavit of the surviving spouse that he or she is the surviving spouse. If there is no surviving spouse, the health care records may be released to one of the following persons:

(1) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient's spouse;

(2) An adult child of the deceased patient on the affidavit of the adult child that he or she is the adult child of the deceased;

(3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent of the deceased;

(4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or sister that he or she is the adult brother or sister of the deceased;

(5) A guardian or conservator of the deceased patient at the time of the patient's death on the affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased;  
or

(6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he or she is the guardian ad litem of the minor child of the deceased.

**191.1150. CITATION OF LAW — DEFINITIONS — DESIGNATION OF CAREGIVER, WHEN — REQUIREMENTS. — 1. This section shall be known as the "Caregiver, Advise, Record, and Enable (CARE) Act".**

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Matter in bold-face type is proposed language.

2. As used in this section, the following terms shall mean:

- (1) "Admission", a patient's admission into a hospital as an in-patient;
- (2) "After-care", assistance that is provided by a caregiver to a patient after the patient's discharge from a hospital that is related to the condition of the patient at the time of discharge, including assisting with activities of daily living, as defined in section 198.006; instrumental activities of daily living, as defined in section 198.006; or carrying out medical or nursing tasks as permitted by law;
- (3) "Ambulatory surgical center", the same as defined in section 197.200;
- (4) "Caregiver", an individual who is eighteen years of age or older, is duly designated as a caregiver by a patient under this section, and who provides after-care assistance to such patient in the patient's residence;
- (5) "Discharge", a patient's release from a hospital or an ambulatory surgical center to the patient's residence following an admission;
- (6) "Hospital", the same as defined in section 197.020;
- (7) "Residence", a dwelling that the patient considers to be his or her home. "Residence" shall not include:
  - (a) A facility, the same as defined in section 198.006;
  - (b) A hospital, the same as defined in section 197.020;
  - (c) A prison, jail, or other detention or correctional facility operated by the state or a political subdivision;
  - (d) A residential facility, the same as defined in section 630.005;
  - (e) A group home or developmental disability facility, the same as defined in section 633.005; or
  - (f) Any other place of habitation provided by a public or private entity which bears legal or contractual responsibility for the care, control, or custody of the patient and which is compensated for doing so.

3. A hospital or ambulatory surgical center shall provide each patient or, if applicable, the patient's legal guardian with an opportunity to designate a caregiver following the patient's admission into a hospital or entry into an ambulatory surgical center and prior to the patient's discharge. Such designation shall include a written consent of the patient or the patient's legal guardian to release otherwise confidential medical information to the designated caregiver if such medical record would be needed to enable the completion of after-care tasks. The written consent shall be in compliance with federal and state laws concerning the release of personal health information. Prior to discharge, a patient may elect to change his or her caregiver in the event that the original designated caregiver becomes unavailable, unwilling, or unable to care for the patient. Designation of a caregiver by a patient or a patient's legal guardian does not obligate any person to arrange or perform any after-care tasks for the patient.

4. The hospital or ambulatory surgical center shall document the patient's or the patient's legal guardian's designation of caregiver, the relationship of the caregiver to the patient, and the caregiver's available contact information.

5. If the patient or the patient's legal guardian declines to designate a caregiver, the hospital or ambulatory surgical center shall document such information.

6. The hospital or ambulatory surgical center shall notify a patient's caregiver of the patient's discharge or transfer to another facility as soon as practicable, which may be after the patient's physician issues a discharge order. **In the event that the hospital or ambulatory surgical center is unable to contact the designated caregiver, the lack of contact shall not**

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interfere with, delay, or otherwise affect the medical care provided to the patient or an appropriate discharge of the patient. The hospital or ambulatory surgical center shall document the attempt to contact the caregiver.

7. Prior to being discharged, if the hospital or ambulatory surgical center is able to contact the caregiver and the caregiver is willing to assist, the hospital or ambulatory surgical center shall provide the caregiver with the patient's discharge plan, if such plan exists, or instructions for the after-care needs of the patient and give the caregiver the opportunity to ask questions about the after-care needs of the patient.

8. A hospital or ambulatory surgical center is not required nor obligated to determine the ability of a caregiver to understand or perform any of the after-care tasks outlined in this section.

9. Nothing in this section shall authorize or require compensation of a caregiver by a state agency or a health carrier, as defined in section 376.1350.

10. Nothing in this section shall require a hospital or ambulatory surgical center to take actions that are inconsistent with or duplicative of the standards of the federal Medicare program under Title XVIII of the Social Security Act and its conditions of participation in the Code of Federal Regulations or the standards of a national accrediting organization with deeming authority under Section 1865(a)(1) of the Social Security Act.

11. Nothing in this section shall create a private right of action against a hospital, ambulatory surgical center, a hospital or ambulatory surgical center employee, or an individual with whom a hospital or ambulatory surgical center has a contractual relationship.

12. A hospital, ambulatory surgical center, hospital or ambulatory surgical center employee, or an individual with whom a hospital or ambulatory surgical center has a contractual relationship shall not be liable in any way for an act or omission of the caregiver.

13. No act or omission under this section by a hospital, ambulatory surgical center, hospital or ambulatory surgical center employee, or an individual with whom a hospital or ambulatory surgical center has a contractual relationship shall give rise to a citation, sanction, or any other adverse action by any licensing authority to whom such individual or entity is subject.

14. Nothing in this section shall be construed to interfere with the rights of an attorney-in-fact under a durable power of health care under sections 404.800 to 404.872.

15. The department of health and senior services shall provide ambulatory surgical centers and hospitals a standard form that may be used to satisfy the requirements of this section. Nothing in this section shall prohibit a hospital or ambulatory surgical center from continuing the use of a current patient communication or disclosure form to satisfy the requirements of this section, provided that the facility's current form is compliant with Centers for Medicare and Medicaid Services (CMS) standards and regulations.

**192.947. HEMP EXTRACT, USE OF, IMMUNITY FROM LIABILITY, WHEN.** — 1. No individual or health care entity organized under the laws of this state shall be subject to any adverse action by the state or any agency, board, or subdivision thereof, including civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission if such individual or health care entity, in its normal course of business and within its applicable licenses and regulations, acts in good faith upon or in furtherance of any order or recommendation by a

neurologist authorized under section 192.945 relating to the medical use and administration of hemp extract with respect to an eligible patient.

2. The provisions of subsection 1 of this section shall apply to the recommendation, possession, handling, storage, transfer, destruction, dispensing, or administration of hemp extract, including any act in preparation of such dispensing or administration.

3. [This section shall not be construed to limit the rights provided under law for a patient to bring a civil action for damages against a physician, hospital, registered or licensed practical nurse, pharmacist, any other individual or entity providing health care services, or an employee of any entity listed in this subsection.] **Notwithstanding the provisions of section 538.210 or any other law to the contrary, any physician licensed under chapter 334, any hospital licensed under chapter 197, any pharmacist licensed under chapter 338, any nurse licensed under chapter 335, or any other person employed or directed by any of the above, which provides care, treatment or professional services to any patient under section 192.945 shall not be liable for any civil damages for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such physician, hospital, pharmacist, nurse, or person in rendering such care and treatment.**

**195.070. PRESCRIPTIVE AUTHORITY.** — 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, **except as provided in section 195.265.**

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

**195.265. DISPOSAL OF UNUSED CONTROLLED SUBSTANCES, PERMITTED METHODS — AWARENESS PROGRAM.** — **1. Unused controlled substances may be accepted from ultimate**

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users, from hospice or home health care providers on behalf of ultimate users to the extent federal law allows, or any person lawfully entitled to dispose of a decedent's property if the decedent was an ultimate user who died while in lawful possession of a controlled substance, through:

(1) Collection receptacles, drug disposal boxes, mail back packages, and other means by a Drug Enforcement Agency-authorized collector in accordance with federal regulations even if the authorized collector did not originally dispense the drug; or

(2) Drug take back programs conducted by federal, state, tribal, or local law enforcement agencies in partnership with any person or entity.

This subsection shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state, regarding the disposal of unused controlled substances. For the purposes of this section, the term "ultimate user" shall mean a person who has lawfully obtained and possesses a controlled substance for his or her own use or for the use of a member of his or her household or for an animal owned by him or her or a member of his or her household.

2. By August 28, 2019, the department of health and senior services shall develop an education and awareness program regarding drug disposal, including controlled substances. The education and awareness program may include, but not be limited to:

(1) A web-based resource that:

(a) Describes available drug disposal options including take back, take back events, mail back packages, in-home disposal options that render a product safe from misuse, or any other methods that comply with state and federal laws and regulations, may reduce the availability of unused controlled substances, and may minimize the potential environmental impact of drug disposal;

(b) Provides a list of drug disposal take back sites, which may be sorted and searched by name or location and is updated every six months by the department;

(c) Provides a list of take back events and mail back events in the state, including the date, time, and location information for each event and is updated every six months by the department; and

(d) Provides information for authorized collectors regarding state and federal requirements to comply with the provisions of subsection 1 of this section; and

(2) Promotional activities designed to ensure consumer awareness of proper storage and disposal of prescription drugs, including controlled substances.

**208.183. ADVISORY COUNCIL ON RARE DISEASES AND PERSONALIZED MEDICINE, PURPOSE, MEMBERS, MEETINGS — DUTIES. — 1.** There shall be established an "Advisory Council on Rare Diseases and Personalized Medicine" within the MO HealthNet division. The advisory council shall serve as an expert advisory committee to the drug utilization review board, providing necessary consultation to the board when the board makes recommendations or determinations regarding beneficiary access to drugs or biological products for rare diseases, or when the board itself determines that it lacks the specific scientific, medical, or technical expertise necessary for the proper performance of its responsibilities and such necessary expertise can be provided by experts outside the board. "Beneficiary access", as used in this section, shall mean developing prior authorization and reauthorization criteria for a rare disease drug, including placement on a preferred drug list or a formulary, as well as payment, cost-sharing, drug utilization review, or medication therapy management.

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2. The advisory council on rare diseases and personalized medicine shall be composed of the following health care professionals, who shall be appointed by the director of the department of social services:

(1) Two physicians affiliated with a public school of medicine who are licensed and practicing in this state with experience researching, diagnosing, or treating rare diseases;

(2) Two physicians affiliated with private schools of medicine headquartered in this state who are licensed and practicing in this state with experience researching, diagnosing, or treating rare diseases;

(3) A physician who holds a doctor of osteopathy degree, who is active in medical practice, and who is affiliated with a school of medicine in this state with experience researching, diagnosing, or treating rare diseases;

(4) Two medical researchers from either academic research institutions or medical research organizations in this state who have received federal or foundation grant funding for rare disease research;

(5) A registered nurse or advanced practice registered nurse licensed and practicing in this state with experience treating rare diseases;

(6) A pharmacist practicing in a hospital in this state which has a designated orphan disease center;

(7) A professor employed by a pharmacy program in this state that is fully accredited by the Accreditation Council for Pharmacy Education and who has advanced scientific or medical training in orphan and rare disease treatments;

(8) One individual representing the rare disease community or who is living with a rare disease;

(9) One member who represents a rare disease foundation;

(10) A representative from a rare disease center located within one of the state's comprehensive pediatric hospitals;

(11) The chairperson of the joint committee on the life sciences or the chairperson's designee; and

(12) The chairperson of the drug utilization review board, or the chairperson's designee, who shall serve as an ex officio, nonvoting member of the advisory council.

3. The director shall convene the first meeting of the advisory council on rare diseases and personalized medicine no later than February 28, 2019. Following the first meeting, the advisory council shall meet upon the call of the chairperson of the drug utilization review board or upon the request of a majority of the council members.

4. The drug utilization review board, when making recommendations or determinations regarding beneficiary access to drugs and biological products for rare diseases, as defined in the federal Orphan Drug Act of 1983, P.L. 97-414, and drugs and biological products that are approved by the U.S. Food and Drug Administration and within the emerging fields of personalized medicine and noninherited gene editing therapeutics, shall request and consider information from the advisory council on rare diseases and personalized medicine.

5. The drug utilization review board shall seek the input of the advisory council on rare diseases and personalized medicine to address topics for consultation under this section including, but not limited to:

(1) Rare diseases;

(2) The severity of rare diseases;

(3) The unmet medical need associated with rare diseases;

(4) The impact of particular coverage, cost-sharing, tiering, utilization management, prior authorization, medication therapy management, or other Medicaid policies on access to rare disease therapies;

(5) An assessment of the benefits and risks of therapies to treat rare diseases;

(6) The impact of particular coverage, cost-sharing, tiering, utilization management, prior authorization, medication therapy management, or other Medicaid policies on patients' adherence to the treatment regimen prescribed or otherwise recommended by their physicians;

(7) Whether beneficiaries who need treatment from or a consultation with a rare disease specialist have adequate access and, if not, what factors are causing the limited access; and

(8) The demographics and the clinical description of patient populations.

6. Nothing in this section shall be construed to create a legal right for a consultation on any matter or to require the drug utilization review board to meet with any particular expert or stakeholder.

7. Recommendations of the advisory council on rare diseases and personalized medicine on an applicable treatment of a rare disease shall be explained in writing to members of the drug utilization review board during public hearings.

8. For purposes of this section, a "rare disease drug" shall mean a drug used to treat a rare medical condition, defined as any disease or condition that affects fewer than two hundred thousand persons in the United States, such as cystic fibrosis, hemophilia, and multiple myeloma.

9. All members of the advisory council on rare diseases and personalized medicine shall annually sign a conflict of interest statement revealing economic or other relationships with entities that could influence a member's decisions, and at least twenty percent of the advisory council members shall not have a conflict of interest with respect to any insurer, pharmaceutical benefits manager, or pharmaceutical manufacturer.

**210.070. PROPHYLACTIC EYEDROPS AT BIRTH — OBJECTION TO, WHEN.** — [Every] 1. A physician, midwife, or nurse who shall be in attendance upon a newborn infant or its mother[,] shall drop into the eyes of such infant [immediately after delivery,] a prophylactic [solution] **medication** approved by the state department of health and senior services[, and shall within forty-eight hours thereafter, report in writing to the board of health or county physician of the city, town or county where such birth occurs, his or her compliance with this section, stating the solution used by him or her].

2. **Administration of such eye drops shall not be required if a parent or legal guardian of such infant objects to the treatment because it is against the religious beliefs of the parent or legal guardian.**

**334.036. ASSISTANT PHYSICIANS — DEFINITIONS — LIMITATION ON PRACTICE — LICENSURE, RULEMAKING AUTHORITY — COLLABORATIVE PRACTICE ARRANGEMENTS — INSURANCE REIMBURSEMENT.** — 1. For purposes of this section, the following terms shall mean:

(1) "Assistant physician", any medical school graduate who:

(a) Is a resident and citizen of the United States or is a legal resident alien;

(b) Has successfully completed [Step 1 and] Step 2 of the United States Medical Licensing Examination or the equivalent of such [steps] **step** of any other board-approved medical licensing examination within the [two-year] **three-year** period immediately preceding application for

licensure as an assistant physician, [but in no event more than] **or within** three years after graduation from a medical college or osteopathic medical college, **whichever is later**;

(c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately preceding [two-year] **three-year** period unless when such [two-year] **three-year** anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language.

Any medical school graduate who could have applied for licensure and complied with the provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

(2) "Assistant physician collaborative practice arrangement", an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037;

(3) "Medical school graduate", any person who has graduated from a medical college or osteopathic medical college described in section 334.031.

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state or in any pilot project areas established in which assistant physicians may practice.

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. **No licensure fee for an assistant physician shall exceed the amount of any licensure fee for a physician assistant.** An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule. **No rule or regulation shall require an assistant physician to complete more hours of continuing medical education than that of a licensed physician.**

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

**(3) Any rules or regulations regarding assistant physicians in effect as of the effective date of this section that conflict with the provisions of this section and section 334.037 shall be null and void as of the effective date of this section.**

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Matter in bold-face type is proposed language.

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. [To be eligible to practice as an assistant physician, a licensed assistant physician shall enter into an assistant physician collaborative practice arrangement within six months of his or her initial licensure and shall not have more than a six-month time period between collaborative practice arrangements during his or her licensure period.] Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

**7. Each health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis that the health carrier or health benefit plan covers the service when it is delivered by another comparable mid-level health care provider including, but not limited to, a physician assistant.**

**334.037. ASSISTANT PHYSICIANS, COLLABORATIVE PRACTICE ARRANGEMENTS, REQUIREMENTS — RULEMAKING AUTHORITY — IDENTIFICATION BADGES REQUIRED, WHEN — PRESCRIPTIVE AUTHORITY. — 1.** A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician's skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by [P.L.] **Pub. L. 95-210** [,] (**42 U.S.C. Section 1395x**), **as amended**, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of

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pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician **or supervising physician** shall not enter into a collaborative practice arrangement **or supervision agreement** with more than [three] **six** full-time equivalent assistant physicians, **full-time equivalent physician assistants, or full-time equivalent advance practice registered nurses, or any combination thereof**. Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.**

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. **No rule or regulation shall require the collaborating physician to review more than ten percent of the assistant physician's patient charts or records during such one-month period.** Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any assistant physician, but

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such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and assistant physicians.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Prescriptions for Schedule II medications prescribed by an assistant physician who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, **except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication assisted treatment for substance use disorders under the direction of the collaborating physician.** Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009, **or assistant physicians providing opioid addiction treatment.**

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

**334.104. COLLABORATIVE PRACTICE ARRANGEMENTS, FORM, CONTENTS, DELEGATION OF AUTHORITY — RULES, APPROVAL, RESTRICTIONS — DISCIPLINARY ACTIONS — NOTICE OF COLLABORATIVE PRACTICE OR PHYSICIAN ASSISTANT AGREEMENTS TO BOARD, WHEN — CERTAIN NURSES MAY PROVIDE ANESTHESIA SERVICES, WHEN — CONTRACT LIMITATIONS.** — 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative

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practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services. **An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patient's receiving medication assisted treatment for substance use disorders under the direction of the collaborating physician.**

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain

documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such

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disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician **or supervising physician** shall not enter into a collaborative practice arrangement **or supervision agreement** with more than [three] **six** full-time equivalent advanced practice registered nurses, **full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof.** This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.**

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

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11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

**334.735. DEFINITIONS — SCOPE OF PRACTICE — PROHIBITED ACTIVITIES — BOARD OF HEALING ARTS TO ADMINISTER LICENSING PROGRAM — SUPERVISION AGREEMENTS — DUTIES AND LIABILITY OF PHYSICIANS.** — 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;
- (5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;
- (8) "Supervision", control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician

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to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, [where the supervising physician is no further than fifty miles by road using the most direct route available and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or adequate review of services] **within a geographic proximity to be determined by the board of registration for the healing arts.**

(2) For a physician-physician assistant team working in a **certified community behavioral health clinic as defined by P.L. 113-93 and a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended,** no supervision requirements in addition to the minimum federal law shall be required.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
- (2) Performing physical examinations of a patient;
- (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
- (4) Performing routine therapeutic procedures;
- (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
- (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;
- (7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;
- (8) Assisting in surgery;
- (9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; and
- (10) Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; and

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with the department of social services as a MO HealthNet or Medicaid provider while acting under a supervision agreement between the physician and physician assistant.

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;

(2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician **or collaborating physician** for more than [three] **six** full-time equivalent licensed physician assistants, **full-time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians, or any combination thereof**. This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, **or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.**

**334.747. PRESCRIBING CONTROLLED SUBSTANCES AUTHORIZED, WHEN — SUPERVISING PHYSICIANS — CERTIFICATION. — 1. A physician assistant with a certificate of controlled**

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

substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Prescriptions for Schedule II medications prescribed by a physician assistant with authority to prescribe delegated in a supervision agreement are restricted to only those medications containing hydrocodone. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, **except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication assisted treatment for substance use disorders under the direction of the supervising physician.** Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

**337.025. EDUCATIONAL AND EXPERIENCE REQUIREMENTS FOR LICENSURE, CERTAIN PERSONS.** — 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association [or] (APA), the Canadian Psychological Association (CPA), or the Psychological Clinical Science Accreditation System (PCSAS); provided that, such program includes a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology; or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

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

Matter in bold-face type is proposed language.

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours shall consist of:

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

(2) A minimum of two thousand hours of experience consisting of any combination of the following:

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;

(b) Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or

(c) Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers and other applicants shall involve and relate to the delivery of psychological services in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

6. For postinternship and postdoctoral hours, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and

competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

**337.029. LICENSES BASED ON RECIPROCITY TO BE ISSUED, WHEN — HEALTH SERVICE PROVIDER CERTIFICATION ELIGIBILITY.** — 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the psychologist passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology;
- (2) Is a member of the National Register of Health Service Providers in Psychology;
- (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- (4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia and:

- (a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, by the American Psychological Association **or the Psychological Clinical Science Accreditation System**, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;

- (b) Has been licensed for the preceding five years; and

- (c) Has had no disciplinary action taken against the license for the preceding five years; or

- (5) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement of the score from the examination of professional practice in psychology score will also be eligible for and shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;

- (2) Is a member of the National Register of Health Service Providers in Psychology; or

- (3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

**337.033. LIMITATIONS ON AREAS OF PRACTICE — RELEVANT PROFESSIONAL EDUCATION AND TRAINING, DEFINED — CRITERIA FOR PROGRAM OF GRADUATE STUDY — HEALTH SERVICE PROVIDER CERTIFICATION, REQUIREMENTS FOR CERTAIN PERSONS — AUTOMATIC CERTIFICATION FOR CERTAIN PERSONS.** — 1. A licensed psychologist shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area

without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself or herself out as a state certified or registered psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, whether temporary, provisional or permanent, psychologist who does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. "Relevant professional education and training" for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, **either by the American Psychological Association or the Psychological Clinical Science Accreditation System;** or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

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Matter in bold-face type is proposed language.

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery; or

(2) Is a member of the National Register of Health Service Providers in Psychology.

**338.202. MAINTENANCE MEDICATIONS, PHARMACIST MAY EXERCISE PROFESSIONAL JUDGMENT ON QUANTITY DISPENSED, WHEN.** — 1. Notwithstanding any other provision of law to the contrary, unless the prescriber has specified on the prescription that dispensing a prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise his or her professional judgment to dispense varying quantities of maintenance medication per fill, up to the total number of dosage units as authorized by the prescriber on the original prescription, including any refills. Dispensing of the maintenance medication based on refills authorized by the physician or prescriber on the prescription shall be limited to no more than a ninety-day supply of the medication, and the maintenance medication shall have been previously prescribed to the patient for at least a three-month period. **The supply limitations provided in this subsection shall not apply if the prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States or dispensed to a patient who is a member of the United States Armed Forces serving outside the United States.**

2. For the purposes of this section, "maintenance medication" is and means a medication prescribed for chronic long-term conditions and that is taken on a regular, recurring basis; except that, it shall not include controlled substances, as defined in and under section 195.010.

**374.426. HEALTH CARE FINANCING ENTITIES AND HEALTH CARE PROVIDERS TO PROVIDE DATA, CONTENTS, WHEN — DUTIES OF DEPARTMENT — SCORING, LIMITATIONS ON.** — 1. Any entity in the business of delivering or financing health care shall provide data regarding quality of patient care and patient satisfaction to the director of the department of insurance, financial institutions and professional registration. Failure to provide such data as required by the director of the department of insurance, financial institutions and professional registration shall constitute grounds for violation of the unfair trade practices act, sections 375.930 to 375.948.

2. In defining data standards for quality of care and patient satisfaction, the director of the department of insurance, financial institutions and professional registration shall:

(1) Use as the initial data set the HMO Employer Data and Information Set developed by the National Committee for Quality Assurance;

(2) Consult with nationally recognized accreditation organizations, including but not limited to the National Committee for Quality Assurance and the Joint Committee on Accreditation of Health Care Organizations; and

(3) Consult with a state committee of a national committee convened to develop standards regarding uniform billing of health care claims.

**3. In defining data standards for quality of care and patient satisfaction, the director of the department of insurance, financial institutions and professional registration shall not require patient scoring of pain control.**

**4. Beginning August 28, 2018, the director of the department of insurance, financial institutions and professional registration shall discontinue the use of patient satisfaction scores and shall not make them available to the public to the extent allowed by federal law.**

**376.811. COVERAGE REQUIRED FOR CHEMICAL DEPENDENCY BY ALL INSURANCE AND HEALTH SERVICE CORPORATIONS — MINIMUM STANDARDS — OFFER OF COVERAGE MAY BE ACCEPTED OR REJECTED BY POLICYHOLDERS, COMPANIES MAY OFFER AS STANDARD COVERAGE — MENTAL HEALTH BENEFITS PROVIDED, WHEN — EXCLUSIONS. — 1.** Every insurance company and health services corporation doing business in this state shall offer in all health insurance policies benefits or coverage for chemical dependency meeting the following minimum standards:

(1) Coverage for outpatient treatment through a nonresidential treatment program, or through partial- or full-day program services, of not less than twenty-six days per policy benefit period;

(2) Coverage for residential treatment program of not less than twenty-one days per policy benefit period;

(3) Coverage for medical or social setting detoxification of not less than six days per policy benefit period;

**(4) Coverage for medication-assisted treatment for substance use disorders for use in treating such patient's condition, including opioid-use and heroin-use disorders;**

~~[(4)]~~ **(5)** The coverages set forth in this subsection may be subject to a separate lifetime frequency cap of not less than ten episodes of treatment, except that such separate lifetime frequency cap shall not apply to medical detoxification in a life-threatening situation as determined by the treating physician and subsequently documented within forty-eight hours of treatment to the reasonable satisfaction of the insurance company or health services corporation; and

~~[(5)]~~ **(6)** The coverages set forth in this subsection:

(a) Shall be subject to the same coinsurance, co-payment and deductible factors as apply to physical illness;

(b) May be administered pursuant to a managed care program established by the insurance company or health services corporation; and

(c) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

2. In addition to the coverages set forth in subsection 1 of this section, every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies, benefits or coverages for recognized mental illness, excluding chemical dependency, meeting the following minimum standards:

(1) Coverage for outpatient treatment, including treatment through partial- or full-day program services, for mental health services for a recognized mental illness rendered by a licensed professional to the same extent as any other illness;

(2) Coverage for residential treatment programs for the therapeutic care and treatment of a recognized mental illness when prescribed by a licensed professional and rendered in a psychiatric residential treatment center licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals to the same extent as any other illness;

(3) Coverage for inpatient hospital treatment for a recognized mental illness to the same extent as for any other illness, not to exceed ninety days per year;

(4) The coverages set forth in this subsection shall be subject to the same coinsurance, co-payment, deductible, annual maximum and lifetime maximum factors as apply to physical illness; and

(5) The coverages set forth in this subsection may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance

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Matter in bold-face type is proposed language.

organization, and covered services may be delivered through a system of contractual arrangements with one or more providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

3. The offer required by sections 376.810 to 376.814 may be accepted or rejected by the group or individual policyholder or contract holder and, if accepted, shall fully and completely satisfy and substitute for the coverage under section 376.779. Nothing in sections 376.810 to 376.814 shall prohibit an insurance company, health services corporation or health maintenance organization from including all or part of the coverages set forth in sections 376.810 to 376.814 as standard coverage in their policies or contracts issued in this state.

4. Every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies mental health benefits or coverage as part of the policy or as a supplement to the policy. Such mental health benefits or coverage shall include at least two sessions per year to a licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed clinical social worker, or, subject to contractual provisions, a licensed marital and family therapist, acting within the scope of such license and under the following minimum standards:

(1) Coverage and benefits in this subsection shall be for the purpose of diagnosis or assessment, but not dependent upon findings; and

(2) Coverage and benefits in this subsection shall not be subject to any conditions of preapproval, and shall be deemed reimbursable as long as the provisions of this subsection are satisfied; and

(3) Coverage and benefits in this subsection shall be subject to the same coinsurance, copayment and deductible factors as apply to regular office visits under coverages and benefits for physical illness.

5. If the group or individual policyholder or contract holder rejects the offer required by this section, then the coverage shall be governed by the mental health and chemical dependency insurance act as provided in sections 376.825 to 376.836.

6. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

**376.1237. REFILLS FOR PRESCRIPTION EYE DROPS, REQUIRED, WHEN — DEFINITIONS. —**

1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, and that provides coverage for prescription eye drops shall provide coverage for the refilling of an eye drop prescription prior to the last day of the prescribed dosage period without regard to a coverage restriction for early refill of prescription renewals as long as the prescribing health care provider authorizes such early refill, and the health carrier or the health benefit plan is notified.

2. For the purposes of this section, health carrier and health benefit plan shall have the same meaning as defined in section 376.1350.

3. The coverage required by this section shall not be subject to any greater deductible or copayment than other similar health care services provided by the health benefit plan.

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

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

[5. The provisions of this section shall terminate on January 1, 2020.]

**376.1550. MENTAL HEALTH COVERAGE, REQUIREMENTS — DEFINITIONS — EXCLUSIONS.** — 1. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2005, shall provide coverage for a mental health condition, as defined in this section, and shall comply with the following provisions:

(1) A health benefit plan shall provide coverage for treatment of a mental health condition and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a mental health condition than for access to treatment for a physical health condition. Any deductible or out-of-pocket limits required by a health carrier or health benefit plan shall be comprehensive for coverage of all health conditions, whether mental or physical;

(2) The coverages set forth in this subsection:

(a) May be administered pursuant to a managed care program established by the health carrier; and

(b) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri;

(3) A health benefit plan that does not otherwise provide for management of care under the plan or that does not provide for the same degree of management of care for all health conditions may provide coverage for treatment of mental health conditions through a managed care organization; provided that the managed care organization is in compliance with rules adopted by the department of insurance, financial institutions and professional registration that assure that the system for delivery of treatment for mental health conditions does not diminish or negate the purpose of this section. The rules adopted by the director shall assure that:

(a) Timely and appropriate access to care is available;

(b) The quantity, location, and specialty distribution of health care providers is adequate; and

(c) Administrative or clinical protocols do not serve to reduce access to medically necessary treatment for any insured;

(4) Coverage for treatment for chemical dependency shall comply with sections 376.779, 376.810 to 376.814, and 376.825 to 376.836 and for the purposes of this subdivision the term "health insurance policy" as used in sections 376.779, 376.810 to 376.814, and 376.825 to 376.836, the term "health insurance policy" shall include group coverage.

2. As used in this section, the following terms mean:

(1) "Chemical dependency", the psychological or physiological dependence upon and abuse of drugs, including alcohol, characterized by drug tolerance or withdrawal and impairment of social or occupational role functioning or both;

(2) "Health benefit plan", the same meaning as such term is defined in section 376.1350;

(3) "Health carrier", the same meaning as such term is defined in section 376.1350;

(4) "Mental health condition", any condition or disorder defined by categories listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders [except for chemical dependency];

(5) "Managed care organization", any financing mechanism or system that manages care delivery for its members or subscribers, including health maintenance organizations and any other similar health care delivery system or organization;

(6) "Rate, term, or condition", any lifetime or annual payment limits, deductibles, co-payments, coinsurance, and other cost-sharing requirements, out-of-pocket limits, visit limits, and any other financial component of a health benefit plan that affects the insured.

3. This section shall not apply to a health plan or policy that is individually underwritten or provides such coverage for specific individuals and members of their families pursuant to section 376.779, sections 376.810 to 376.814, and sections 376.825 to 376.836, a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

4. Notwithstanding any other provision of law to the contrary, all health insurance policies that cover state employees, including the Missouri consolidated health care plan, shall include coverage for mental illness. Multiyear group policies need not comply until the expiration of their current multiyear term unless the policyholder elects to comply before that time.

5. The provisions of this section shall not be violated if the insurer decides to apply different limits or exclude entirely from coverage the following:

(1) Marital, family, educational, or training services unless medically necessary and clinically appropriate;

(2) Services rendered or billed by a school or halfway house;

(3) Care that is custodial in nature;

(4) Services and supplies that are not immediately nor clinically appropriate; or

(5) Treatments that are considered experimental.

6. The director shall grant a policyholder a waiver from the provisions of this section if the policyholder demonstrates to the director by actual experience over any consecutive twenty-four-month period that compliance with this section has increased the cost of the health insurance policy by an amount that results in a two percent increase in premium costs to the policyholder. The director shall promulgate rules establishing a procedure and appropriate standards for making such a demonstration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

**630.875. CITATION OF LAW — DEFINITIONS — PROGRAM CREATED, PURPOSE — REQUIREMENTS — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Improved Access to Treatment for Opioid Addictions Act" or "IATOA Act".**

**2. As used in this section, the following terms mean:**

**(1) "Department", the department of mental health;**

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

(2) "IATOA program", the improved access to treatment for opioid addictions program created under subsection 3 of this section.

3. Subject to appropriations, the department shall create and oversee an "Improved Access to Treatment for Opioid Addictions Program", which is hereby created and whose purpose is to disseminate information and best practices regarding opioid addiction and to facilitate collaborations to better treat and prevent opioid addiction in this state. The IATOA program shall facilitate partnerships between assistant physicians, physician assistants, and advanced practice registered nurses practicing in federally qualified health centers, rural health clinics, and other health care facilities and physicians practicing at remote facilities located in this state. The IATOA program shall provide resources that grant patients and their treating assistant physicians, physician assistants, advanced practice registered nurses, or physicians access to knowledge and expertise through means such as telemedicine and Extension for Community Healthcare Outcomes (ECHO) programs established under section 191.1140.

4. Assistant physicians, physician assistants, and advanced practice registered nurses who participate in the IATOA program shall complete the necessary requirements to prescribe buprenorphine within at least thirty days of joining the IATOA program.

5. For the purposes of the IATOA program, a remote collaborating or supervising physician working with an on-site assistant physician, physician assistant, or advanced practice registered nurse shall be considered to be on-site. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a remote physician shall comply with all laws and requirements applicable to assistant physicians, physician assistants, or advanced practice registered nurses with on-site supervision before providing treatment to a patient.

6. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a physician who is waiver-certified for the use of buprenorphine, may participate in the IATOA program in any area of the state and provide all services and functions of an assistant physician, physician assistant, or advanced practice registered nurse.

7. The department may develop curriculum and benchmark examinations on the subject of opioid addiction and treatment. The department may collaborate with specialists, institutions of higher education, and medical schools for such development. Completion of such a curriculum and passing of such an examination by an assistant physician, physician assistant, advanced practice registered nurse, or physician shall result in a certificate awarded by the department or sponsoring institution, if any.

8. An assistant physician, physician assistant, or advanced practice registered nurse participating in the IATOA program may also:

- (1) Engage in community education;
- (2) Engage in professional education outreach programs with local treatment providers;
- (3) Serve as a liaison to courts;
- (4) Serve as a liaison to addiction support organizations;
- (5) Provide educational outreach to schools;
- (6) Treat physical ailments of patients in an addiction treatment program or considering entering such a program;
- (7) Refer patients to treatment centers;
- (8) Assist patients with court and social service obligations;
- (9) Perform other functions as authorized by the department; and**

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

(10) Provide mental health services in collaboration with a qualified licensed physician. The list of authorizations in this subsection is a nonexclusive list, and assistant physicians, physician assistants, or advanced practice registered nurses participating in the IATOA program may perform other actions.

9. When an overdose survivor arrives in the emergency department, the assistant physician, physician assistant, or advanced practice registered nurse serving as a recovery coach or, if the assistant physician, physician assistant, or advanced practice registered nurse is unavailable, another properly trained recovery coach shall, when reasonably practicable, meet with the overdose survivor and provide treatment options and support available to the overdose survivor. The department shall assist recovery coaches in providing treatment options and support to overdose survivors.

10. The provisions of this section shall supersede any contradictory statutes, rules, or regulations. The department shall implement the improved access to treatment for opioid addictions program as soon as reasonably possible using guidance within this section. Further refinement to the improved access to treatment for opioid addictions program may be done through the rules process.

11. The department shall promulgate rules to implement the provisions of the improved access to treatment for opioid addictions act as soon as reasonably possible. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**632.005. DEFINITIONS.** — As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Comprehensive psychiatric services", any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;

(2) "Council", the Missouri advisory council for comprehensive psychiatric services;

(3) "Court", the court which has jurisdiction over the respondent or patient;

(4) "Division", the division of comprehensive psychiatric services of the department of mental health;

(5) "Division director", director of the division of comprehensive psychiatric services of the department of mental health, or his designee;

(6) "Head of mental health facility", superintendent or other chief administrative officer of a mental health facility, or his designee;

(7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

(8) "Licensed physician", a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

(9) "Licensed professional counselor", a person licensed as a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

(10) "Likelihood of serious harm" means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself. Evidence of substantial risk may also include information about patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself;

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his capacity to make decisions with respect to his hospitalization and need for treatment as evidenced by his current mental disorder or mental illness which results in an inability to provide for his own basic necessities of food, clothing, shelter, safety or medical care or his inability to provide for his own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

(11) "Mental health coordinator", a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

(12) "Mental health facility", any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;

(13) "Mental health professional", a psychiatrist, resident in psychiatry, **psychiatric physician assistant, psychiatric assistant physician, psychiatric advanced practice registered nurse**, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

(14) "Mental health program", any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

(15) "Ninety-six hours" shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

(16) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

(17) **"Psychiatric advanced practice registered nurse", a registered nurse who is currently recognized by the board of nursing as an advanced practice registered nurse, who has at least two years of experience in providing psychiatric treatment to individuals suffering from mental disorders;**

(18) **"Psychiatric assistant physician", a licensed assistant physician under chapter 334 and who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders;**

(19) "Psychiatric nurse", a registered professional nurse who is licensed under chapter 335 and who has had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

(20) **"Psychiatric physician assistant", a licensed physician assistant under chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;**

[(18)] (21) "Psychiatric social worker", a person with a master's or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;

[(19)] (22) "Psychiatrist", a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(20)] (23) "Psychologist", a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;

[(21)] (24) "Resident in psychiatry", a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(22)] (25) "Respondent", an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;

[(23)] (26) "Treatment", any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to save the lives of Missouri citizens who are suffering from the opioid crisis, the repeal and reenactment of sections 195.070, 334.036, and 374.426 and the enactment of sections 9.192, 195.265, and 630.875 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 195.070, 334.036, and 374.426 and the enactment of sections 9.192, 195.265, and 630.875 of this act shall be in full force and effect upon their passage and approval.

Approved July 6, 2018

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## CCS HCS SB 743

**Enacts provisions relating to elementary and secondary education.**

AN ACT to repeal sections 160.011, 160.041, 160.410, 161.072, 161.106, 161.217, 162.401, 162.720, 163.018, 163.021, 163.073, 164.011, 167.225, 171.029, 171.031, 171.033, 178.930, and 304.060, RSMo, and to enact in lieu thereof twenty-four new sections relating to elementary and secondary education, with an effective date for a certain section.

## SECTION

- A. Enacting clause.
- 160.011 Definitions, certain chapters.
- 160.041 Minimum school day, school month, school year, defined — reduction of required number of hours and days, when.
- 160.410 Admission, preferences for admission permitted, when — information to be made publicly available — move out of school district, effect of.
- 160.572 Participation in ACT WorkKeys assessment in lieu of ACT assessment or ACT plus writing assessment, when.
- 161.026 Teacher representative on state board of education, qualifications, term, vacancy — expiration date.
- 161.072 Meetings of board — records, electronic availability, when — closed meetings to teacher representative, when.
- 161.106 Career and student organizations' activities, department to provide staffing support — handling of organization funds.
- 161.217 Early learning quality assurance report--sunset provision.
- 162.401 Treasurer's bond.
- 162.720 Gifted children, district may establish programs for — state board to approve — review of decisions — immunity from liability, when.
- 162.722 Acceleration of students, subject or whole grade, when.
- 163.018 Early childhood education programs, pupils included in average daily attendance calculation, when.
- 163.021 Eligibility for state aid, requirements — evaluation of correlation of rates and assessed valuation, report, calculation — further requirements — exception — operating levy less than performance levy, requirements.
- 163.073 Aid for programs provided by the division of youth services — amount, how determined — payment by district of domicile of the child, amount.
- 164.011 Annual estimate of required funds, tax rates required, criteria for exceptions — estimates, where sent — department duties.
- 167.128 Neglected and delinquent children, department not to aggregate data with regularly enrolled pupil data.
- 167.225 Definitions — instruction in Braille for visually impaired students — teacher certification.
- 167.902 Critical need occupations, data and information distribution.
- 168.024 Local business externship, count as contact hours of professional development.
- 168.770 Library information and technology program recognized — rulemaking authority.
- 171.031 Board to prepare calendar — minimum term — opening dates — exemptions.
- 171.033 Make-up of hours lost or cancelled, number required — exemption, when — waiver for schools, granted when.
- 178.931 Payments for hours worked by disabled employees, how calculated.
- 304.060 School buses and other district vehicles, use to be regulated by board — field trips in common carriers, regulation authorized — violation by employee, effect — design of school buses, regulated by board — St. Louis County buses may use word "special".
- 171.029 Four-day school week authorized — calendar to be filed with department.
- 178.930 State aid, computation of — records, kept on premises — sheltered workshop per diem revolving fund created.
- B. Effective date.

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

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

**SECTION A. ENACTING CLAUSE.**— Sections 160.011, 160.041, 160.410, 161.072, 161.106, 161.217, 162.401, 162.720, 163.018, 163.021, 163.073, 164.011, 167.225, 171.029, 171.031, 171.033, 178.930, and 304.060, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 160.011, 160.041, 160.410, 160.572, 161.026, 161.072, 161.106, 161.217, 162.401, 162.720, 162.722, 163.018, 163.021, 163.073, 164.011, 167.128, 167.225, 167.902, 168.024, 168.770, 171.031, 171.033, 178.931, and 304.060, to read as follows:

**160.011. DEFINITIONS, CERTAIN CHAPTERS.**— As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 178, the following terms mean:

(1) "District" or "school district", when used alone, may include seven-director, urban, and metropolitan school districts;

(2) "Elementary school", a public school giving instruction in a grade or grades not higher than the eighth grade;

(3) "Family literacy programs", services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:

(a) Interactive literacy activities between parents and their children;

(b) Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;

(c) Parent literacy training that leads to high school completion and economic self sufficiency; and

(d) An age-appropriate education to prepare children of all ages for success in school;

(4) "Graduation rate", the quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth graders who dropped out in the current year plus the number of eleventh graders who dropped out in the preceding year plus the number of tenth graders who dropped out in the second preceding year plus the number of ninth graders who dropped out in the third preceding year;

(5) "High school", a public school giving instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade;

(6) "Metropolitan school district", any school district the boundaries of which are coterminous with the limits of any city which is not within a county;

(7) "Public school" includes all elementary and high schools operated at public expense;

(8) "School board", the board of education having general control of the property and affairs of any school district;

(9) "School term", a minimum of one hundred seventy-four school days, as that term is defined in section 160.041, for schools with a five-day school week or a minimum of one hundred forty-two school days, as that term is defined in section 160.041, for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to section 171.031 during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. **In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required with no minimum number of school days required.** A school term may be within a school year or may consist of parts of two consecutive school years, but does not include summer school. A district may choose to operate two or more terms for different groups of children. A school term for

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students participating in a school flex program as established in section 160.539 may consist of a combination of actual pupil attendance and attendance at college or technical career education or approved employment aligned with the student's career academic plan for a total of [one thousand forty-four] **the required number of hours as provided in this subdivision;**

(10) "Secretary", the secretary of the board of a school district;

(11) "Seven-director district", any school district which has seven directors and includes urban districts regardless of the number of directors an urban district may have unless otherwise provided by law;

(12) "Taxpayer", any individual who has paid taxes to the state or any subdivision thereof within the immediately preceding twelve-month period or the spouse of such individual;

(13) "Town", any town or village, whether or not incorporated, the plat of which has been filed in the office of the recorder of deeds of the county in which it is situated;

(14) "Urban school district", any district which includes more than half of the population or land area of any city which has not less than seventy thousand inhabitants, other than a city which is not within a county.

**160.041. MINIMUM SCHOOL DAY, SCHOOL MONTH, SCHOOL YEAR, DEFINED — REDUCTION OF REQUIRED NUMBER OF HOURS AND DAYS, WHEN. —** 1. The "minimum school day" consists of three hours for schools with a five-day school week or four hours for schools with a four-day school week in which the pupils are under the guidance and direction of teachers in the teaching process. A "school month" consists of four weeks of five days each for schools with a five-day school week or four weeks of four days each for schools with a four-day school week. **In school year 2019-20 and subsequent years, no minimum number of school days shall be required, and "school day" shall mean any day in which, for any amount of time, pupils are under the guidance and direction of teachers in the teaching process.** The "school year" commences on the first day of July and ends on the thirtieth day of June following.

2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of education is authorized to reduce the required number of hours [and] **or** days in which the pupils are under the guidance and direction of teachers in the teaching process if:

(1) There is damage to or destruction of a public school facility which requires the dual utilization of another school facility; or

(2) Flooding or other inclement weather as defined in subsection 1 of section 171.033 prevents students from attending the public school facility.

Such reduction shall not extend beyond two calendar years in duration.

**160.410. ADMISSION, PREFERENCES FOR ADMISSION PERMITTED, WHEN — INFORMATION TO BE MADE PUBLICLY AVAILABLE — MOVE OUT OF SCHOOL DISTRICT, EFFECT OF. —** 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program;

(3) Nonresident pupils who transfer from an unaccredited district under section 167.131, provided that the charter school is an approved charter school, as defined in section 167.131, and subject to all other provisions of section 167.131;

(4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a

residential care facility, a transitional living group home, or an independent living program whose last school of enrollment is in the school district where the charter school is established, who submits a timely application; and

(5) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission and does not discriminate based on parents' ability to pay fees or tuition except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education;

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; and

(3) Charter [alternative and special purpose] schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. Charter schools may limit admission based on gender only when the school is a single-gender school. Students of a charter school who have been enrolled for a full academic year shall be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners. For purposes of this subsection, "full academic year" means the last Wednesday in September through the administration of the Missouri assessment program test without transferring out of the school and re-enrolling.

4. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

(1) The school's charter;

(2) The school's most recent annual report card published according to section 160.522;

(3) The results of background checks on the charter school's board members; and

(4) If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

5. When a student attending a charter school who is a resident of the school district in which the charter school is located moves out of the boundaries of such school district, the

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Matter in bold-face type is proposed language.

student may complete the current semester and shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

6. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a student attending a charter school prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current academic year at the charter school. The student shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

7. The provisions of sections 167.018 and 167.019 concerning foster children's educational rights are applicable to charter schools.

**160.572. PARTICIPATION IN ACT WORKKEYS ASSESSMENT IN LIEU OF ACT ASSESSMENT OR ACT PLUS WRITING ASSESSMENT, WHEN. — 1. For purposes of this section, the following terms shall mean:**

(1) "ACT assessment", the ACT assessment or the ACT Plus Writing assessment;  
(2) "WorkKeys", the ACT WorkKeys assessments required for the National Career Readiness Certificate.

2. (1) In any school year in which the department of elementary and secondary education directs a state-funded census administration of the ACT assessment to any group of students, any student who would be allowed or required to participate in the census administration shall receive the opportunity, on any date within three months before the census administration, to participate in a state-funded administration of WorkKeys.

(2) Any student who participated in a state-funded administration of WorkKeys as described under subdivision (1) of this subsection shall not participate in any state-funded census administration of the ACT assessment.

(3) The department of elementary and secondary education shall not require school districts or charter schools to administer the ACT assessment to any student who participated in a state-funded administration of WorkKeys as described under subdivision (1) of this subsection.

3. (1) In any school year in which a school district directs the administration of the ACT assessment to any group of its students to be funded by the district, any student who would be allowed or required to participate in the district-funded administration shall receive the opportunity, on any date within three months before the administration, to participate in an administration of WorkKeys funded by the school district.

(2) Nothing in this section shall require a school district to fund the administration of the ACT assessment to any student who participated in a district-funded administration of WorkKeys as described under subdivision (1) of this subsection.

**161.026. TEACHER REPRESENTATIVE ON STATE BOARD OF EDUCATION, QUALIFICATIONS, TERM, VACANCY — EXPIRATION DATE. — 1. Notwithstanding the provisions of section 161.032 or any other provision of law, the governor shall, by and with the advice and consent of the senate, appoint a teacher representative to the state board of education who shall attend all meetings and participate in all deliberations of**

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the board. The teacher representative shall not have the right to vote on any matter before the board or be counted in establishing a quorum under section 161.082.

2. The teacher representative shall be an active classroom teacher. For purposes of this section, "active classroom teacher" means a resident of the state of Missouri who is a full-time teacher with at least five years of teaching experience in the state of Missouri, who is certified to teach under the laws governing the certification of teachers in Missouri, and who is not on leave at the time of the appointment to the position of teacher representative. The teacher representative shall have the written support of the local school board prior to accepting the appointment.

3. The term of the teacher representative shall be four years, and appointments made under this section shall be made in rotation from each congressional district beginning with the first congressional district and continuing in numerical order.

4. If a vacancy occurs for any reason in the position of teacher representative, the governor shall appoint, by and with the advice and consent of the senate, a replacement for the unexpired term. Such replacement shall be a resident of the same congressional district as the teacher representative being replaced, shall meet the qualifications set forth under subsection 2 of this section, and shall serve until his or her successor is appointed and qualified. If the general assembly is not in session at the time for making an appointment, the governor shall make a temporary appointment until the next session of the general assembly, when the governor shall nominate a person to fill the position of teacher representative.

5. If the teacher representative ceases to be an active classroom teacher, as defined under subsection 2 of this section, or fails to follow the board's attendance policy, the teacher representative's position shall immediately become vacant unless an absence is caused by sickness or some accident preventing the teacher representative's arrival at the time and place appointed for the meeting.

6. The teacher representative shall receive the same reimbursement for expenses as members of the state board of education receive under section 161.022.

7. At no time shall more than one nonvoting member serve on the state board of education.

8. The provisions of this section shall expire on August 28, 2025.

**161.072. MEETINGS OF BOARD — RECORDS, ELECTRONIC AVAILABILITY, WHEN — CLOSED MEETINGS TO TEACHER REPRESENTATIVE, WHEN. — 1.** The state board of education shall meet semiannually in December and in June in Jefferson City. Other meetings may be called by the president of the board on seven days' written notice to the members. In the absence of the president, the commissioner of education shall call a meeting on request of three members of the board, and if both the president and the commissioner of education are absent or refuse to call a meeting, any three members of the board may call a meeting by similar notices in writing. The business to come before the board shall be available by free electronic record at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available by free electronic media within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members of the board by the staff shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010 and are not permitted to be closed under section 610.021, shall be made available by free electronic media at least five business days in advance of the meeting.

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2. Upon an affirmative vote of the members of the board who are present and who are not teacher representatives, a given meeting closed under sections 610.021 and 610.022 shall be closed to the teacher representative.

**161.106. CAREER AND STUDENT ORGANIZATIONS' ACTIVITIES, DEPARTMENT TO PROVIDE STAFFING SUPPORT — HANDLING OF ORGANIZATION FUNDS.** — 1. The department of elementary and secondary education shall provide staffing support including but not limited to statewide coordination for career and technical student organizations' activities that are an integral part of the instructional educational curriculum for career and technical education programs approved by the department. Such career and technical organizations shall include, but not be limited to, the nationally recognized organizations of DECA, FBLA, FFA, FCCCLA, HOSA, SkillsUSA, and TSA.

2. The department of elementary and secondary education shall [continue to] handle the funds from the **career and technical student** organizations [in the same manner as it did during school year 2011-12], with department personnel maintaining responsibility for the receipt and disbursement of funds. The department may ensure accountability and transparency by requiring the career and technical student organizations to provide sworn affidavits annually by personnel in the organization who are responsible for such funds as to the proper receipt and disbursement of such funds.

**161.217. EARLY LEARNING QUALITY ASSURANCE REPORT--SUNSET PROVISION.** — 1. The department of elementary and secondary education, in collaboration with the Missouri Head Start State Collaboration Office and the departments of health and senior services, mental health, and social services, shall develop, as a three-year pilot program, a voluntary early learning quality assurance report. The early learning quality assurance report shall be developed based on evidence-based practices.

2. Participation in the early learning quality assurance report pilot program shall be voluntary for any licensed or license-exempt early learning providers that are center-based or home-based and are providing services for children from any ages from birth up to kindergarten.

3. The early learning quality assurance report may include, but is not limited to, information regarding staff qualifications, instructional quality, professional development, health and safety standards, parent engagement, and community engagement.

4. The early learning quality assurance report shall not be used for enforcement of compliance with any law or for any punitive purposes.

5. The department of elementary and secondary education shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset three years after August 28, [2016] **2019**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset three years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

**162.401. TREASURER'S BOND.** — The treasurer, before entering upon the discharge of his duties, shall enter into a bond to the state of Missouri, with [two] **one** or more sureties, to be approved by the board, conditioned that he will render a faithful and just account of all money that comes into his hands as treasurer, and otherwise perform the duties of his office according to law. The bond shall be filed with the secretary of the board. The treasurer shall be the custodian of all school moneys derived from taxation for school purposes in the district until paid out on the order of the board, and on breach of the conditions of the bond, the secretary of the board, or any resident of the school district, may cause suit to be brought thereon. The suit shall be prosecuted in the name of the state of Missouri, at the relation and to the use of the proper school district.

**162.720. GIFTED CHILDREN, DISTRICT MAY ESTABLISH PROGRAMS FOR — STATE BOARD TO APPROVE — REVIEW OF DECISIONS — IMMUNITY FROM LIABILITY, WHEN.** — 1. Where a sufficient number of children are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, districts may establish special programs for such gifted children.

2. The state board of education shall determine standards for such programs. Approval of such programs shall be made by the state department of elementary and secondary education based upon project applications submitted by July fifteenth of each year.

3. No district shall make a determination as to whether a child is gifted based on the child's participation in an advanced placement course or international baccalaureate course. Districts shall determine a child is gifted only if the child meets the definition of gifted children as provided in section 162.675.

**4. Any district with a gifted education program approved under subsection 2 of this section shall have a policy, approved by the board of education of the district, that establishes a process that outlines the procedures and conditions under which parents or guardians may request a review of the decision that determined that their child did not qualify to receive services through the district's gifted education program.**

**5. School districts and school district employees shall be immune from liability for any and all acts or omissions relating to the decision that a child did not qualify to receive services through the district's gifted education program.**

**162.722. ACCELERATION OF STUDENTS, SUBJECT OR WHOLE GRADE, WHEN.** — 1. **Each school district shall establish a policy, approved by the board of education of the district, that allows acceleration for students who demonstrate:**

- (1) Advanced performance or potential for advanced performance; and**
- (2) The social and emotional readiness for acceleration.**

**2. The policy shall allow, for students described in this section, at least the following types of acceleration:**

- (1) Subject acceleration; and**
- (2) Whole grade acceleration.**

**163.018. EARLY CHILDHOOD EDUCATION PROGRAMS, PUPILS INCLUDED IN AVERAGE DAILY ATTENDANCE CALCULATION, WHEN. — 1. (1)** Notwithstanding the definition of "average daily attendance" in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced price lunch and attend an early childhood education program that is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education shall be included in the district's or charter school's calculation of average daily attendance. The total number of such pupils included in the district's or charter school's calculation of average daily attendance shall not exceed four percent of the total number of pupils who are eligible for free and reduced price lunch between the ages of five and eighteen who are included in the district's or charter school's calculation of average daily attendance.

**(2) If a pupil described under subdivision (1) of this subsection leaves an early childhood education program during the school year, a district or charter school shall be allowed to fill the vacant enrollment spot with another pupil between the ages of three and five who is eligible for free and reduced price lunch without affecting the district's or charter school's calculation of average daily attendance.**

2. (1) For any district that has been declared unaccredited by the state board of education and remains unaccredited as of July 1, 2015, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable during the 2015-16 school year.

(2) For any district that is declared unaccredited by the state board of education after July 1, 2015, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable immediately upon such declaration.

(3) For any district that has been declared provisionally accredited by the state board of education and remains provisionally accredited as of July 1, 2016, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable beginning in the 2016-17 school year.

(4) For any district that is declared provisionally accredited by the state board of education after July 1, 2016, and for any charter school located in said district, the provisions of this section shall become applicable beginning in the 2016-17 school year or immediately upon such declaration, whichever is later.

(5) For all other districts and charter schools, the provisions of subsection 1 of this section shall become effective in any school year subsequent to a school year in which the amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, and shall remain effective in all school years thereafter, irrespective of the amount appropriated for subsections 1 and 2 of section 163.031 in any succeeding year.

3. This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.

**163.021. ELIGIBILITY FOR STATE AID, REQUIREMENTS — EVALUATION OF CORRELATION OF RATES AND ASSESSED VALUATION, REPORT, CALCULATION — FURTHER REQUIREMENTS — EXCEPTION — OPERATING LEVY LESS THAN PERFORMANCE LEVY, REQUIREMENTS.** — 1. A school district shall receive state aid for its education program only if it:

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033. **In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance with no minimum number of school days shall be required for each pupil or group of pupils; except that, the board shall provide a minimum of five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils with no minimum number of school days;**

(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111 for districts;

(3) Levies an operating levy for school purposes of not less than one dollar and twenty-five cents after all adjustments and reductions on each one hundred dollars assessed valuation of the district; **and**

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.

2. For the 2006-07 school year and thereafter, no school district shall receive more state aid, as calculated under subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all adjustments and reductions. Any district which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of Article X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax

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rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution.

3. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-94, if the state board of education determines that the district was not in compliance in the preceding school year with the requirements of section 163.172, until such time as the board determines that the district is again in compliance with the requirements of section 163.172.

4. No school district shall receive state aid, pursuant to section 163.031, if such district was not in compliance, during the preceding school year, with the requirement, established pursuant to section 160.530 to allocate revenue to the professional development committee of the district.

5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, if the district did not comply in the preceding school year with the requirements of subsection 5 of section 163.031.

6. Any school district that levies an operating levy for school purposes that is less than the performance levy, as such term is defined in section 163.011, shall provide written notice to the department of elementary and secondary education asserting that the district is providing an adequate education to the students of such district. If a school district asserts that it is not providing an adequate education to its students, such inadequacy shall be deemed to be a result of insufficient local effort. The provisions of this subsection shall not apply to any special district established under sections 162.815 to 162.940.

**163.073. AID FOR PROGRAMS PROVIDED BY THE DIVISION OF YOUTH SERVICES — AMOUNT, HOW DETERMINED — PAYMENT BY DISTRICT OF DOMICILE OF THE CHILD, AMOUNT.** — 1. When an education program, as approved under section 219.056, is provided for pupils by the division of youth services in one of the facilities operated by the division for children who have been assigned there by the courts, the division of youth services shall be entitled to state aid for pupils being educated by the division of youth services in an amount to be determined as follows: the total amount apportioned to the division of youth services shall be an amount equal to the average per weighted average daily attendance amount apportioned for the preceding school year under section 163.031, multiplied by the number of full-time equivalent students served by facilities operated by the division of youth services. The number of full-time equivalent students shall be determined by dividing by one hundred seventy-four days the number of student-days of education service provided by the division of youth services to elementary and secondary students who have been assigned to the division by the

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courts and who have been determined as inappropriate for attendance in a local public school. A student day shall mean one day of education services provided for one student. **In school year 2019-20 and subsequent years, the number of full-time equivalent students shall be the quotient of the number of student-hours of education service provided by the division of youth services to elementary and secondary students who have been assigned to the division by the courts, and who have been determined as inappropriate for attendance in a local public school, divided by one thousand forty-four hours. A student hour shall mean one hour of education services provided for one student.** In addition, other provisions of law notwithstanding, the division of youth services shall be entitled to funds under section 163.087. The number of full-time equivalent students as defined in this section shall be considered as "September membership" and as "average daily attendance" for the apportioning of funds under section 163.087.

2. The educational program approved under section 219.056 as provided for pupils by the division of youth services shall qualify for funding for those services provided to handicapped or severely handicapped children. The department of elementary and secondary education shall cooperate with the division of youth services in arriving at an equitable funding for the services provided to handicapped children in the facilities operated by the division of youth services.

3. Each local school district or special school district constituting the domicile of a child placed in programs or facilities operated by the division of youth services or residing in another district pursuant to assignment by the division of youth services shall pay toward the per pupil cost of educational services provided by the serving district or agency an amount equal to the average sum produced per child by the local tax effort of that district. A special school district shall pay the average sum produced per child by the local tax efforts of the component districts. This amount paid by the local school district or the special school district shall be on the basis of full-time equivalence as determined in section 163.011, not to exceed the actual per pupil local tax effort.

**164.011. ANNUAL ESTIMATE OF REQUIRED FUNDS, TAX RATES REQUIRED, CRITERIA FOR EXCEPTIONS — ESTIMATES, WHERE SENT — DEPARTMENT DUTIES.** — 1. The school board of each district annually shall prepare an estimate of the amount of money to be raised by taxation for the ensuing school year, the rate required to produce the amount, and the rate necessary to sustain the school or schools of the district for the ensuing school year, to meet principal and interest payments on the bonded debt of the district and to provide the funds to meet other legitimate district purposes. In preparing the estimate, the board shall have sole authority in determining what part of the total authorized rate shall be used to provide revenue for each of the funds as authorized by section 165.011. Prior to setting tax rates for the teachers' and incidental funds, the school board of each school district annually shall set the tax rate for the capital projects fund as necessary to meet the expenditures of the capital projects fund after all transfers allowed pursuant to subsection 4 of section 165.011. Furthermore the tax rate set in the capital projects fund shall not require the reduction of the equalized combined tax rates for the teachers' and incidental funds to be less than the greater of the minimum operating levy for the current year for school purposes established under subsection 2 of section 163.021.

2. The school board of each district shall forward the estimate to the county clerk on or before September first. In school districts divided by county lines, the estimate shall be forwarded to the proper officer of each county in which any part of the district lies.

3. When revising its tax rate each year, the aggregate increase in the valuation of property assessed by the state tax commission for the current year over that of the previous year shall be considered new construction and improvement.

4. The department of elementary and secondary education and any other government agency involved in the tax rate process shall update the necessary forms, reports, and documents in order to implement the provisions of this section.

**167.128. NEGLECTED AND DELINQUENT CHILDREN, DEPARTMENT NOT TO AGGREGATE DATA WITH REGULARLY ENROLLED PUPIL DATA. — 1.** If a school district contains a facility that serves neglected or delinquent children residing in a court-ordered group home, an institution for neglected children, or an institution for delinquent children, the department of elementary and secondary education shall be prohibited from creating any report or publication related to the Missouri school improvement program, or any successor program, in which data from the district's regularly enrolled pupils is aggregated with data from the children residing in such facilities.

2. Nothing in this section shall exempt the district in which a facility described in this section is located from providing educational services according to federal law. However, for accountability purposes under state and federal law, the department of elementary and secondary education shall not count the students residing in any such facility as part of the school district in which the facility is located, but shall instead aggregate all neglected and delinquent children residing in facilities described in this section and issue any reports as if the students and facilities were their own separate local educational agency.

**167.225. DEFINITIONS — INSTRUCTION IN BRAILLE FOR VISUALLY IMPAIRED STUDENTS — TEACHER CERTIFICATION. — 1.** As used in this section, the following terms mean:

(1) ["Blind persons", individuals who:

(a) Have a visual acuity of 20/200 or less in the better eye with conventional correction, or have a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees; or

(b) Have a reasonable expectation of visual deterioration; or

(c) Cannot read printed material at a competitive rate of speed and with facility due to lack of visual acuity;

(2) "Braille", the system of reading and writing through touch [commonly known as standard English braille];

[(3)] (2) "Student", any student who [is blind or any student eligible for special education services for visually impaired as defined in P.L. 94-142] **has an impairment in vision that, even with correction, adversely affects a child's educational performance and who is determined eligible for special education services under the Individuals with Disabilities Education Act.**

2. All students [may] **shall** receive instruction in braille reading and writing as part of their individualized education plan **unless the individual education program team determines, after an evaluation of a student's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the student's future needs for instruction in braille or the use of braille, that instruction in braille or the use of braille is not appropriate.** No student shall be denied [the opportunity of] instruction in braille reading and writing solely because the student has some remaining vision.

3. Instruction in braille reading and writing shall be sufficient to enable each student to communicate effectively and efficiently at a level commensurate with [his] **the student's** sighted peers of comparable grade level and intellectual functioning. The student's individualized education plan shall specify:

(1) How braille will be implemented as the primary mode for learning through integration with normal classroom activities. If braille will not be provided to a child who is blind, the reason for not incorporating it in the individualized education plan shall be documented therein;

(2) The date on which braille instruction will commence;

(3) The level of competency in braille reading and writing to be achieved by the end of the period covered by the individualized education plan; and

(4) The duration of each session.

4. As part of the certification process, teachers certified in the education of blind and visually impaired children shall be required to demonstrate competence in reading and writing braille. The department of elementary and secondary education shall adopt assessment procedures to assess such competencies which are consistent with standards adopted by the National Library Service for the Blind and Physically Handicapped, Library of Congress, Washington, D. C.

**167.902. CRITICAL NEED OCCUPATIONS, DATA AND INFORMATION DISTRIBUTION. —**

**1. The department of economic development shall annually identify occupations in which a critical need or shortage of trained personnel exists in the labor markets in this state and provide such information to the state board of education. Upon receipt of such data, the state board of education shall, in collaboration with the department of economic development, compile the following data and information:**

**(1) Information on how to obtain industry-recognized certificates and credentials;**

**(2) Information on how to obtain a license and the requirements for a license when licensure is required for an occupation;**

**(3) Access to assessments and interest inventories that provide insight into the types of careers that would be suitable for students;**

**(4) Resources that describe the types of skills and occupations most in demand in the current job market and those skills and occupations likely to be in high demand in future years;**

**(5) Resources that describe the typical salaries for occupations and salary trends;**

**(6) Information on how to obtain financial assistance for postsecondary education;**

**(7) Information on how to choose a college, school, or apprenticeship that aligns with the student's career goals and values;**

**(8) Information on self-employment;**

**(9) Resources related to creating a resume, interviewing, networking, and finding job opportunities; and**

**(10) Information on the skills and traits necessary to succeed in various careers.**

**2. The educational materials and data derived from the state board of education's collaboration with the department of economic development under subsection 1 of this section shall be distributed by the board to each high school in this state for the purpose of emphasizing areas of critical workforce needs and shortages in the labor markets in this state to high school students to support such students' career pathway decisions. Each high school shall provide its students with the information provided to the school by the state board of education before November first of every school year.**

**168.024. LOCAL BUSINESS EXTERNSHIP, COUNT AS CONTACT HOURS OF PROFESSIONAL DEVELOPMENT.** — 1. For purposes of this section, "local business externship" means an experience in which a teacher, supervised by his or her school or school district, gains practical experience at a business in the local community in which the teacher is employed through observation and interaction with employers and employees who are working on issues related to subjects taught by the teacher.

2. Any hours spent in a local business externship shall count as contact hours of professional development under section 168.021.

**168.770. LIBRARY INFORMATION AND TECHNOLOGY PROGRAM RECOGNIZED — RULEMAKING AUTHORITY.** — 1. For purposes of this section, the following terms mean:

(1) "School librarian", a teacher who holds a certificate of license to teach under section 168.021 and is certified as a library media specialist by the department of elementary and secondary education;

(2) "School library information and technology program", a school-based program that is staffed by a school librarian and that provides a broad, flexible array of services, resources, and instruction that support student mastery of the essential academic learning requirements and state standards in all subject areas and the implementation of any school improvement plan of the district.

2. Before July 1, 2019, the department of elementary and secondary education shall develop a process for recognition of a district's school library information and technology program.

3. The department of elementary and secondary education may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**171.031. BOARD TO PREPARE CALENDAR — MINIMUM TERM — OPENING DATES — EXEMPTIONS.** — 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, **days of planned attendance**, and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. **In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required for the school term with no minimum number of school days.** In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033. **In school year 2019-20 and subsequent years, such calendar shall include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined in subsection 1 of section 171.033, with no minimum number of make-up days.**

2. Each local school district may set its opening date each year, which date shall be no earlier than ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section.

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031 for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

[7. No school day for schools with a five-day school week shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county, and any school that adopts a four-day school week in accordance with section 171.029.]

**171.033. MAKE-UP OF HOURS LOST OR CANCELLED, NUMBER REQUIRED — EXEMPTION, WHEN — WAIVER FOR SCHOOLS, GRANTED WHEN. — 1. "Inclement weather",** for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

2. **(1)** A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

**(2) Notwithstanding subdivision (1) of this subsection, in school year 2019-20 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.**

3. **(1)** In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

**(2) In school year 2019-20 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the thirty-six hours required under subsection**

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**2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total make-up hours required by this section.**

4. The commissioner of education may provide, for any school district [in which schools are in session for twelve months of each calendar year] that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance **or, in school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance**, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather[, flooding] or fire.

**178.931. PAYMENTS FOR HOURS WORKED BY DISABLED EMPLOYEES, HOW CALCULATED. — 1. Beginning July 1, 2018, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to the amount calculated under subsection 2 of this section but at least the amount necessary to ensure that at least twenty-one dollars is paid for each six-hour or longer day worked by a handicapped employee.**

**2. In order to calculate the monthly amount due to each sheltered workshop, the department shall:**

**(1) Determine the quotient obtained by dividing the appropriation for the fiscal year by twelve; and**

**(2) Divide the amount calculated under subdivision (1) of this subsection among the sheltered workshops in proportion to each sheltered workshop's number of hours submitted to the department for the preceding calendar month.**

**3. The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.**

**304.060. SCHOOL BUSES AND OTHER DISTRICT VEHICLES, USE TO BE REGULATED BY BOARD — FIELD TRIPS IN COMMON CARRIERS, REGULATION AUTHORIZED — VIOLATION BY EMPLOYEE, EFFECT — DESIGN OF SCHOOL BUSES, REGULATED BY BOARD — ST. LOUIS COUNTY BUSES MAY USE WORD "SPECIAL". — 1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of**

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education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

**2. Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri in an urban district containing the greater part of the population of a city which has more than three hundred thousand inhabitants may contract with any municipality, bi-state agency, or other governmental entity for the purpose of transporting school children attending a grade or grades not lower than the ninth nor higher than the twelfth grade, provided that such contract shall be for additional transportation services, and shall not replace or fulfill any of the school district's obligations pursuant to section 167.231. The school district may notify students of the option to use district contracted transportation services.**

**3.** Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

[3.] **4.** Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word "special".

**[171.029. FOUR-DAY SCHOOL WEEK AUTHORIZED — CALENDAR TO BE FILED WITH DEPARTMENT. — 1.** The school board of any school district in the state, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may establish a four-day school week or other calendar consisting of less than one hundred seventy-four days in lieu of a five-day school week. Upon adoption of a four-day school week or other calendar consisting of less than one hundred seventy-four days, the school shall file a calendar with the department of elementary and secondary education in accordance with section 171.031. Such calendar shall include, but not be limited to, a minimum term of one hundred forty-two days and one thousand forty-four hours of actual pupil attendance.

**2.** If a school district that attends less than one hundred seventy-four days meets at least two fewer performance standards on two successive annual performance reports than it met on its last annual performance report received prior to implementing a calendar year of less than one hundred seventy-four days, it shall be required to revert to a one hundred seventy-four-day school year in the school year following the report of the drop in the number of performance standards met. When the number of performance standards met reaches the earlier number, the district may return to the four-day week or other calendar consisting of less than one hundred seventy-four days in the next school year.]

**[178.930. STATE AID, COMPUTATION OF — RECORDS, KEPT ON PREMISES — SHELTERED WORKSHOP PER DIEM REVOLVING FUND CREATED. — 1.** (1) Beginning July 1, 2009, and until June 30, 2010, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a

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sum equal to ninety dollars for each standard workweek (Monday through Friday) of up to and including thirty hours worked during the preceding calendar month. Eighteen dollars shall be paid for each six-hour or longer day worked by a handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.

(2) Beginning July 1, 2010, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to ninety-five dollars for each standard workweek (Monday through Friday) of up to and including thirty hours worked during the preceding calendar month. Nineteen dollars shall be paid for each six-hour or longer day worked by a handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.

2. The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.

3. There is hereby created in the state treasury the "Sheltered Workshop Per Diem Revolving Fund" which shall be administered by the commissioner of the department of elementary and secondary education. All moneys appropriated pursuant to subsection 1 of this section shall be deposited in the fund and expended as described in subsection 1 of this section.

4. The balance of the sheltered workshop per diem revolving fund shall not exceed five hundred thousand dollars at the end of each fiscal year and shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund. Any unexpended balance in the sheltered workshop per diem revolving fund at the end of each fiscal year exceeding five hundred thousand dollars shall be deposited in the general revenue fund.]

**SECTION B. EFFECTIVE DATE.** — The repeal of section 171.029 of this act shall become effective July 1, 2019.

Approved July 5, 2018

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SB 768

**Enacts provisions relating to taxation of telecommunications companies.**

AN ACT to repeal sections 138.445, 144.026, 144.030, 144.054, and 153.030, RSMo, and to enact in lieu thereof four new sections relating to taxation of telecommunications companies.

SECTION

A. Enacting clause.

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

- 138.445 Annual report to contain property valuations according to counties — amendment of report, time limitation — tax commission, additional compensation.
- 144.030 Exemptions from state and local sales and use taxes.
- 144.054 Additional sales tax exemptions for various industries and political subdivisions.
- 153.030 Bridge and public utility companies, how taxed — annual report — microwave relay stations, apportionment — telephone company, one-time election on assessment, effect of.
- 144.026 Director of revenue prohibited from notifying taxpayers of a particular court decision before August 28, 2018.

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

**SECTION A. ENACTING CLAUSE.** — Sections 138.445, 144.026, 144.030, 144.054, and 153.030, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 138.445, 144.030, 144.054, and 153.030, to read as follows:

**138.445. ANNUAL REPORT TO CONTAIN PROPERTY VALUATIONS ACCORDING TO COUNTIES — AMENDMENT OF REPORT, TIME LIMITATION — TAX COMMISSION, ADDITIONAL COMPENSATION.** — 1. The state tax commission of Missouri shall annually certify to the director of revenue and to the commissioner of education a copy of its most recent annual report containing the total valuation of all taxable properties in the state according to the county or counties for which the same is assessed. The commission shall also certify to the director and to the commissioner any amendments or modifications to the annual report; provided, however, that no amendments or modifications to the annual report shall be accepted by the state tax commission or certified by it to the director of revenue or the commissioner of education at any time after December thirty-first of the year.

2. The annual report of the state tax commission and any amendments or modifications thereto duly certified to the director of revenue and to the commissioner of education shall constitute the official record of the state of Missouri for purposes of section 142.345 and section 163.011.

3. The reports certified pursuant to this section shall not be construed to represent the assessment ratio or general assessment level of any county in this state.

4. For the additional duties imposed upon the members of the tax commission under the provisions of this section, each member of the commission shall annually receive nine thousand dollars plus any salary adjustment provided pursuant to section 105.005 payable in equal monthly installments.

**5. As a part of the report defined in this section, the state tax commission shall include the difference in assessed value for any telephone company that, according to subsection 5 of section 153.030, elects to be assessed utilizing the methodology defined in section 137.122. The commissioner of education shall transmit the information to each school district.**

**144.030. EXEMPTIONS FROM STATE AND LOCAL SALES AND USE TAXES.** — 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to

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144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision, motor vehicle and public highway shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms **motor vehicle and highway shall have the same meaning pursuant to section 301.010. For the**

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purposes of this subdivision, subdivision (6) of this subsection, and section 144.054, as well as the definition in subdivision (9) of subsection 1 of section 144.010, the term "product" includes telecommunications services and the term "manufacturing" shall include the production, or production and transmission, of telecommunications services. The preceding sentence does not make a substantive change in the law and is intended to clarify that the term "manufacturing" has included and continues to include the production and transmission of "telecommunications services", as enacted in this subdivision and subdivision (6) of this subsection, as well as the definition in subdivision (9) of subsection 1 of section 144.010. The preceding two sentences reaffirm legislative intent consistent with the interpretation of this subdivision and subdivision (6) of this subsection in *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and accordingly abrogates the Missouri supreme court's interpretation of those exemptions in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent with this section and *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005). The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption. **The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed;**

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or

more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

(19) All sales of insulin, and all sales, rentals, repairs, and parts of durable medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories including parts, and hospital beds and accessories and ambulatory aids including parts, and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille

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equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters including parts, and reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to

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such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state

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and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(43) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in section 306.010;

(44) Any new or used aircraft sold or delivered in this state to a person who is not a resident of this state or a corporation that is not incorporated in this state, and such aircraft is not to be based in this state and shall not remain in this state more than ten business days subsequent to the last to occur of:

(a) The transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state; or

(b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that are completed contemporaneously with the transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state;

(45) All internet access or the use of internet access regardless of whether the tax is imposed on a provider of internet access or a buyer of internet access. For purposes of this subdivision, the following terms shall mean:

(a) "Direct costs", costs incurred by a governmental authority solely because of an internet service provider's use of the public right-of-way. The term shall not include costs that the governmental authority would have incurred if the internet service provider did not make such

use of the public right-of-way. Direct costs shall be determined in a manner consistent with generally accepted accounting principles;

(b) "Internet", computer and telecommunications facilities, including equipment and operating software, that comprises the interconnected worldwide network that employ the transmission control protocol or internet protocol, or any predecessor or successor protocols to that protocol, to communicate information of all kinds by wire or radio;

(c) "Internet access", a service that enables users to connect to the internet to access content, information, or other services without regard to whether the service is referred to as telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this subdivision, internet access also includes: the purchase, use, or sale of communications services, including telecommunications services as defined in section 144.010, to the extent the communications services are purchased, used, or sold to provide the service described in this subdivision or to otherwise enable users to access content, information, or other services offered over the internet; services that are incidental to the provision of a service described in this subdivision, when furnished to users as part of such service, including a home page, electronic mail, and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity; a home page electronic mail and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity that are provided independently or that are not packed with internet access. As used in this subdivision, internet access does not include voice, audio, and video programming or other products and services, except services described in this paragraph or this subdivision, that use internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in this paragraph or this subdivision;

(d) "Tax", any charge imposed by the state or a political subdivision of the state for the purpose of generating revenues for governmental purposes and that is not a fee imposed for a specific privilege, service, or benefit conferred, except as described as otherwise under this subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental entity. The term tax shall not include any franchise fee or similar fee imposed or authorized under section 67.1830 or 67.2689; Section 622 or 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other fee related to obligations of telecommunications carriers under the Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

a. The fee is not imposed for the purpose of recovering direct costs incurred by the franchising or other governmental authority from providing the specific privilege, service, or benefit conferred to the payer of the fee; or

b. The fee is imposed for the use of a public right-of-way based on a percentage of the service revenue, and the fee exceeds the incremental direct costs incurred by the governmental authority associated with the provision of that right-of-way to the provider of internet access service.

Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or services that were subject to tax on January 1, 2016.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating,

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agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended.

**144.054. ADDITIONAL SALES TAX EXEMPTIONS FOR VARIOUS INDUSTRIES AND POLITICAL SUBDIVISIONS.** — 1. As used in this section, the following terms mean:

(1) "Processing", any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) **"Producing" includes, but is not limited to, the production of, including the production and transmission of, telecommunication services;**

(3) **"Product" includes, but is not limited to, telecommunications services;**

(4) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085 and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030. **The construction and application of this subsection as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed.**

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases

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of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669.

5. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all materials, manufactured goods, machinery and parts, electrical energy and gas, whether natural, artificial or propane, water, coal and other energy sources, chemicals, soaps, detergents, cleaning and sanitizing agents, and other ingredients and materials inserted by commercial or industrial laundries to treat, clean, and sanitize textiles in facilities which process at least five hundred pounds of textiles per hour and at least sixty thousand pounds per week.

**153.030. BRIDGE AND PUBLIC UTILITY COMPANIES, HOW TAXED — ANNUAL REPORT — MICROWAVE RELAY STATIONS, APPORTIONMENT — TELEPHONE COMPANY, ONE-TIME ELECTION ON ASSESSMENT, EFFECT OF.** — 1. All bridges over streams dividing this state from any other state owned, used, leased or otherwise controlled by any person, corporation, railroad company or joint stock company, and all bridges across or over navigable streams within this state, where the charge is made for crossing the same, which are now constructed, which are in the course of construction, or which shall hereafter be constructed, and all property, real and tangible personal, owned, used, leased or otherwise controlled by telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies and express companies shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the property of private persons.

2. And taxes levied thereon shall be levied and collected in the manner as is now or may hereafter be provided by law for the taxation of railroad property in this state, and county commissions, county boards of equalization and the state tax commission are hereby required to perform the same duties and are given the same powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the property set forth in this section as the county commissions and boards of equalization and state tax commission have or may hereafter be empowered with, in assessing, equalizing, and adjusting the taxes on railroad property; and an authorized officer of any such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express company or the owner of any such toll bridge, is hereby required to render reports of the property of such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express

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companies in like manner as the authorized officer of the railroad company is now or may hereafter be required to render for the taxation of railroad property.

3. On or before the fifteenth day of April in the year 1946 and each year thereafter an authorized officer of each such company shall furnish the state tax commission and county clerks a report, duly subscribed and sworn to by such authorized officer, which is like in nature and purpose to the reports required of railroads under chapter 151 showing the full amount of all real and tangible personal property owned, used, leased or otherwise controlled by each such company on January first of the year in which the report is due.

4. If any telephone company assessed pursuant to chapter 153 has a microwave relay station or stations in a county in which it has no wire mileage but has wire mileage in another county, then, for purposes of apportioning the assessed value of the distributable property of such companies, the straight line distance between such microwave relay stations shall constitute miles of wire. In the event that any public utility company assessed pursuant to this chapter has no distributable property which physically traverses the counties in which it operates, then the assessed value of the distributable property of such company shall be apportioned to the physical location of the distributable property.

**5. (1) Notwithstanding any provision of law to the contrary, beginning January 1, 2019, a telephone company shall make a one-time election within the tax year to be assessed:**

**(a) Using the methodology for property tax purposes as provided under this section; or**

**(b) Using the methodology for property tax purposes as provided under this section for property consisting of land and buildings and be assessed for all other property exclusively using the methodology utilized under section 137.122.**

**If a telephone company begins operations, including a merger of multiple telephone companies, after the effective date of this section, it shall make its one-time election to be assessed using the methodology for property tax purposes as described under paragraph (b) of subdivision (1) of this subsection within the year in which the telephone company begins its operations. A telephone company that fails to make a timely election shall be deemed to have elected to be assessed using the methodology for property tax purposes as provided under subsections 1 to 4 of this section.**

**(2) The provisions of this subsection shall not be construed to change the original assessment jurisdiction of the state tax commission.**

**(3) Nothing in subdivision (1) of this subsection shall be construed as applying to any other utility.**

**(4) (a) The provisions of this subdivision shall ensure that school districts may avoid any fiscal impact as a result of a telephone company being assessed under the provisions of paragraph (b) of subdivision (1) of this subsection. If a school district's current operating levy is below the greater of its most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073, it shall comply with section 137.073.**

**(b) Beginning January 1, 2019, any school district currently operating at a tax rate equal to the greater of the most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073 that receives less tax revenue from a specific telephone company under this subsection, on or before January thirty-first of the year following the tax year in which the school district received less revenue from a specific telephone company, may by resolution of the school board impose a fee, as determined under this subsection, in order to obtain**

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such revenue. The resolution shall include all facts that support the imposition of the fee. If the school district receives voter approval to raise its tax rate, the district shall no longer impose the fee authorized in this paragraph.

(c) Any fee imposed under paragraph (b) of this subdivision shall be determined by taking the difference between the tax revenue the telephone company paid in the tax year in question and the tax revenue the telephone company would have paid in such year had it not made an election under subdivision (1) of this subsection, which shall be calculated by taking the telephone company valuations in the tax year in question, as determined by the state tax commission under paragraph (d) of this subdivision, and applying such valuations to the apportionment process in subsection 2 of section 151.150. The school district shall issue a billing, as provided in this subdivision, to any such telephone company. A telephone company shall have forty-five days after receipt of a billing to remit its payment of its portion of the fees to the school district. Notwithstanding any other provision of law, the issuance or receipt of such fee shall not be used:

- a. In determining the amount of state aid that a school district receives under section 163.031;
- b. In determining the amount that may be collected under a property tax levy by such district; or
- c. For any other purpose.

For the purposes of accounting, a telephone company that issues a payment to a school district under this subsection shall treat such payment as a tax.

(d) When establishing the valuation of a telephone company assessed under paragraph (b) of subdivision (1) of this subsection, the state tax commission shall also determine the difference between the assessed value of a telephone company if:

- a. Assessed under paragraph (b) of subdivision (1) of this subsection; and
- b. Assessed exclusively under subsections 1 to 4 of this section.

The state tax commission shall then apportion such amount to each county and provide such information to any school district making a request for such information.

(e) This subsection shall expire when no school district is eligible for a fee.

**[144.026. DIRECTOR OF REVENUE PROHIBITED FROM NOTIFYING TAXPAYERS OF A PARTICULAR COURT DECISION BEFORE AUGUST 28, 2018.** — The director of revenue shall not send notice to any taxpayer under subsection 2 of section 144.021 regarding the decision in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) prior to August 28, 2018.]

Approved June 1, 2018

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## HCS SCS SB 769

**Enacts provisions relating to financial institutions.**

AN ACT to repeal sections 30.270, 67.085, 95.530, 110.010, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof thirteen new sections relating to financial institutions.

## SECTION

- A. Enacting clause.
- 30.270 Security for safekeeping of state funds.
- 67.085 Investment of certain public funds, conditions.
- 95.530 Funds committee — membership — chairman — selection of depositary — duties of chairman — financial institutions, agencies and officials to report — bonds and securities — may invest funds, when, how (certain cities).
- 110.010 Deposits of public funds to be secured.
- 110.080 Bids for depositaries — disclosure of bids a misdemeanor.
- 110.140 Procedure for bidders — disclosure of bids a misdemeanor.
- 143.433 No corporate income tax return or other document filing required, when.
- 148.720 Corporate income tax reduction, when.
- 165.221 Bids, how made — to be accompanied by check — penalty for secretary disclosing amount of bid.
- 165.231 Opening of bids — interest on deposits.
- 165.241 Deposits, how secured — renewal of deposit agreement.
- 165.271 Transfer of funds to depositaries — payment of bonds — effect of failure of depositary to deposit security.
- 447.200 Inactive consumer deposit accounts, notice, fees — remittance to abandoned fund account, when.

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

**SECTION A. ENACTING CLAUSE.** — Sections 30.270, 67.085, 95.530, 110.010, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 30.270, 67.085, 95.530, 110.010, 110.080, 110.140, 143.433, 148.720, 165.221, 165.231, 165.241, 165.271, and 447.200, to read as follows:

**30.270. SECURITY FOR SAFEKEEPING OF STATE FUNDS.** — 1. For the security of the moneys deposited by the state treasurer pursuant to the provisions of this chapter, the state treasurer shall, from time to time, submit a list of acceptable securities to be approved by the governor and state auditor if satisfactory to them, and the state treasurer shall require of the selected and approved banks or financial institutions as security for the safekeeping and payment of deposits, securities from the list provided for in this section, which list shall include only securities of the following kind and character, unless it is determined by the state treasurer that the use of such securities as collateral may place state public funds at undue risk:

- (1) Bonds or other obligations of the United States;
- (2) Bonds or other obligations of the state of Missouri including revenue bonds issued by state agencies or by state authorities created by legislative enactment;
- (3) Bonds or other obligations of any city in this state having a population of not less than two thousand;
- (4) Bonds or other obligations of any county in this state;
- (5) Approved registered bonds or other obligations of any school district, including certificates of participation and leasehold revenue bonds, situated in this state;
- (6) Approved registered bonds or other obligations of any special road district in this state;
- (7) State bonds or other obligations of any state;

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(8) Notes, bonds, debentures or other similar obligations issued by the farm credit banks or agricultural credit banks or any other obligations issued pursuant to the provisions of an act of the Congress of the United States known as the Farm Credit Act of 1971, and acts amendatory thereto;

(9) Bonds of the federal home loan banks;

(10) Any bonds or other obligations guaranteed as to payment of principal and interest by the government of the United States or any agency or instrumentality thereof;

(11) Bonds of any political subdivision established pursuant to the provisions of [Section 30] **sections 30(a) and 30(b)**, article VI of the Constitution of Missouri;

(12) Tax anticipation notes issued by any county of the first classification;

(13) A surety bond issued by an insurance company licensed pursuant to the laws of the state of Missouri whose claims-paying ability is rated in the highest category by at least one nationally recognized statistical rating agency. The face amount of such surety bond shall be at least equal to the portion of the deposit to be secured by the surety bond;

(14) An irrevocable standby letter of credit issued by a Federal Home Loan Bank;

(15) Out-of-state municipal bonds, including certificates of participation and leasehold revenue bonds, provided such bonds are rated in **one of the four** highest [category] **rating categories** by at least one nationally recognized statistical rating agency;

(16) (a) Mortgage securities that are individual loans that include negotiable promissory notes and the first lien deeds of trust securing payment of such notes on one to four family real estate, on commercial real estate, or on farm real estate located in Missouri or states adjacent to Missouri, provided such loans:

a. Are underwritten to conform to standards established by the state treasurer, which are substantially similar to standards established by the Federal Home Loan Bank of Des Moines, Iowa, and any of its successors in interest that provide funding for financial institutions in Missouri;

b. Are offered by a financial institution in which a senior executive officer certifies under penalty of perjury that such loans are compliant with the requirements of the Federal Home Loan Bank of Des Moines, Iowa, when such loans are pledged by such bank;

c. Are offered by a financial institution that is well capitalized; and

d. Are not construction loans, are not more than ninety days delinquent, have not been classified as substandard, doubtful, or subject to loss, are one hundred percent owned by the financial institution, are otherwise unencumbered and are not being temporarily warehoused in the financial institution for sale to a third party. Any disqualified mortgage securities shall be removed as collateral within ninety days of disqualification or the state treasurer may disqualify such collateral as collateral for state funds;

(b) The state treasurer may promulgate regulations and provide such other forms or agreements to ensure the state maintains a first priority position on the deeds of trust and otherwise protect and preserve state funds. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void;

(c) A status report on all such mortgage securities shall be provided to the state treasurer on a calendar monthly basis in the manner and format prescribed by the state treasurer by the financial institutions pledging such mortgage securities and also shall certify their compliance with **subsection 2 of this section** for such mortgage securities;

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(d) In the alternative to paragraph (a) of this subdivision, a financial institution may provide a blanket lien on all loans secured by one to four family real estate, all loans secured by commercial real estate, all loans secured by farm real estate, or any combination of these categories, provided the financial institution secures such blanket liens with real estate located in Missouri and states adjacent to Missouri and otherwise complies with paragraphs (b) and (c) of this subdivision;

(e) The provisions of paragraphs (a) to (d) of this subdivision are not authorized for any Missouri political subdivision, notwithstanding the provisions of chapter 110 to the contrary;

(f) As used in this subdivision, the term "unencumbered" shall mean mortgage securities pledged for state funds as provided in subsection 1 of this section, and not subject to any other express claims by any third parties, including but not limited to a blanket lien on the bank assets by the Federal Home Loan Bank, a depositary arrangement when securities are loaned and repurchased daily or otherwise, or the depositary has pledged its stock and assets for a loan to purchase another depositary or otherwise; and

(g) As used in this subdivision, the term "well capitalized" shall mean a banking institution that according to its most recent report of condition and income or thrift financial report, publicly available as applicable, qualifies as well capitalized under the uniform capital requirements established by the federal banking regulators or as determined by state banking regulators under substantially similar requirements;

**(17) Brokered or negotiable certificates of deposit that are fully insured either by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund;**

**(18)** Any investment that the state treasurer may invest in as provided in Article IV, Section 15 of the Missouri Constitution, and subject to the state treasurer's written investment policy in section 30.260, that is not otherwise provided for in this section, provided the banking institution or eligible lending institution as defined in subdivision (10) of section 30.750 is well capitalized, as defined in subdivision (16) of this subsection. The provisions of this subdivision are not authorized for political subdivisions, notwithstanding the provisions of chapter 110 to the contrary.

2. Securities deposited shall be in an amount valued at market equal at least to one hundred percent of the aggregate amount on time deposit as well as on demand deposit with the particular financial institution less the amount, if any, which is insured either by the Federal Deposit Insurance Corporation or by the National Credit [Unions] **Union** Share Insurance Fund. Furthermore, for a well-capitalized banking institution, securities authorized in this section that are:

(1) Mortgage securities on loans secured on one to four family real estate appraised to reflect the market value at the time of the loan and deposited as collateral shall not exceed one hundred twenty-five percent of the aggregate amount of time deposits and demand deposits;

(2) Mortgage securities on loans secured on commercial real estate or on farm real estate appraised to reflect the market value at the time of the loan and deposited as collateral shall not exceed the collateral requirements of the Federal Home Loan Bank of Des Moines, Iowa;

(3) United States Treasury securities and United States Federal Agency debentures issued by Fannie Mae, Freddie Mac, the Federal Home Loan Bank, or the Federal Farm Credit Bank valued at market and deposited as collateral shall not exceed one hundred five percent of the aggregate amount of time deposits and demand deposits. All other securities, except as noted elsewhere in this section, valued at market and deposited as collateral shall not exceed one hundred fifteen percent of the aggregated amount of the time deposits and demand deposits; and

(4) Securities that are surety bonds and letters of credit authorized as collateral need only collateralize one hundred percent of the aggregate amount of time deposits and demand deposits.

3. The securities or book entry receipts shall be delivered to the state treasurer and received for by the state treasurer and retained by the treasurer or by financial institutions that the governor,

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state auditor and treasurer agree upon. The state treasurer shall from time to time inspect the securities and book entry receipts and see that they are actually held by the state treasury or by the financial institutions selected as the state depositories. The governor and the state auditor may inspect or request an accounting of the securities or book entry receipts, and if in any case, or at any time, the securities are not satisfactory security for deposits made as provided by law, they may require additional security to be given that is satisfactory to them.

4. Any securities deposited pursuant to this section may from time to time be withdrawn and other securities described in the list provided for in subsection 1 of this section may be substituted in lieu of the withdrawn securities with the consent of the treasurer; but a sufficient amount of securities to secure the deposits shall always be held by the treasury or in the selected depositories.

5. If a financial institution of deposit fails to pay a deposit, or any part thereof, pursuant to the terms of its contract with the state treasurer, the state treasurer shall forthwith convert the securities into money and disburse the same according to law.

6. Any financial institution making deposits of bonds with the state treasurer pursuant to the provisions of this chapter may cause the bonds to be endorsed or stamped as it deems proper, so as to show that they are deposited as collateral and are not transferable except upon the conditions of this chapter or upon the release by the state treasurer.

**67.085. INVESTMENT OF CERTAIN PUBLIC FUNDS, CONDITIONS.** — Notwithstanding any law to the contrary, any political subdivision of the state and any other public entity in Missouri may invest funds of the public entity not immediately needed for the purpose to which such funds or any of them may be applicable provided each public entity meets the requirements for separate deposit insurance of public funds permitted by federal deposit insurance and in accordance with the following conditions:

(1) The public funds are invested through a financial institution which has been selected as a depository of the funds in accordance with the applicable provisions of the statutes of Missouri relating to the selection of depositories and such financial institution enters into a written agreement with the public entity;

(2) The selected financial institution arranges for the deposit of the public funds in deposit accounts in one or more financial institutions wherever located in the United States, for the account of the public entity;

(3) Each such deposit account is insured by federal deposit insurance for one hundred percent of the principal and accrued interest of the deposit; **and**

(4) The selected financial institution acts as custodian for the public entity with respect to such deposit accounts]; and

(5) On the same date that the public funds are deposited under subdivision (2) of this section, the selected financial institution receives an amount of deposits from customers of other financial institutions equal to the amount of the public funds initially invested by the public entity through the selected financial institution].

**95.530. FUNDS COMMITTEE — MEMBERSHIP — CHAIRMAN — SELECTION OF DEPOSITORY — DUTIES OF CHAIRMAN — FINANCIAL INSTITUTIONS, AGENCIES AND OFFICIALS TO REPORT — BONDS AND SECURITIES — MAY INVEST FUNDS, WHEN, HOW (CERTAIN CITIES).** — In all cities not within a county, the mayor, the comptroller and the treasurer shall constitute the funds committee, and the treasurer, by virtue of his office, shall serve as chairman of such committee. The committee shall annually select a bank or banks, or trust company or trust companies, or credit union or credit unions, savings and loan or savings and

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loans, which has its principal place of business in Missouri referred to hereafter as "listed institutions", for the current deposit of the city's funds, which in their opinion will be most commensurate with the safety thereof. The treasurer, as chairman, shall supervise the business of the committee and maintain records of committee proceedings, and shall call annual meetings or any other meeting as often as the business of the city may require. The treasurer shall be a member of any financial planning or decision-making body or committee furthering the needs of the city's financial business, except the legislative and appropriating bodies. The treasurer, by virtue of his office, shall sit on any committee or group which deals with the issuance of bonds of the city or any agency or instrumentality thereof. The treasurer shall serve as the chief investment and cash management officer of the city and, as such, act as the sole investment authority on any investments of public funds held by the city or any instrumentality thereof, including funds derived from proceeds from the issuance of bonds and funds from proceeds from lease/purchase agreements. Such investments shall be made in a manner consistent with investment policies approved by the funds commission, and with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of capital and income to be derived. The treasurer shall ensure the safety of all funds held by the city or any instrumentalities thereof and, upon the approval of the funds commission and reasonable notice, may assume control of any accounts not managed in compliance with state law, serve as the custodian of any funds held in such accounts and take any other measures reasonably required to ensure the preservation of public funds and compliance with applicable law. The funds commission, also known as the "funds committee", shall approve all financial institutions for any banking services required by the city pursuant to investment policies and evaluation criteria set by the treasurer and approved by the funds commission. At least once per year, the treasurer and the city's external auditors shall report to the comptroller on the city's compliance with this section. Any state or municipally created agency, citywide elected officials or any instrumentality thereof working in cooperation with the city in the collection, management, investment or disbursement of governmental funds, shall annually report a listing of all listed institution's accounts, including a list of all pledged collateral, to the fund committee. Any financial institution acting as a depository or custodian of public funds for any state or municipally created agency, citywide elected official or any instrumentality thereof working in the collection, management, investment or disbursement of governmental funds for a city located not within a county shall annually report to the funds committee. Such agencies, elected officials and instrumentalities shall, during the interim period, report any change or transfer or establishment of new accounts or changes in collateral to the fund committee within ten days of doing so. Financial institutions, when requested by the funds committee, shall verify such information. Before any deposit shall be made by the treasurer in any listed institution, the institution shall give a bond in an amount equal to the deposit, with good and sufficient sureties, to be approved by the unanimous vote of the members of the funds committee, for the safekeeping and prompt payment of such funds, or any part thereof, when demanded by the treasurer, and shall at all times keep the sureties on such bond satisfactory to the funds committee. In lieu of [or in addition to] such bond, listed institutions may, with the unanimous consent of the members of the funds committee, deposit with the treasurer of such city or with some other mutually satisfactory depository [in such city, in escrow, bonds or treasury certificates of the United States or other interest-bearing obligations guaranteed as to both principal and interest by the United States or agency or instrumentality thereof in accordance with the approved] collateral securities maintained and approved by the state treasurer, or bonds of the state of Missouri or of any city not within a county, authorized under section 30.270 and approved by

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**the state treasurer with respect to deposit and management of state funds** of a [par] value equal to the amount of such deposit, or any part of such deposit not protected by [such bond] **federal deposit insurance**. The securities so deposited shall, in case of default by any such listed institution, be taken possession of by the funds committee, and to the extent required to make good such default, be sold for the benefit of such city. Any securities so deposited may, with the unanimous consent of the members of the funds committee, be withdrawn, and others of equal value and amount substituted therefor. As the amount of such funds on deposit is reduced, listed institutions, when not in default, shall be permitted to withdraw the excess of collateral, except that there shall at no time be a less amount in par value of collateral than the amount at such time of deposits. The securities so deposited or any substitute therefor, shall, upon default, be exhausted before recourse shall be had against the securities upon any bond executed by listed institutions for the protection of such deposits. In lieu of or in addition to such deposit of city funds in listed institutions, the treasurer may invest funds belonging to such city and not immediately needed for the purpose to which such funds or any of them may be applicable, in accordance with Section 15, Article IV of the Missouri Constitution. In addition, the treasurer may enter into repurchase agreements maturing and becoming payable within ninety days secured by United States Treasury obligations or obligations of the United States government agencies or instrumentalities of any maturity as provided by law.

**110.010. DEPOSITS OF PUBLIC FUNDS TO BE SECURED.** — 1. The public funds of every county, township, city, town, village, school district of every character, road district, sewer district, fire protection district, water supply district, drainage or levee district, state hospital, state schools for the mentally deficient, Missouri School for the Deaf, Missouri School for the Blind, Missouri Training School for Boys, training school for girls, Missouri Veterans' Home, Missouri State Chest Hospital, state university, Missouri state teachers' colleges, Lincoln University, [which] **or any other political subdivision or agency of the state that** are deposited in any banking institution acting as a legal depository of the funds under the statutes of Missouri requiring the letting and deposit of the same and the furnishing of security therefor[,] shall be secured by the deposit of securities of the character prescribed by section 30.270 for the security of funds deposited by the state treasurer.

2. The securities shall, at the option of the depository banking institution, be delivered either to the fiscal officer or the governing body of the municipal corporation or other depositor of the funds, or by depositing the securities with another banking institution or safe depository as trustee satisfactory to both parties to the depository agreement. The trustee may be a bank owned or controlled by the same bank holding company as the depository banking institution.

3. The rights and duties of the several parties to the depository contract shall be the same as those of the state and the depository banking institution respectively under section 30.270. If a depository banking institution deposits the bonds or securities with a trustee as above provided, and the municipal corporation or other depositor of funds gives notice in writing to the trustee that there has been a breach of the depository contract and makes demand in writing on the trustee for the securities, or any part thereof, then the trustee shall forthwith surrender to the municipal corporation or other depositor of funds a sufficient amount of the securities to fully protect the depositor from loss and the trustee shall thereby be discharged of all further responsibility in respect to the securities so surrendered.

**4. Pursuant to an agreement with the banking institution serving as a depository for a public entity under this section, public funds held in the custody of the depository may be invested in the obligations described in article IV, section 15 of the Constitution of Missouri**

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**permitted for the state treasurer, including repurchase agreements, provided the investments are authorized in an investment policy adopted by the public entity, treasurer, or other finance officer authorized to act for the public entity.**

**110.080. BIDS FOR DEPOSITARIES — DISCLOSURE OF BIDS A MISDEMEANOR.** — 1. Any banking corporation, association or trust company in the city desiring to bid shall deliver to the secretary of the board on or before twelve o'clock noon on the day of the meeting at which the depositary is to be selected a sealed bid stating the rate of interest that it offers to pay on the funds and moneys of the institution for the term of up to four years next ensuing the date of the bid.

2. [Each bid shall be accompanied by a check in favor of the institution on some solvent banking corporation, association, or trust company in the city, duly certified, for not less than one thousand dollars, as a guaranty of good faith on the part of the bidder that if its bid is accepted by the board it will give the security required by section 110.010.

3.] It is a misdemeanor for the secretary of the board to directly or indirectly disclose the amount of any bid before the selection of the depositary or depositaries.

**110.140. PROCEDURE FOR BIDDERS — DISCLOSURE OF BIDS A MISDEMEANOR.** — 1. Any banking corporation or association in the county desiring to bid shall deliver to the clerk of the commission, on or before the first Monday of July at which the selection of depositaries is to be made, a sealed proposal, stating the rate of interest that the banking corporation, or association offers to pay on the funds of the county for the term of two or four years next ensuing the date of the bid, or, if the selection is made for a less term than two or four years, as provided in sections 110.180 and 110.190, then for the time between the date of the bid and the next regular time for the selection of depositaries as fixed by section 110.130.

2. [Each bid shall be accompanied by a certified check for not less than two thousand five hundred dollars, as a guaranty of good faith on the part of the bidder, that if his or her bid should be the highest he or she will provide the security required by section 110.010. Upon his or her failure to give the security required by law, the amount of the certified check shall go to the county as liquidated damages, and the commission may order the county clerk to readvertise for bids.

3.] It shall be a misdemeanor, and punishable as such, for the clerk of the commission, or any deputy of the clerk, to directly or indirectly disclose the amount of any bid before the selection of depositaries.

**143.433. NO CORPORATE INCOME TAX RETURN OR OTHER DOCUMENT FILING REQUIRED, WHEN.** — **Notwithstanding any law to the contrary, any entity not subject to the tax on corporations under subsection 2 of section 143.441 shall not be required to complete or file any document or return related to corporate income taxes.**

**148.720. CORPORATE INCOME TAX REDUCTION, WHEN.** — 1. **For all tax years beginning in a calendar year in which there is a reduction in the rate of tax imposed under section 143.071, there shall be a corresponding and proportional reduction in the rate of tax imposed under sections 148.030, 148.140, and 148.620. The reduced rate shall be the applicable rate in each subsequent calendar year.**

2. **The reduction specified under subsection 1 of this section shall occur each year there is a reduction in the rate of tax imposed under section 143.071, including a reduction in the rate of tax by operation of another law or by the constitution.**

**165.221. BIDS, HOW MADE — TO BE ACCOMPANIED BY CHECK — PENALTY FOR SECRETARY DISCLOSING AMOUNT OF BID.** — For the purpose of letting the funds the board shall

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divide the funds into not less than two nor more than ten equal parts. Each bidder may bid for any number of the parts, but the bid for each part shall be separate. Any banking institution in the county or in an adjoining county desiring to bid shall deliver to the secretary of the board, on or before the date selected for the acceptance of bids, a sealed bid, stating the rate of interest, or method by which the interest will be determined, that the banking institution offers to pay on one part of the funds and moneys of the school district for the term of one to five years, as the case may be, next ensuing the date of the bid; or if the selection is made for a less term as provided in sections 165.201 to 165.291, then for the time between the date of the bid and the next regular time for the selection of depositaries, as fixed by section 165.211. [Each bid shall be accompanied by a check in favor of the school district, on some solvent banking institution in the county or an adjoining county, duly certified, for not less than two thousand five hundred dollars, as a guaranty of good faith on the part of the bidder that if any of its bids are accepted by the board it will deposit the security required by law.] It is a misdemeanor for the secretary of the board to directly or indirectly disclose the amount of any bid before all bids are opened at a public depositary bid opening.

**165.231. OPENING OF BIDS — INTEREST ON DEPOSITS.** — The school board or their designee in seven-director districts, on the date selected for the acceptance of bids, shall publicly open the bids and cause each bid to be verbally read and documented. Following discussion and clarification of bids with the financial institutions, the board of education shall cause each bid to be entered upon the records of the board and shall select from among the bidders, as depositaries of the funds and moneys of the school district, those whose bids are accepted, and shall notify each of the bidders so selected. The board may reject any and all bids. The interest upon the funds and moneys shall be computed upon the daily balances to the credit of the school district with each depositary and shall be payable by each depositary on the first day of each month to the treasurer of the school district, who shall place the same to the credit of the district. Each depositary, by at least the fifth day of the current month, shall render to the secretary of the board a statement, in writing, showing the amount of interest paid by the depositary. [The secretary of the board shall return the certified checks accompanying the bids to the banking institutions whose bids which they accompanied were rejected and, upon the approval of the security provided for in sections 110.010 and 110.020, return the certified checks accompanying the accepted bids to the banking institutions respectively, from which they were received.]

**165.241. DEPOSITS, HOW SECURED — RENEWAL OF DEPOSIT AGREEMENT.** — [On or before ten days] After notice to any depositary of its selection, the depositary shall deliver or deposit securities in accordance with sections 110.010 and 110.020 and the securities if delivered to the fiscal officer of the seven-director school district may be deposited for safekeeping with any federal reserve bank located in this state or with any banking institution located in the county and approved by order of the school board entered of record on its minutes. If at the time for selecting depositaries it is unlawful for banking institutions to pay interest upon demand deposits the school board at its option either may select depositaries as provided by law or may enter into written agreement with any or all depositaries acting as such during the preceding period for renewal and continuation of the depositary relationship for the ensuing period with power and authority to renew and continue the same for successive periods thereafter, subject however to termination as provided by law. The rights and obligations of the parties and of any trustee joining in a renewal agreement shall be deemed continuous throughout the periods of the renewals. Each depositary at all times shall maintain the security in kind and amount required by sections 110.010 and 110.020

with right in the depository when not in default to make substitutions thereof and to withdraw interest coupons therefrom as they mature.

**165.271. TRANSFER OF FUNDS TO DEPOSITARIES — PAYMENT OF BONDS — EFFECT OF FAILURE OF DEPOSITARY TO DEPOSIT SECURITY.** — 1. As soon as the securities **satisfactory to the district** are deposited [and approved by the board of a seven-director district, an order shall be made designating], the banking institution depositing the securities **shall be deemed** as a depository of the part of the funds and moneys of the school district of which it has been selected as the depository, until the time fixed by sections 165.201 to 165.291 for another selection. The treasurer of the school district immediately upon the making of the order shall transfer to the depository the parts of all funds and moneys belonging to the school district that the depository is entitled to receive by virtue of its designation.

2. In case any bonds, coupons or other indebtedness of the district are payable, by the terms of the bonds, coupons or other evidences of indebtedness, at any particular place outside the district, nothing contained in sections 165.201 to 165.291 shall prevent the board from causing the treasurer to place a sufficient sum of money to meet the same at the place where the debts are payable at the time of their maturity.

3. The treasurer of a seven-director district, as the funds and moneys of the school district come into his hands from time to time, shall deposit them with the depositories to the credit of the school district, and at all times shall keep on deposit with each depository approximately that proportion of all the funds and moneys of the district for which the board accepted the bid of the depository. If at any time the amount of funds and moneys on deposit with any depository to the credit of the school district is either more or less than the proportion thereof for which the board accepted the bid of the depository, that fact shall not impair or in any manner affect the liability of the depository to faithfully perform all the duties and obligations devolving by law upon the depository.

4. If any banking institution, after being selected as depository and notified thereof, fails to deposit the security within the time provided by section 165.241, [the certified check accompanying the accepted bid of the banking institution shall be forfeited to the school district as liquidated damages, and] the board[, after twenty days' notice in the manner herein provided,] **shall take such action as it deems appropriate to safeguard district funds, including deposit to another bank on an expedited basis and** shall proceed to receive new bids and select another depository in lieu of the one failing to deposit the security.

**447.200. INACTIVE CONSUMER DEPOSIT ACCOUNTS, NOTICE, FEES — REMITTANCE TO ABANDONED FUND ACCOUNT, WHEN.** — 1. **If any consumer deposit account with a banking organization or financial organization, as those terms are defined under section 447.503, is determined to be inactive for a period of twelve or more months and if inactivity fees apply to such account, such bank or financial organization shall notify the person or depositor named on such inactive account. Notice may be delivered by first class mail with postage prepaid and marked "Address Correction Requested" or may be delivered electronically if the consumer has consented to receiving electronic disclosures in accordance with the Truth in Savings Act, 12 U.S.C. Section 4301, and regulations.**

2. **Notwithstanding any provision of law to the contrary, for any consumer account with a bank or financial organization that is inactive for twelve months or more, such bank or financial organization shall issue annual statements to the person or depositor named on the account. A bank may charge a service fee of up to five dollars for any statement issued under this subsection, provided that such fee shall be withdrawn from the inactive account.**

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3. If any consumer account with a bank or financial organization is determined to be inactive for a period of five years, the funds from such account shall be remitted to the abandoned fund account established under section 447.543.

4. For purposes of this section, the word "inactive" means a prescribed period during which there is no activity or contact initiated by the person or depositor named on the account, which results in an inactivity fee being charged to the account.

Approved July 5, 2018

CCS HCS SB 773

**Enacts provisions relating to taxation.**

AN ACT to repeal sections 32.087, 67.3000, 67.3005, 143.183, 143.451, 253.545, 253.550, 253.559, and 620.1900, RSMo, and to enact in lieu thereof ten new sections relating to taxation.

SECTION

- A. Enacting clause.
- 32.087 Local sales taxes, procedures and duties of director of revenue, generally — effective date of tax — duty of retailers and director of revenue — exemptions — discounts allowed — penalties — motor vehicle and boat sales, mobile telecommunications services — bond required — annual report of director, contents — delinquent payments — reapproval, effect, procedures.
- 32.315 Sales and use tax levies, department to issue annual report — contents.
- 67.3000 Definitions — contract submitted to department for certification — tax credit eligibility, procedure, requirements — rulemaking authority.
- 67.3005 Tax credit authorized, amount — application, approval — rulemaking authority — sunset date.
- 143.183 Professional athletes and entertainers, state income tax revenues from nonresidents — transfers to Missouri arts council trust fund, Missouri humanities council trust fund, Missouri state library networking fund, Missouri public television broadcasting corporation special fund and Missouri historic preservation revolving fund.
- 143.451 Taxable income to include all income within this state — definitions — intrastate business, report of income, when — deductions, how apportioned.
- 253.545 Definitions.
- 253.550 Tax credits, qualified persons or entities, maximum amount, limitations — exceptions.
- 253.559 Procedure for approval of tax credit — eligibility, how determined — certificate required — rehabilitation of property, evidence of capacity to finance required — commencement of rehabilitation, when — issuance of credits.
- 620.1900 Fee imposed on tax credit recipients, amount, deposited where — economic development advancement fund created, use of moneys.

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

**SECTION A. ENACTING CLAUSE.** — Sections 32.087, 67.3000, 67.3005, 143.183, 143.451, 253.545, 253.550, 253.559, and 620.1900, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 32.087, 32.315, 67.3000, 67.3005, 143.183, 143.451, 253.545, 253.550, 253.559, and 620.1900, to read as follows:

**32.087. LOCAL SALES TAXES, PROCEDURES AND DUTIES OF DIRECTOR OF REVENUE, GENERALLY — EFFECTIVE DATE OF TAX — DUTY OF RETAILERS AND DIRECTOR OF REVENUE — EXEMPTIONS — DISCOUNTS ALLOWED — PENALTIES — MOTOR VEHICLE AND BOAT**

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**SALES, MOBILE TELECOMMUNICATIONS SERVICES — BOND REQUIRED — ANNUAL REPORT OF DIRECTOR, CONTENTS — DELINQUENT PAYMENTS — REAPPROVAL, EFFECT, PROCEDURES.** — 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, and shall be imposed on all transactions on which the Missouri state sales tax is imposed.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose a tax upon all transactions upon which the Missouri state sales tax is imposed to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November [2018] **2022**, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the \_\_\_\_\_ (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in a reduction of local revenue to provide for vital services for \_\_\_\_\_ (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

YES

NO

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If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November [2018] **2022**, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November [2018] **2022**, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, and calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, [2019] **2023**.

(8) Notwithstanding any provision of law to the contrary, if any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed after the general election in November 2014, or if the taxing jurisdiction failed to present the ballot to the voters at a general election on or before November [2018] **2022**, then the governing body of such taxing jurisdiction may, at any election subsequent

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to the repeal or after the general election in November [2018] **2022**, if the jurisdiction failed to present the ballot to the voters, place before the voters the issue of imposing a sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 that were purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the \_\_\_\_\_ (local jurisdiction's name) apply and collect the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in an increase of local revenue to provide for vital services for \_\_\_\_\_ (local jurisdiction's name), and it will remove a competitive advantage that non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers have over Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(9) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is adopted, such tax shall take effect and be imposed on the first day of the second calendar quarter after the election.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby

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allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, the sales tax upon the titling of all motor vehicles, trailers, boats, and outboard motors shall be imposed at the rate in effect at the location of the residence of the purchaser, and remitted to that local taxing entity, and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes shall not be imposed on the seller of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, but shall be collected from the purchaser by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

**32.315. SALES AND USE TAX LEVIES, DEPARTMENT TO ISSUE ANNUAL REPORT — CONTENTS. — 1. The department of revenue shall issue an annual report on or before January 1, 2019, and every January 1 thereafter, listing all sales and use levies that are:**

- (1) Authorized pursuant to state law;**
- (2) Collected by the department of revenue; and**
- (3) Approved by voters at an election.**

**2. The report required under subsection 1 of this section shall indicate the provision of law authorizing such tax levy.**

**67.3000. DEFINITIONS — CONTRACT SUBMITTED TO DEPARTMENT FOR CERTIFICATION — TAX CREDIT ELIGIBILITY, PROCEDURE, REQUIREMENTS — RULEMAKING AUTHORITY. —**

1. As used in this section and section 67.3005, the following words shall mean:

(1) "Active member", an organization located in the state of Missouri which solicits and services sports events, sports organizations, and other types of sports-related activities in that community;

(2) "Applicant" or "applicants", one or more certified sponsors, endorsing counties, endorsing municipalities, or a local organizing committee, acting individually or collectively;

(3) "Certified sponsor" or "certified sponsors", a nonprofit organization which is an active member of the National Association of Sports Commissions;

(4) "Department", the Missouri department of economic development;

- (5) "Director", the director of revenue;
- (6) "Eligible costs" shall include:
  - (a) Costs necessary for conducting the sporting event;
  - (b) Costs relating to the preparations necessary for the conduct of the sporting event; and
  - (c) An applicant's pledged obligations to the site selection organization as evidenced by the support contract for the sporting event **including, but not limited to, bid fees and financial guarantees.**

"Eligible costs" shall not include any cost associated with the rehabilitation or construction of any facilities used to host the sporting event or direct payments to a for-profit site selection organization, but may include costs associated with the retrofitting of a facility necessary to accommodate the sporting event;

(7) "Eligible donation", donations received, by a certified sponsor or local organizing committee, from a taxpayer that may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department. Such donations shall be used solely to provide funding to attract sporting events to this state;

(8) "Endorsing municipality" or "endorsing municipalities", any city, town, incorporated village, or county that contains a site selected by a site selection organization for one or more sporting events;

(9) "Joinder agreement", an agreement entered into by one or more applicants, acting individually or collectively, and a site selection organization setting out representations and assurances by each applicant in connection with the selection of a site in this state for the location of a sporting event;

(10) "Joinder undertaking", an agreement entered into by one or more applicants, acting individually or collectively, and a site selection organization that each applicant will execute a joinder agreement in the event that the site selection organization selects a site in this state for a sporting event;

(11) "Local organizing committee", a nonprofit corporation or its successor in interest that:

(a) Has been authorized by one or more certified sponsors, endorsing municipalities, or endorsing counties, acting individually or collectively, to pursue an application and bid on its or the applicant's behalf to a site selection organization for selection as the host of one or more sporting events; or

(b) With the authorization of one or more certified sponsors, endorsing municipalities, or endorsing counties, acting individually or collectively, executes an agreement with a site selection organization regarding a bid to host one or more sporting events;

(12) "Site selection organization", the National Collegiate Athletic Association (NCAA); an NCAA member conference, university, or institution; the National Association of Intercollegiate Athletics (NAIA); the United States Olympic Committee (USOC); a national governing body (NGB) or international federation of a sport recognized by the USOC; the United States Golf Association (USGA); the United States Tennis Association (USTA); the Amateur [Softball Association of America (ASA)] **Athletic Union (AAU); the National Christian College Athletic Association (NCCAA); the National Junior College Athletic Association (NJCAA); the United States Sports Specialty Association (USSSA); any rights holder member of the National Association of Sports Commissions (NASC);** other major regional, national, and international sports associations, and amateur organizations that promote, organize, or administer sporting games or competitions; or other major regional, national, and international organizations that promote or organize sporting events;

(13) "Sporting event" or "sporting events", an amateur, **collegiate**, or Olympic sporting event that is competitively bid or is awarded by a site selection organization;

(14) "Support contract" or "support contracts", an event award notification, joinder undertaking, joinder agreement, or contract executed by an applicant and a site selection organization;

(15) "Tax credit" or "tax credits", a credit or credits issued by the department against the tax otherwise due under chapter 143 or 148, excluding withholding tax imposed under sections 143.191 to 143.265;

(16) "Taxpayer", any of the following individuals or entities who make an eligible donation:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed under chapter 143;

(b) A corporation subject to the annual corporation franchise tax imposed under chapter 147;

(c) An insurance company paying an annual tax on its gross premium receipts in this state;

(d) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148;

(e) An individual subject to the state income tax imposed under chapter 143;

(f) Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. An applicant may submit a copy of a support contract for a sporting event to the department. Within sixty days of receipt of the sporting event support contract, the department may review the applicant's support contract and certify such support contract if it complies with the requirements of this section. Upon certification of the support contract by the department, the applicant may be authorized to receive the tax credit under subsection 4 of this section.

3. No more than [thirty] **ninety** days following the conclusion of the sporting event, the applicant shall submit eligible costs and documentation of the costs evidenced by receipts, paid invoices, **event settlements**, or other documentation in a manner prescribed by the department. **Eligible costs may be paid by the applicant or an entity cohosting the event with the applicant.**

4. (1) No later than seven days following the conclusion of the sporting event, the department, in consultation with the director, [may] **shall** determine the total number of tickets sold at face value for such event **or, if such event was participant-based and did not sell admission tickets, the total number of paid participant registrations.**

(2) No later than sixty days following the receipt of eligible costs and documentation of such costs from the applicant as required in subsection 3 of this section, the department [may] **shall, except for the limitations under subsection 5 of this section,** issue a refundable tax credit to the applicant for the [lesser] **least of:**

(a) One hundred percent of eligible costs incurred by the applicant [or];

(b) An amount equal to five dollars for every admission ticket sold to such event; **or**

(c) **An amount equal to ten dollars for every paid participant registration if such event was participant-based and did not sell admission tickets.**

**The calculations under paragraphs (b) and (c) of this subdivision shall use the actual number of tickets sold or registrations paid, not an estimated amount.**

(3) Tax credits authorized by this section may be claimed against taxes imposed by chapters 143 and 148 and shall be claimed within one year of the close of the [taxable] **tax** year for which the credits were issued. Tax credits authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the

amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department.

5. In no event shall the amount of tax credits issued by the department under subsection 4 of this section exceed three million dollars in any fiscal year. **For all events located within the following counties, the total amount of tax credits issued shall not exceed two million seven hundred thousand dollars in any fiscal year:**

**(1) A county with a charter form of government and with more than six hundred thousand inhabitants; or**

**(2) A city not within a county.**

6. An applicant shall provide any information necessary as determined by the department for the department and the director to fulfill the duties required by this section. At any time upon the request of the state of Missouri, a certified sponsor shall subject itself to an audit conducted by the state.

7. This section shall not be construed as creating or requiring a state guarantee of obligations imposed on an endorsing municipality under a support contract or any other agreement relating to hosting one or more sporting events in this state.

8. The department shall only certify an applicant's support contract for a sporting event in which the site selection organization has yet to select a location for the sporting event as of December 1, 2012. No support contract shall be certified unless the site selection organization has chosen to use a location in this state from competitive bids, at least one of which was a bid for a location outside of this state, **except that competitive bids shall not be required for any previously-awarded event whose site selection organization extends its contractual agreement with the event's certified sponsor or for any post-season collegiate football game or other neutral-site game with at least one out-of-state team.** Support contracts shall not be certified by the department after August 28, [2019] **2024**, provided that the support contracts may be certified on or prior to August 28, [2019] **2024**, for sporting events that will be held after such date.

9. The department may promulgate rules as necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

**67.3005. TAX CREDIT AUTHORIZED, AMOUNT — APPLICATION, APPROVAL — RULEMAKING AUTHORITY — SUNSET DATE.** — 1. For all [taxable] **tax** years beginning on or after January 1, 2013, any taxpayer shall be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the amount of an eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's two subsequent [taxable] **tax** years.

2. To claim the credit authorized in this section, a certified sponsor or local organizing committee shall submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the applicant has submitted the following items accurately and completely:

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- (1) A valid application in the form and format required by the department;
- (2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the individual making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received; and
- (3) Payment from the certified sponsor or local organizing committee equal to the value of the tax credit for which application is made.

If the certified sponsor or local organizing committee applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

3. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit or the value of the credit. In no event shall the amount of tax credits issued by the department under this section exceed ten million dollars in any fiscal year.

4. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

5. Under section 23.253 of the Missouri sunset act:

- (1) The provisions of the new program authorized under section 67.3000 and under this section shall automatically sunset six years after August 28, [2013] **2018**, unless reauthorized by an act of the general assembly; and
- (2) If such program is reauthorized, the program authorized under section 67.3000 and under this section shall automatically sunset twelve years after the effective date of the reauthorization of these sections; and
- (3) Section 67.3000 and this section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under these sections is sunset.

**143.183. PROFESSIONAL ATHLETES AND ENTERTAINERS, STATE INCOME TAX REVENUES FROM NONRESIDENTS — TRANSFERS TO MISSOURI ARTS COUNCIL TRUST FUND, MISSOURI HUMANITIES COUNCIL TRUST FUND, MISSOURI STATE LIBRARY NETWORKING FUND, MISSOURI PUBLIC TELEVISION BROADCASTING CORPORATION SPECIAL FUND AND MISSOURI HISTORIC PRESERVATION REVOLVING FUND.** — 1. As used in this section, the following terms mean:

- (1) "Nonresident entertainer", a person residing or registered as a corporation outside this state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or other performance in this state before a live audience and any other person traveling with and performing services on behalf of a nonresident entertainer, including a nonresident entertainer who is paid compensation for providing entertainment as an independent contractor, a partnership that is paid compensation for entertainment provided by nonresident entertainers, a corporation that is paid compensation for entertainment provided by nonresident entertainers, or any other entity that is paid compensation for entertainment provided by nonresident entertainers;

(2) "Nonresident member of a professional athletic team", a professional athletic team member who resides outside this state, including any active player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) "Personal service income" includes exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

(4) "Professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer and hockey team.

2. Any person, venue, or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax an amount equal to two percent of the total compensation if the amount of compensation is in excess of three hundred dollars paid to the nonresident entertainer. For purposes of this section, the term "person, venue, or entity who pays compensation" shall not be construed to include any person, venue, or entity that is exempt from taxation under 26 U.S.C. Section 501(c)(3), as amended, and that pays an amount to the nonresident entertainer for the entertainer's appearance but receives no benefit from the entertainer's appearance other than the entertainer's performance.

3. Any person, venue, or entity required to deduct and withhold tax pursuant to subsection 2 of this section shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

4. Any person, venue, or entity subject to this section shall be considered an employer for purposes of section 143.191, and shall be subject to all penalties, interest, and additions to tax provided in this chapter for failure to comply with this section.

5. Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but none after December 31, [2020] **2030**, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [twenty-one] **thirty-one** years, sixty percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts council trust fund, and shall be transferred, subject to appropriations, from the general revenue fund to the Missouri arts council trust fund established in section 185.100 and any amount transferred shall be in addition to such agency's budget base for each fiscal year. The director shall by rule establish the method of determining the portion of personal service income of such persons that is allocable to Missouri.

6. Notwithstanding the provisions of sections 186.050 to 186.067 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2020] **2030**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [twenty-one] **thirty-one** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri humanities council trust fund, and shall be

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transferred, subject to appropriations, from the general revenue fund to the Missouri humanities council trust fund established in section 186.055 and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

7. Notwithstanding other provisions of section 182.812 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2020] **2030**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [twenty-one] **thirty-one** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri state library networking fund, and shall be transferred, subject to appropriations, from the general revenue fund to the secretary of state for distribution to public libraries for acquisition of library materials as established in section 182.812 and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

8. Notwithstanding other provisions of section 185.200 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2020] **2030**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [twenty-one] **thirty-one** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred, subject to appropriations, from the general revenue fund to the Missouri public television broadcasting corporation special fund, and any amount transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

9. Notwithstanding other provisions of section 253.402 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2020] **2030**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [twenty-one] **thirty-one** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri department of natural resources Missouri historic preservation revolving fund, and shall be transferred, subject to appropriations, from the general revenue fund to the Missouri department of natural resources Missouri historic preservation revolving fund

established in section 253.402 and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

10. This section shall not be construed to apply to any person who makes a presentation for professional or technical education purposes or to apply to any presentation that is part of a seminar, conference, convention, school, or similar program format designed to provide professional or technical education.

**143.451. TAXABLE INCOME TO INCLUDE ALL INCOME WITHIN THIS STATE — DEFINITIONS — INTRASTATE BUSINESS, REPORT OF INCOME, WHEN — DEDUCTIONS, HOW APPORTIONED.**

— 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, or the manner set forth in subdivision (3) of this subsection:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

b. "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

c. Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state.

(d) For purposes of this subdivision:

a. The purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale; and

b. The seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

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(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "In this state" if the purchaser's destination point is in this state;

b. Not "in this state" if the purchaser's destination point is outside this state;

(d) For purposes of this subdivision, the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser's location outside this state;

(e) For the purposes of this subdivision, a transaction involving the sale other than the sale of tangible property is "in this state" if the taxpayer's market for the sales is in this state. The taxpayer's market for sales is in this state:

a. In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

b. In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

c. In the case of sale of a service, if and to the extent the ultimate beneficiary of the service is located in this state and shall not be in this state if the ultimate beneficiary of the service rendered by the taxpayer or the taxpayer's designee is located outside this state; and

d. In the case of intangible property:

(i) That is rented, leased, or licensed, if and to the extent the property is used in this state by the rentee, lessee, or licensee, provided that intangible property utilized in marketing a good or service to a consumer is "used in this state" if that good or service is purchased by a consumer who is in this state. Franchise fees or royalties received for the rent, lease, license, or use of a trade name, trademark, service mark, or franchise system or provides a right to conduct business activity in a specific geographic area are "used in this state" to the extent the franchise location is in this state; and

(ii) That is sold, if and to the extent the property is used in this state, provided that:

i. A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is "used in this state" if the geographic area includes all or part of this state;

ii. Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under item (i) of this subparagraph; and

iii. All other receipts from a sales of intangible property shall be excluded from the numerator and denominator of the sales factor;

(f) If the state or states of assignment under paragraph (e) of this subdivision cannot be determined, the state or states of assignment shall be reasonably approximated;

(g) If the state of assignment cannot be determined under paragraph (e) of this subdivision or reasonably approximated under paragraph (f) of this subdivision, such sales shall be excluded from the denominator of the sales factor;

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(h) The director may prescribe such rules and regulations as necessary or appropriate to carry out the purposes of this section.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, "gross income" is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

**(6) Notwithstanding the Multistate Tax Compact, sections 32.200 to 32.240, this section, and section 143.461 to the contrary, sales and business transactions shall not include any intercompany transactions, as that term is defined under 26 C.F.R. 1.1502-13, between corporations that file a consolidated income tax return in this state.**

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines

of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by **the** fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall

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be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter.

10. The provisions of this section do not impact any other apportionment election available to a taxpayer under Missouri statutes **unless explicitly stated in this section.**

**253.545. DEFINITIONS.** — As used in sections 253.545 to 253.559, the following terms mean, unless the context requires otherwise:

(1) "Certified historic structure", a property located in Missouri and listed individually on the National Register of Historic Places;

(2) "Deed in lieu of foreclosure or voluntary conveyance", a transfer of title from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;

(3) "Eligible property", property located in Missouri and offered or used for residential or business purposes;

(4) "Leasehold interest", a lease in an eligible property for a term of not less than thirty years;

(5) "Principal", a managing partner, general partner, or president of a taxpayer;

(6) **"Projected net fiscal benefit", the total net fiscal benefit to the state or municipality, less any state or local benefits offered to the taxpayer for a project, as determined by the department of economic development;**

(7) **"Qualified census tract", a census tract with a poverty rate of twenty percent or higher as determined by a map and listing of census tracts which shall be published by the department of economic development and updated on a five-year cycle, and which map and listing shall depict census tracts with twenty percent poverty rate or higher, grouped by census tracts with twenty percent to forty-two percent poverty, and forty-two percent to eighty-one percent poverty as determined by the most current five-year figures published by the American Community Survey conducted by the United States Census Bureau;**

(8) "Structure in a certified historic district", a structure located in Missouri which is certified by the department of natural resources as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior;

[(7)] (9) "Taxpayer", any person, firm, partnership, trust, estate, limited liability company, or corporation.

**253.550. TAX CREDITS, QUALIFIED PERSONS OR ENTITIES, MAXIMUM AMOUNT, LIMITATIONS — EXCEPTIONS.** — 1. Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, may, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs

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associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

2. **(1)** During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections **[3] 4** and **[8] 10** of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, **but ending before June 30, 2018**, the department of economic development shall not approve applications for tax credits under the provisions of subsections **[3] 4** and **[8] 10** of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. **For each fiscal year beginning on or after July 1, 2018, the department of economic development shall not approve applications for tax credits under the provisions of subsections 4 and 10 of section 253.559 which, in the aggregate, exceed ninety million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559.** The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection **[3] 4** of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

**(2)** For each fiscal year beginning on or after July 1, 2018, the department shall authorize an amount up to, but not to exceed, an additional thirty million dollars in tax credits issued under subsections 4 and 10 of section 253.559, provided that such tax credits are authorized solely for projects located in a qualified census tract.

**(3)** For each fiscal year beginning on or after July 1, 2018, if the maximum amount of tax credits allowed in any fiscal year as provided under subdivisions (1) and (2) of this subsection is authorized, the maximum amount of tax credits allowed under subdivision (1) of this subsection shall be adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers, or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. Only one such adjustment shall be made for each instance in which the provisions of this subdivision apply. The director of the department of economic development shall publish such adjusted amount.

3. For all applications for tax credits approved on or after January 1, 2010, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

4. The limitations on tax credit authorization provided under the provisions of [subsections] **subsection 2** [and 3] of this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to [January 1, 2010] **October 1, 2018**; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before [January 1, 2010] **October 1, 2018**, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

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(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.

**253.559. PROCEDURE FOR APPROVAL OF TAX CREDIT — ELIGIBILITY, HOW DETERMINED — CERTIFICATE REQUIRED — REHABILITATION OF PROPERTY, EVIDENCE OF CAPACITY TO FINANCE REQUIRED — COMMENCEMENT OF REHABILITATION, WHEN — ISSUANCE OF CREDITS.** — 1. To obtain approval for tax credits allowed under sections 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the department of economic development. Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection 8 of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each application shall be reviewed by the department of economic development for approval. In order to receive approval, an application, other than applications submitted under the provisions of subsection [8] **10** of this section, shall include:

(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a closing statement. Proof of site control may be evidenced by a leasehold interest or an option to acquire such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property;

(2) Floor plans of the existing structure, architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;

(3) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated project start date, and the estimated project completion date;

(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district; [and]

(5) **A copy of all land use and building approvals reasonably necessary for the commencement of the project; and**

(6) Any other information which the department of economic development may reasonably require to review the project for approval.

Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department of economic development shall notify the taxpayer in writing of the decision to remove such application. Disapproved applications shall lose priority in the review process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.

3. **(1) In evaluating an application for tax credits submitted under this section, the department of economic development shall also consider:**

(a) **The amount of projected net fiscal benefit of the project to the state and local municipality, and the period in which the state and municipality would realize such net fiscal benefit;**

(b) **The overall size and quality of the proposed project, including the estimated number of new jobs to be created by the project, the potential multiplier effect of the project, and similar factors;**

(c) **The level of economic distress in the area; and**

(d) **Input from the local elected officials in the local municipality in which the proposed project is located as to the importance of the proposed project to the municipality. For any proposed project in any city not within a county, input from the local elected officials shall include, but shall not be limited to, the president of the board of aldermen.**

**(2) The provisions of this subsection shall not apply to applications for projects to receive less than two hundred seventy-five thousand dollars in tax credits.**

4. If the department of economic development deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits. **If the department of economic development disapproves an application, the taxpayer shall be notified in writing of the reasons for such disapproval. A disapproved application may be resubmitted.**

[4.] **5.** Following approval of an application, the identity of the taxpayer contained in such application shall not be modified except:

(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long as the principal remains the same, provided however, that subsequent to the commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or

(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy.

[5.] **6.** In the event that the department of economic development grants approval for tax credits equal to the total amount available under subsection 2 of section 253.550, or sufficient that when totaled with all other approvals, the amount available under subsection 2 of section 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter submitted for approval shall be notified by the department of economic development that no additional approvals shall be granted during the fiscal year and shall be notified of the priority given to such taxpayer's application then awaiting approval. Such applications shall be kept on file by the department of economic development and shall be considered for approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of approvals or when a new fiscal year's allocation of credits becomes available for approval.

**7. All taxpayers with applications receiving approval on or after July 1, 2019, shall submit within sixty days following the award of credits evidence of the capacity of the applicant to finance the costs and expenses for the rehabilitation of the eligible property in the form of a line of credit or letter of commitment subject to the lender's termination for a material adverse change impacting the extension of credit. If the department of economic development determines that a taxpayer has failed to comply with the requirements under this subsection, then the department shall notify the applicant of such failure and the**

**applicant shall have a thirty day period from the date of such notice to submit additional evidence to remedy the failure.**

[6.] **8.** All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation within [two years] **nine months** of the date of issuance of the letter from the department of economic development granting the approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in which actual physical work, contemplated by the architectural plans submitted with the application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. If the department of economic development determines that a taxpayer has failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded and such amount of tax credits shall then be included in the total amount of tax credits, provided under subsection 2 of section 253.550, from which approvals may be granted. Any taxpayer whose approval shall be subject to rescission shall be notified of such from the department of economic development and, upon receipt of such notice, may submit a new application for the project.

[7.] **9.** To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with approval shall apply for final approval and issuance of tax credits from the department of economic development which, in consultation with the department of natural resources, shall determine the final amount of eligible rehabilitation costs and expenses and whether the completed rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. For financial institutions credits authorized pursuant to sections 253.550 to 253.561 shall be deemed to be economic development credits for purposes of section 148.064. The approval of all applications and the issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. The department of economic development shall inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

[8.] **10.** Except as expressly provided in this subsection, tax credit certificates shall be issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within the twelve-month period immediately following the conclusion of such rehabilitation. In the event the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's approval granted under subsection [3] **4** of this section, such taxpayer may apply to the department for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax credits in excess of the amount provided under a taxpayer's application shall be made on a form prescribed by the department. Such applications shall be subject to all provisions regarding priority provided under subsection 1 of this section.

[9.] **11.** The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.

**620.1900. FEE IMPOSED ON TAX CREDIT RECIPIENTS, AMOUNT, DEPOSITED WHERE — ECONOMIC DEVELOPMENT ADVANCEMENT FUND CREATED, USE OF MONEYS. — 1.** The department of economic development may charge a fee to the recipient of any tax credits issued by the department, in an amount up to two and one-half percent of the amount of tax credits issued, **or for tax credits issued under sections 253.545 to 253.559 in an amount equal to four percent**

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

**of the amount of tax credits issued.** The fee shall be paid by the recipient upon the issuance of the tax credits. However, no fee shall be charged for the tax credits issued under section 135.460, or section 208.770, or under sections 32.100 to 32.125, if issued for community services, crime prevention, education, job training, or physical revitalization.

2. **(1)** All fees received by the department of economic development under this section shall be deposited solely to the credit of the economic development advancement fund, created under subsection 3 of this section.

**(2) Thirty-seven and one-half percent of the revenue derived from the four percent fee charged on tax credits issued under sections 253.545 to 253.559 shall be appropriated from the economic development advancement fund for business recruitment and marketing.**

3. There is hereby created in the state treasury the "Economic Development Advancement Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. Such fund shall consist of any fees charged under subsection 1 of this section, any gifts, contributions, grants, or bequests received from federal, private, or other sources, fees or administrative charges from private activity bond allocations, moneys transferred or paid to the department in return for goods or services provided by the department, and any appropriations to the fund.

5. At least fifty percent of the fees and other moneys deposited in the fund shall be appropriated for marketing, technical assistance, and training, contracts for specialized economic development services, and new initiatives and pilot programming to address economic trends. The remainder may be appropriated toward the costs of staffing and operating expenses for the program activities of the department of economic development, and for accountability functions.

Approved July 5, 2018

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CCS HCS SS SCS SB 775

**Enacts provisions relating to reimbursement allowance taxes.**

AN ACT to repeal sections 190.839, 198.439, 208.437, 208.471, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to reimbursement allowance taxes.

SECTION

- A. Enacting clause.
- 190.839 Expiration date.
- 198.439 Expiration date.
- 208.437 Reimbursement allowance period — notification of balance due, when — delinquent payments, procedure, basis for denial of licensure — expiration date.
- 208.471 Medicaid reimbursement payments to hospitals, amount, how calculated.
- 208.480 Federal reimbursement allowance expiration date.
- 338.550 Expiration date of tax, when.

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

633.401 Definitions — assessment imposed, formula — rates of payment — fund created, use of moneys — record-keeping requirements — report — appeal process — rulemaking authority — expiration date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 190.839, 198.439, 208.437, 208.471, 208.480, 338.550, and 633.401, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 190.839, 198.439, 208.437, 208.471, 208.480, 338.550, and 633.401, to read as follows:

**190.839. EXPIRATION DATE.** — Sections 190.800 to 190.839 shall expire on September 30, [2018] **2019**.

**198.439. EXPIRATION DATE.** — Sections 198.401 to 198.436 shall expire on September 30, [2018] **2019**.

**208.437. REIMBURSEMENT ALLOWANCE PERIOD — NOTIFICATION OF BALANCE DUE, WHEN — DELINQUENT PAYMENTS, PROCEDURE, BASIS FOR DENIAL OF LICENSURE — EXPIRATION DATE.** — 1. A Medicaid managed care organization reimbursement allowance period as provided in sections 208.431 to 208.437 shall be from the first day of July to the thirtieth day of June. The department shall notify each Medicaid managed care organization with a balance due on the thirtieth day of June of each year the amount of such balance due. If any managed care organization fails to pay its managed care organization reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid and delinquent, the department of social services may compel the payment of such reimbursement allowance in the circuit court having jurisdiction in the county where the main offices of the Medicaid managed care organization are located. In addition, the director of the department of social services or the director's designee may cancel or refuse to issue, extend or reinstate a Medicaid contract agreement to any Medicaid managed care organization which fails to pay such delinquent reimbursement allowance required by sections 208.431 to 208.437 unless under appeal.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance imposed under sections 208.431 to 208.437 shall be grounds for denial, suspension or revocation of a license granted by the department of insurance, financial institutions and professional registration. The director of the department of insurance, financial institutions and professional registration may deny, suspend or revoke the license of a Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

4. Nothing in sections 208.431 to 208.437 shall be deemed to effect or in any way limit the tax-exempt or nonprofit status of any Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) granted by state law.

5. Sections 208.431 to 208.437 shall expire on September 30, [2018] **2019**.

**208.471. MEDICAID REIMBURSEMENT PAYMENTS TO HOSPITALS, AMOUNT, HOW CALCULATED.** — 1. The department of social services shall make payments to those hospitals which have a Medicaid provider agreement with the department. [Prior to June 30, 2002, the payment shall be in an annual, aggregate statewide amount which is at least the same as that paid

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in fiscal year 1991-1992 pursuant to rules in effect on August 30, 1991, under the federally approved state plan amendments.]

2. [Beginning July 1, 2002, sections 208.453 to 208.480 shall expire one hundred eighty days after the end of any state fiscal year in which the aggregate federal reimbursement allowance (FRA) assessment on hospitals is more than eighty-five percent of the sum of aggregate direct Medicaid payments, uninsured add-on payments and enhanced graduate medical education payments, unless during such one hundred eighty-day period, such payments or assessments are adjusted prospectively by the director of the department of social services to comply with the eighty-five percent test imposed by this subsection. Enhanced graduate medical education payments shall not be included in the calculation required by this subsection if the general assembly appropriates the state's share of such payments from a source other than the federal reimbursement allowance. For purposes of this section, direct Medicaid payments, uninsured add-on payments and enhanced graduate medical education payments shall:

(1) Include direct Medicaid payments, uninsured add-on payments and enhanced graduate medical education payments as defined in state regulations as of July 1, 2000;

(2) Include payments that substantially replace or supplant the payments described in subdivision (1) of this subsection;

(3) Include new payments that supplement the payments described in subdivision (1) of this subsection; and

(4) Exclude payments and assessments of acute care hospitals with an unsponsored care ratio of at least sixty-five percent that are licensed to operate less than fifty inpatient beds in which the state's share of such payments are made by certification.

3. The MO HealthNet division may provide an alternative reimbursement for outpatient services. Other provisions of law to the contrary notwithstanding, the payment limits imposed by subdivision (2) of subsection 1 of section 208.152 shall not apply to such alternative reimbursement for outpatient services. Such alternative reimbursement may include enhanced payments or grants to hospital-sponsored clinics serving low income uninsured patients.] **In each state fiscal year, the amount of federal reimbursement allowance levied under sections 208.450 to 208.482 shall not exceed forty-five percent of the total payments to hospitals from the federal reimbursement allowance fund and associated federal match, including payments made to hospitals from state-contracted managed care organizations that are attributed to the federal reimbursement allowance fund and associated federal match. By October first of each subsequent state fiscal year, the department shall report this calculation and the underlying data supporting the calculation to the budget committee of the house of representatives and the appropriations committee of the senate. The underlying data shall include the amount of federal reimbursement allowance assessment levied on the hospitals and the total amount of Medicaid payments to hospitals funded by the federal reimbursement allowance, including payments made to hospitals from all state-contracted managed care organizations in aggregate. Payments made by the department to hospitals and payments made, in aggregate, by all state-contracted managed care organizations to hospitals shall be reported separately. Expenditures reported by the department and all state-contracted managed care organizations in aggregate shall be broken down by fund source, inpatient or outpatient category of service, and individual hospital. In addition, the department shall separately and concurrently disclose the amount of hospital payments made by the department and the amount of hospital payments made by each of the managed care plans, with the payment data broken down by plan, fund source, inpatient or outpatient category of service, and individual hospital, to the hospitals receiving such payments specific**

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**to that hospital or to an organization designated by such hospitals to receive such data and as otherwise authorized or required by law. Such payment data shall otherwise be regarded as proprietary and confidential under subdivision (15) of section 610.021.**

**208.480. FEDERAL REIMBURSEMENT ALLOWANCE EXPIRATION DATE.** — Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, [2018] **2019**.

**338.550. EXPIRATION DATE OF TAX, WHEN.** — 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) September 30, [2018] **2019**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on September 30, [2018] **2019**.

**633.401. DEFINITIONS — ASSESSMENT IMPOSED, FORMULA — RATES OF PAYMENT — FUND CREATED, USE OF MONEYS — RECORD-KEEPING REQUIREMENTS — REPORT — APPEAL PROCESS — RULEMAKING AUTHORITY — EXPIRATION DATE.** — 1. For purposes of this section, the following terms mean:

(1) "Engaging in the business of providing health benefit services", accepting payment for health benefit services;

(2) "Intermediate care facility for the intellectually disabled", a private or department of mental health facility which admits persons who are intellectually disabled or developmentally disabled for residential habilitation and other services pursuant to chapter 630. Such term shall include habilitation centers and private or public intermediate care facilities for the intellectually disabled that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart [1] **I**;

(3) "Net operating revenues from providing services of intermediate care facilities for the intellectually disabled" shall include, without limitation, all moneys received on account of such services pursuant to rates of reimbursement established and paid by the department of social services, but shall not include charitable contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) "Services of intermediate care facilities for the intellectually disabled" has the same meaning as the term services of intermediate care facilities for the mentally retarded, as used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider Specific Tax [Amendment] **Amendments** of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the intellectually disabled or developmentally disabled in this state.

3. Each facility's assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the intellectually disabled, the assessment imposed pursuant to this section on net operating revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the intellectually disabled on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the "Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund", which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the intermediate care facility intellectually disabled reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the intellectually disabled shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the intellectually disabled shall submit a certified annual report of net operating revenues from the furnishing of services of intermediate care facilities for the intellectually disabled. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the intellectually disabled upon the due date for submission of the certified annual report.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

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

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the intellectually disabled provider's appeal of the director's final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any intermediate care facility for the intellectually disabled granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

16. The provisions of this section shall expire on September 30, [2018] **2019**.

Approved June 1, 2018

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HCS SS SCS SB 782

**Enacts provisions relating to the department of natural resources.**

AN ACT to repeal sections 260.242, 260.262, 260.380, 260.391, 260.475, 319.129, 444.768, 444.772, 640.620, 640.648, 644.054, and 644.057, RSMo, and to enact in lieu thereof sixteen new sections relating to the department of natural resources.

SECTION

- A. Enacting clause.
- 253.175 Rock Island Railroad corridor, fencing to be maintained by division of state parks.
- 260.242 Coal combustion residual units — rules for closure and groundwater criteria — state CCR program — fees, deposit in subaccount — rulemaking authority.
- 260.262 Retailers of lead-acid batteries, duties — notice to purchaser, contents.
- 260.380 Duties of hazardous waste generators — fees to be collected, disposition — exemptions — expiration of fees.
- 260.391 Hazardous waste fund created — payments — subaccount created, purpose — transfer of moneys — restrictions on use of moneys — general revenue appropriation to be requested annually.
- 260.475 Fees to be paid by hazardous waste generators — exceptions — deposit of moneys — violations, penalty — deposit — fee requirement, expiration — fee structure review.

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- 260.558 Radioactive waste investigation fund created, purpose, use of moneys — limitation on transfers.
- 319.129 Petroleum storage tank insurance fund created — fees — state treasurer may deposit funds where, interest credited to fund — administration of fund — board of trustees created, members, meetings — expires when — continuation after expiration, when — independent audit.
- 319.140 Task force on the petroleum storage tank insurance fund established, members, duties, meetings — expiration date
- 444.768 Fee, bond, or assessment structure, comprehensive review — proposal to be submitted, approval by commission — rulemaking requirements.
- 444.772 Permit — application, contents, fees — amendment, how made — successor operator, duties of — fees expire, when.
- 640.620 Limitation on grants — exceptions.
- 640.648 Right to private water systems and ground source systems retained, exceptions — right to rainwater protection systems retained.
- 644.054 Fees, billing and collection — administration, generally — fees to become effective, when — fees to expire, when — variances granted, when.
- 644.057 Clean water fee structure review, requirements.
- 644.059 Agricultural storm water discharge exempt from permitting requirements — not considered unlawful.

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

**SECTION A. ENACTING CLAUSE.** — Sections 260.242, 260.262, 260.380, 260.391, 260.475, 319.129, 444.768, 444.772, 640.620, 640.648, 644.054, and 644.057, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 253.175, 260.242, 260.262, 260.380, 260.391, 260.475, 260.558, 319.129, 319.140, 444.768, 444.772, 640.620, 640.648, 644.054, 644.057, and 644.059, to read as follows:

**253.175. ROCK ISLAND RAILROAD CORRIDOR, FENCING TO BE MAINTAINED BY DIVISION OF STATE PARKS.** — All fencing coinciding with the boundary between individual landowner property and the portion of the historic Missouri rock island railroad corridor owned, leased, or operated by the division of state parks shall be maintained by the division of state parks within the department of natural resources, with funds expended from the state park earnings fund created under section 253.090 for such purposes, by either repairing and maintaining such fence by and with staff employed by the department or the service of volunteers authorized under section 253.067, by contracting with a third party, or by providing all necessary supplies and equipment needed to an individual landowner or landowners whose property coincides with the boundary of the corridor and who agree to perform the repair or maintenance with such supplies and equipment provided. Nothing in this section shall be construed to require any individual landowner or landowners to locate a fence on his or her own property. For purposes of this section, "fence" shall mean the same as described in section 272.020.

**260.242. COAL COMBUSTION RESIDUAL UNITS — RULES FOR CLOSURE AND GROUNDWATER CRITERIA — STATE CCR PROGRAM — FEES, DEPOSIT IN SUBACCOUNT — RULEMAKING AUTHORITY.** — [All fly ash produced by coal combustion generating facilities shall be exempt from all solid waste permitting requirements of this chapter, if such ash is constructively reused or disposed of by a grout technique in any active or inactive noncoal, non-open-pit mining operation located in a city having a population of at least three hundred fifty thousand located in more than one county and is also located in a county of the first class without a charter form of government with a population of greater than one hundred fifty thousand and less than one hundred sixty thousand, provided said ash is not considered hazardous waste under the Missouri hazardous

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waste law.] 1. The department shall have the authority to promulgate rules for the management, closure, and post-closure of coal combustion residual (CCR) units in accordance with Sections 1008(a)(3) and 4004(a) of the Resource Conservation and Recovery Act (RCRA) and to approve site-specific groundwater criteria. At the discretion of the department, the Missouri risk-based corrective action (MRBCA) rules, 10 CSR 25-18.010, and accompanying guidance may be used to establish site-specific targets for soil and groundwater impacted by coal combustion residual (CCR) constituents. As used in this section, a "CCR unit" means a surface impoundment, utility waste landfill, or a CCR landfill. To the extent there is a conflict between this section and section 644.026 or 644.143, this section shall prevail.

2. Prior to federal approval of a state CCR program pursuant to 4004(a) of the RCRA, nothing in this section shall prohibit the department from issuing guidance or entering into enforceable agreements with CCR unit owners or operators to establish risk-based target levels, using all or part of the MRBCA rules and guidance, for closure and corrective action at CCR units. Nothing in this section shall prohibit the department, owners, or operators of CCR units not otherwise covered by 40 CFR 257 from utilizing the MRBCA rules and guidance.

3. No later than December 31, 2018, the department shall propose for promulgation a state CCR program, including procedures regarding payment, submission of fees, reimbursement of excess fee collection, inspection, and record keeping.

4. The department shall not apply standards to any existing landfill or new landfills constructed contiguous to existing power station facilities located on municipally owned land that was purchased by the municipality prior to December 31, 2018, that are in conflict with 40 CFR 257, unless sound and reasonably proven scientific data confirm an imminent threat to human health and the environment.

5. Effective January 1, 2019, and in order to implement the state CCR program, the department shall have the authority to assess one-time enrollment and annual fees on each owner, operator, or permittee of a CCR unit subject to 40 CFR 257, only as follows:

(1) For units that have not closed, an enrollment fee in the amount of sixty-two thousand dollars per CCR unit, except no fee shall apply to CCR units permitted as a utility waste landfill;

(2) For CCR units that have completed closure in place under 40 CFR 257 prior to December 31, 2018, an enrollment fee of forty-eight thousand dollars per CCR unit;

(3) An annual fee of fifteen thousand dollars per CCR unit, except an annual fee shall not be assessed on CCR units that have closed prior to December 31, 2018. The obligation to pay an annual fee under this section shall terminate at the end of the CCR unit's post-closure period, so long as the CCR unit is not under a requirement to complete a corrective action, or sooner, if authorized by the department.

6. All fees received under this section shall be deposited into the "Coal Combustion Residuals Subaccount" of the solid waste management fund created under section 260.330. Fees collected under this section are dedicated, upon appropriation, to the department for conducting activities required by this section and rules adopted under this section. Fees established by this section shall not yield revenue greater than the cost of administering this section and the rules adopted under this section, but shall be adequate to ensure sustained operation of the state CCR program. The department shall prepare an annual report detailing costs incurred in connection with the management and closure of CCR units. The provisions of section 33.080 to the contrary notwithstanding, moneys and interest earned on moneys in the subaccount shall not revert to the general revenue fund at the end of each biennium.

7. Interest shall be imposed on the moneys due to the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the subaccount created under this section.

8. All fees under this section shall be paid by check or money order made payable to the department and, unless otherwise required by this section, shall be due on January first of each calendar year and be accompanied by a form provided by the department.

9. The department may pursue penalties under section 260.240 for failure to timely submit the fees imposed in this section.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**260.262. RETAILERS OF LEAD-ACID BATTERIES, DUTIES — NOTICE TO PURCHASER, CONTENTS.** — A person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in the state shall:

(1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

(2) Post written notice which must be at least four inches by six inches in size and must contain the universal recycling symbol and the following language:

(a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

(b) Recycle your used batteries; and

(c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries for recycling, in exchange for new batteries purchased; and

(3) Manage used lead-acid batteries in a manner consistent with the requirements of the state hazardous waste law;

(4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the seller as collection costs, shall be paid to the department of revenue in the form and manner required by the department and shall include the total number of batteries sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of batteries to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However, this fee shall not be paid on batteries sold for use in agricultural operations upon written certification by the purchaser; and

(5) The department of revenue shall administer, collect, and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The provisions of subdivision (4) and this subdivision shall terminate December 31, [2018] **2023**.

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

**260.380. DUTIES OF HAZARDOUS WASTE GENERATORS — FEES TO BE COLLECTED, DISPOSITION — EXEMPTIONS — EXPIRATION OF FEES.** — 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste generators located in Missouri shall:

(1) Promptly file and maintain with the department, on registration forms it provides for this purpose, information on hazardous waste generation and management as specified by rules and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon initial registration, and a one hundred dollar registration renewal fee annually thereafter to maintain an active registration. Such fees shall be deposited in the hazardous waste fund created in section 260.391;

(2) Containerize and label all hazardous wastes as specified by standards, rules and regulations;

(3) Segregate all hazardous wastes from all nonhazardous wastes and from noncompatible wastes, materials and other potential hazards as specified by standards, rules and regulations;

(4) Provide safe storage and handling, including spill protection, as specified by standards, rules and regulations, for all hazardous wastes from the time of their generation to the time of their removal from the site of generation;

(5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all hazardous wastes from the premises where they were generated;

(6) Unless provided otherwise in the rules and regulations, provide a separate manifest to the transporter for each load of hazardous waste transported from the premises where it was generated. The generator shall specify the destination of such load on the manifest. The manner in which the manifest shall be completed, signed and filed with the department shall be in accordance with rules and regulations;

(7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act, or any facility exempted from the permit required pursuant to section 260.395;

(8) Collect and maintain such records, perform such monitoring or analyses, and submit such reports on any hazardous waste generated, its transportation and final disposition, as specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections 260.350 to 260.430;

(9) Make available to the department upon request samples of waste and all records relating to hazardous waste generation and management for inspection and copying and allow the department to make unhampered inspections at any reasonable time of hazardous waste generation and management facilities located on the generator's property and hazardous waste generation and management practices carried out on the generator's property;

(10) (a) Pay annually, on or before January first of each year, effective January 1, 1982, a fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five dollars per ton or portion thereof of hazardous waste registered with the department as specified in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site per year nor be less than one hundred fifty dollars per generator site per year.

(b) All moneys payable pursuant to the provisions of this subdivision shall be promptly transmitted to the department of revenue, which shall deposit the same in the state treasury to the credit of the hazardous waste fund created in section 260.391.

(c) The hazardous waste management commission shall establish and submit to the department of revenue procedures relating to the collection of the fees authorized by this subdivision. Such procedures shall include, but not be limited to, necessary records identifying the quantities of hazardous waste registered, the form and submission of reports to accompany the payment of fees, the time and manner of payment of fees, which shall not be more often than quarterly.

(d) Notwithstanding any statutory fee amounts or maximums to the contrary, the director of the department of natural resources may conduct a comprehensive review and propose changes to the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: cement kiln representatives, chemical companies, large and small hazardous waste generators, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee structure with stakeholder agreement to the hazardous waste management commission. The commission shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year and the fee structure set out in this section shall expire upon the effective date of the commission-adopted fee structure, contrary to subsection 4 of this section. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by this subsection shall expire on August 28, 2024. **Any fee, bond, or assessment structure established pursuant to the process in this section shall expire on August 28, 2024.**

2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before January first of each year, a fee to the department equal to two dollars per ton or portion thereof for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve-month period ending June thirtieth of the previous year.

3. Exempted from the requirements of this section are individual householders and farmers who generate only small quantities of hazardous waste and any person the commission determines generates only small quantities of hazardous waste on an infrequent basis, except that:

(1) Householders, farmers and exempted persons shall manage all hazardous wastes they may generate in a manner so as not to adversely affect the health of humans, or pose a threat to the environment, or create a public nuisance; and

(2) The department may determine that a specific quantity of a specific hazardous waste requires special management. Upon such determination and after public notice by press release or advertisement thereof, including instructions for handling and delivery, generators exempted pursuant to this subsection shall deliver, but without a manifest or the requirement to use a licensed hazardous waste transporter, such waste to:

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(a) Any storage, treatment or disposal site authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act which the department designates for this purpose; or

(b) A collection station or vehicle which the department may arrange for and designate for this purpose.

4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee prescribed in this section shall expire December 31, 2018, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

**260.391. HAZARDOUS WASTE FUND CREATED — PAYMENTS — SUBACCOUNT CREATED, PURPOSE — TRANSFER OF MONEYS — RESTRICTIONS ON USE OF MONEYS — GENERAL REVENUE APPROPRIATION TO BE REQUESTED ANNUALLY.** — 1. There is hereby created in the state treasury a fund to be known as the "Hazardous Waste Fund". All funds received from hazardous waste permit and license fees, generator fees or taxes, penalties, or interest assessed on those fees or taxes, taxes collected by contract hazardous waste landfill operators, general revenue, federal funds, gifts, bequests, donations, or any other moneys so designated shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste fund. The hazardous waste fund, subject to appropriation by the general assembly, shall be used by the department as provided by appropriations and consistent with rules and regulations established by the hazardous waste management commission for the purpose of carrying out the provisions of sections 260.350 to 260.430 and sections 319.100 to 319.127, and 319.137, and 319.139 for the management of hazardous waste, responses to hazardous substance releases as provided in sections 260.500 to 260.550, corrective actions at regulated facilities and illegal hazardous waste sites, prevention of leaks from underground storage tanks and response to petroleum releases from underground and aboveground storage tanks and other related activities required to carry out provisions of sections 260.350 to 260.575 and sections 319.100 to 319.127, and for payments to other state agencies for such services consistent with sections 260.350 to 260.575 and sections 319.100 to 319.139 upon proper warrant issued by the commissioner of administration, and for any other expenditures which are not covered pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, including but not limited to the following purposes:

(1) Administrative services as appropriate and necessary for the identification, assessment and cleanup of abandoned or uncontrolled sites pursuant to sections 260.435 to 260.550;

(2) Payments to other state agencies for such services consistent with sections 260.435 to 260.550, upon proper warrant issued by the commissioner of administration, including, but not limited to, the department of health and senior services for the purpose of conducting health studies of persons exposed to waste from an uncontrolled or abandoned hazardous waste site or exposed to the release of any hazardous substance as defined in section 260.500;

(3) Acquisition of property as provided in section 260.420;

(4) The study of the development of a hazardous waste facility in Missouri as authorized in section 260.037;

(5) Financing the nonfederal share of the cost of cleanup and site remediation activities as well as postclosure operation and maintenance costs, pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; [and]

(6) Reimbursement of owners or operators who accept waste pursuant to departmental orders pursuant to subdivision (2) of subsection 1 of section 260.420; **and**

**(7) Transfer of funds, upon appropriation, into the radioactive waste investigation fund in section 260.558.**

2. The unexpended balance in the hazardous waste fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state treasurer, except as directed by the general assembly by appropriation, and shall be invested to generate income to the fund. The provisions of section 33.080 relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to the hazardous waste fund.

3. There is hereby created within the hazardous waste fund a subaccount known as the "Hazardous Waste Facility Inspection Subaccount". All funds received from hazardous waste facility inspection fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste facility inspection subaccount. Moneys from such subaccount shall be used by the department for conducting inspections at facilities that are permitted or are required to be permitted as hazardous waste facilities by the department.

4. The fund balance remaining in the hazardous waste remedial fund shall be transferred to the hazardous waste fund created in this section.

5. No moneys shall be available from the fund for abandoned site cleanup unless the director has made all reasonable efforts to secure voluntary agreement to pay the costs of necessary remedial actions from owners or operators of abandoned or uncontrolled hazardous waste sites or other responsible persons.

6. The director shall make all reasonable efforts to recover the full amount of any funds expended from the fund for cleanup through litigation or cooperative agreements with responsible persons. All moneys recovered or reimbursed pursuant to this section through voluntary agreements or court orders shall be deposited to the hazardous waste fund created herein.

7. In addition to revenue from all licenses, taxes, fees, penalties, and interest, specified in subsection 1 of this section, the department shall request an annual appropriation of general revenue equal to any state match obligation to the U.S. Environmental Protection Agency for cleanup performed pursuant to the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

**260.475. FEES TO BE PAID BY HAZARDOUS WASTE GENERATORS — EXCEPTIONS — DEPOSIT OF MONEYS — VIOLATIONS, PENALTY — DEPOSIT — FEE REQUIREMENT, EXPIRATION — FEE STRUCTURE REVIEW.** — 1. Every hazardous waste generator located in Missouri shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

(1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;

(2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

(3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste from the processing of materials into reclaimed metals;

(4) Cement kiln dust waste;

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- (5) Waste oil; or
- (6) Hazardous waste that is:
  - (a) Reclaimed or reused for energy and materials;
  - (b) Transformed into new products which are not wastes;
  - (c) Destroyed or treated to render the hazardous waste nonhazardous; or
  - (d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. The payment shall be accompanied by a return in such form as the department may prescribe.

3. All moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee shall be deposited in the hazardous waste fund.

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, all of which shall be deposited in the hazardous waste fund.

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste fund.

7. This fee shall expire December 31, 2018, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

8. Notwithstanding any statutory fee amounts or maximums to the contrary, the director of the department of natural resources may conduct a comprehensive review and propose changes to the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: cement kiln representatives, chemical companies, large and small hazardous waste generators, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee structure with stakeholder agreement to the hazardous waste management commission. The commission shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year and the fee structure set out in this section shall expire upon the effective date of the commission-adopted fee structure, contrary to subsection 7 of this section. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or

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detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by this subsection shall expire on August 28, 2024. **Any fee, bond, or assessment structure established pursuant to the process in this section shall expire on August 28, 2024.**

**260.558. RADIOACTIVE WASTE INVESTIGATION FUND CREATED, PURPOSE, USE OF MONEYS — LIMITATION ON TRANSFERS. — 1.** There is hereby created in the state treasury the "Radioactive Waste Investigation Fund". The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the department of natural resources to investigate concerns of exposure to radioactive waste. Upon written request by a local governing body expressing concerns of radioactive waste contamination in a specified area within its jurisdiction, the department of natural resources shall use moneys in the radioactive waste investigation fund to develop and conduct an investigation, using sound scientific methods, for the specified area of concern. The request by a local governing body shall include a specified area of concern and any supporting documentation related to the concern. The department shall prioritize requests in the order in which they are received, except that the department may give priority to requests that are in close proximity to federally designated sites where radioactive contaminants are known or reasonably expected to exist. The investigation shall be performed by applicable federal or state agencies or by a qualified contractor selected by the department through a competitive bidding process. In conducting an investigation under this section, the department shall work with the applicable government agency or approved contractor, as well as local officials, to develop a sampling and analysis plan to determine if radioactive contaminants in the area of concern exceed federal standards for remedial action due to contamination. Within a residential area, this plan may include dust samples collected inside residential homes only after obtaining permission from the homeowners. The samples shall be analyzed for the isotopes necessary to correlate the samples with the suspected contamination, as described in the sampling and analysis plan. Within forty-five days of receiving the final sampling results, the department shall report the results to the attorney general and the local governing body that requested the investigation and make the finalized report and testing results publicly available on the department's website.

2. The transfer to the fund shall not exceed one hundred fifty thousand dollars per fiscal year. Investigation costs expended from this fund shall not exceed one hundred fifty thousand dollars per fiscal year. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the hazardous waste fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

**319.129. PETROLEUM STORAGE TANK INSURANCE FUND CREATED — FEES — STATE TREASURER MAY DEPOSIT FUNDS WHERE, INTEREST CREDITED TO FUND — ADMINISTRATION OF FUND — BOARD OF TRUSTEES CREATED, MEMBERS, MEETINGS — EXPIRES WHEN —**

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**CONTINUATION AFTER EXPIRATION, WHEN — INDEPENDENT AUDIT.** — 1. There is hereby created a special trust fund to be known as the "Petroleum Storage Tank Insurance Fund" within the state treasury which shall be the successor to the underground storage tank insurance fund. Moneys in such special trust fund shall not be deemed to be state funds. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not be transferred to general revenue at the end of each biennium.

2. The owner or operator of any underground storage tank, including the state of Missouri and its political subdivisions and public transportation systems, in service on August 28, 1989, shall submit to the department a fee of one hundred dollars per tank on or before December 31, 1989. The owner or operator of any underground storage tank who seeks to participate in the petroleum storage tank insurance fund, including the state of Missouri and its political subdivisions and public transportation systems, and whose underground storage tank is brought into service after August 28, 1998, shall transmit one hundred dollars per tank to the board with his or her initial application. Such amount shall be a one-time payment, and shall be in addition to the payment required by section 319.133. The owner or operator of any aboveground storage tank regulated by this chapter, including the state of Missouri and its political subdivisions and public transportation systems, who seeks to participate in the petroleum storage tank insurance fund, shall transmit one hundred dollars per tank to the board with his or her initial application. Such amount shall be a one-time payment and shall be in addition to the payment required by section 319.133. Moneys received pursuant to this section shall be transmitted to the director of revenue for deposit in the petroleum storage tank insurance fund.

3. The state treasurer may deposit moneys in the fund in any of the qualified depositories of the state. All such deposits shall be secured in a manner and upon the terms as are provided by law relative to state deposits. Interest earned shall be credited to the petroleum storage tank insurance fund.

4. The general administration of the fund and the responsibility for the proper operation of the fund, including all decisions relating to payments from the fund, are hereby vested in a board of trustees. The board of trustees shall consist of the commissioner of administration or the commissioner's designee, the director of the department of natural resources or the director's designee, the director of the department of agriculture or the director's designee, and eight citizens appointed by the governor with the advice and consent of the senate. Three of the appointed members shall be owners or operators of retail petroleum storage tanks, including one tank owner or operator of greater than one hundred tanks; one tank owner or operator of less than one hundred tanks; and one aboveground storage tank owner or operator. One appointed trustee shall represent a financial lending institution, and one appointed trustee shall represent the insurance underwriting industry. One appointed trustee shall represent industrial or commercial users of petroleum. The two remaining appointed citizens shall have no petroleum-related business interest, and shall represent the nonregulated public at large. The members appointed by the governor shall serve four-year terms except that the governor shall designate two of the original appointees to be appointed for one year, two to be appointed for two years, two to be appointed for three years and two to be appointed for four years. Any vacancies occurring on the board shall be filled in the same manner as provided in this section.

5. The board shall meet in Jefferson City, Missouri, within thirty days following August 28, 1996. Thereafter, the board shall meet upon the written call of the chairman of the board or by the agreement of any six members of the board. Notice of each meeting shall be delivered to all other trustees in person or by registered mail not less than six days prior to the date fixed for the meeting.

The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

6. Six trustees shall constitute a quorum for the transaction of business, and any official action of the board shall be based on a majority vote of the trustees present.

7. The trustees shall serve without compensation but shall receive from the fund their actual and necessary expenses incurred in the performance of their duties for the board.

8. The board of trustees shall be a type III agency and shall appoint an executive director and other employees as needed, who shall be state employees and be eligible for all corresponding benefits. The executive director shall have charge of the offices, operations, records, and other employees of the board, subject to the direction of the board. Employees of the board shall receive such salaries and necessary expenses as shall be fixed by the board.

9. Staff resources for the Missouri petroleum storage tank insurance fund may be provided by the department of natural resources or another state agency as otherwise specifically determined by the board. The fund shall compensate the department of natural resources or other state agency for all costs of providing staff required by this subsection. Such compensation shall be made pursuant to contracts negotiated between the board and the department of natural resources or other state agency.

10. In order to carry out the fiduciary management of the fund, the board may select and employ, or may contract with, persons experienced in insurance underwriting, accounting, the servicing of claims and rate making, and legal counsel to defend third-party claims, who shall serve at the board's pleasure. Invoices for such services shall be presented to the board in sufficient detail to allow a thorough review of the costs of such services.

11. At the first meeting of the board, the board shall elect one of its members as chairman. The chairman shall preside over meetings of the board and perform such other duties as shall be required by action of the board.

12. The board shall elect one of its members as vice chairman, and the vice chairman shall perform the duties of the chairman in the absence of the latter or upon the chairman's inability or refusal to act.

13. The board shall determine and prescribe all rules and regulations as they relate to fiduciary management of the fund, pursuant to the purposes of sections 319.100 to 319.137. In no case shall the board have oversight regarding environmental cleanup standards for petroleum storage tanks.

14. No trustee or staff member of the fund shall receive any gain or profit from any moneys or transactions of the fund. This shall not preclude any eligible trustee from making a claim or receiving benefits from the petroleum storage tank insurance fund as provided by sections 319.100 to 319.137.

15. The board may reinsure all or a portion of the fund's liability. Any insurer who sells environmental liability insurance in this state may, at the option of the board, reinsure some portion of the fund's liability.

16. The petroleum storage tank insurance fund shall expire on December 31, [2020] **2025**, unless extended by action of the general assembly. After December 31, [2020] **2025**, the board of trustees may continue to function for the sole purpose of completing payment of claims made prior to December 31, [2020] **2025**.

17. The board shall annually commission an independent financial audit of the petroleum storage tank insurance fund. The board shall biennially commission an actuarial analysis of the petroleum storage tank insurance fund. The results of the financial audit and the actuarial analysis shall be made available to the public. The board may contract with third parties to carry out the requirements of this subsection.

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**319.140. TASK FORCE ON THE PETROLEUM STORAGE TANK INSURANCE FUND ESTABLISHED, MEMBERS, DUTIES, MEETINGS — EXPIRATION DATE — 1.** There is established a task force of the general assembly to be known as the "Task Force on the Petroleum Storage Tank Insurance Fund". Such task force shall be composed of eight members. Three members shall be from the house of representatives with two appointed by the speaker of the house of representatives and one appointed by the minority floor leader of the house of representatives. Three members shall be from the senate with two appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate. Two members shall be industry stakeholders with one appointed by the speaker of the house of representatives and one appointed by the president pro tempore of the senate. No more than two members from either the house of representatives or the senate shall be from the same political party. A majority of the task force shall constitute a quorum.

2. The task force shall conduct research and compile a report for delivery to the general assembly by December 31, 2018, on the following:

- (1) The efficacy of the petroleum storage tank insurance fund and program;
- (2) The sustainability of the petroleum storage tank insurance fund and program;
- (3) The administration of the petroleum storage tank insurance fund and program;
- (4) The availability of private insurance for above and below ground petroleum storage tanks, and the necessity of insurance subsidies created through the petroleum storage tank insurance program;

(5) Compliance with federal programs, regulations, and advisory reports; and

(6) The comparability of the petroleum storage tank insurance program to other states' programs and states without such programs.

3. The task force shall meet within thirty days after its creation and organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it.

4. The task force shall be staffed by legislative staff as necessary to assist the task force in the performance of its duties.

5. The members of the task force shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

6. This section shall expire on December 31, 2018.

**444.768. FEE, BOND, OR ASSESSMENT STRUCTURE, COMPREHENSIVE REVIEW — PROPOSAL TO BE SUBMITTED, APPROVAL BY COMMISSION — RULEMAKING REQUIREMENTS.** — 1. Notwithstanding any statutory fee amounts or maximums to the contrary, the director of the department of natural resources may conduct a comprehensive review and propose changes to the fee, bond, or assessment structure as set forth in this chapter. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from regulated entities and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee, bond, or assessment structure with stakeholder agreement to the Missouri mining commission. The commission shall review such recommendations at a forthcoming regular or special meeting, but shall not vote on the proposed structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority, the fee, bond, or assessment structure recommendations, the commission shall authorize the department to file a notice of proposed

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rulemaking containing the recommended structure, and after considering public comments may authorize the department to file the final order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year, at which point the existing fee, bond, or assessment structure shall expire **upon the effective date of the commission-adopted fee structure, contrary to subsection 12 of section 444.772**. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly within the first sixty days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee, bond, or assessment structure and shall continue to use the previous fee, bond, or assessment structure. The authority for the commission to further revise the fee, bond, or assessment structure as provided in this subsection shall expire on August 28, 2024. **Any fee, bond, or assessment structure established pursuant to the process in this section shall expire on August 28, 2024.**

2. Failure to pay any fee, bond, or assessment, or any portion thereof, referenced in this section by the due date may result in the imposition of a late fee equal to fifteen percent of the unpaid amount, plus ten percent interest per annum. Any order issued by the department under this chapter may require payment of such amounts. The department may bring an action in the appropriate circuit court to collect any unpaid fee, late fee, interest, or attorney's fees and costs incurred directly in fee collection. Such action may be brought in the circuit court of the county in which the facility is located, or in the circuit court of Cole County.

**444.772. PERMIT — APPLICATION, CONTENTS, FEES — AMENDMENT, HOW MADE — SUCCESSOR OPERATOR, DUTIES OF — FEES EXPIRE, WHEN.** — 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

- (1) The name of all persons with any interest in the land to be mined;
- (2) The source of the applicant's legal right to mine the land affected by the permit;
- (3) The permanent and temporary post office address of the applicant;
- (4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;
- (5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the commission or the director to the area of land affected;
- (6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and
- (7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778, a geologic resources fee authorized under section 256.700, and a permit fee approved by the commission not to exceed one thousand dollars. The commission may also require a fee for each site listed on a permit not to exceed four hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be established by rule, except for the initial fees as set forth in this subsection, and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred dollars. The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790. Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection after a regulation change that demonstrates the need for increased fees.

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than three thousand dollars. For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790

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and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to section 493.050 to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners whose property is:

(1) Within two thousand six hundred forty feet, or one-half mile from the border of the proposed mine plan area; and

(2) Adjacent to the proposed mine plan area, land upon which the mine plan area is located, or adjacent land having a legal relationship with either the applicant or the owner of the land upon which the mine plan area is located.

The notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the director may consider in issuing a permit may request a public meeting or file written comments to the director no later than fifteen days following the final public notice publication date. If any person requests a public meeting, the applicant shall cooperate with the director in making all necessary arrangements for the public meeting to be held in a reasonably convenient location and at a reasonable time for interested participants, and the applicant shall bear the expenses.

11. The director may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2007, and shall expire on December 31, [2018] **2024**. No other provisions of this section shall expire.

**640.620. LIMITATION ON GRANTS — EXCEPTIONS.** — In any case, the grant shall not be in excess of [one] **three** thousand [four hundred] dollars per connection, or, in the case of a source water protection project, for more than twenty percent of the cost per acre for conservation reserve and, except as otherwise provided in this section, no district or system may receive more than one grant for any purpose in any two-year period. Grantees who received or who are receiving funds under the 1993-1994 special allocation for flood-impacted communities are not subject to the

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prohibition against receiving more than one grant during any two-year period for a period ending two years after the final grant allocation for flood-impacted communities is received by that grantee.

**640.648. RIGHT TO PRIVATE WATER SYSTEMS AND GROUND SOURCE SYSTEMS RETAINED, EXCEPTIONS — RIGHT TO RAINWATER PROTECTION SYSTEMS RETAINED. — 1.** Notwithstanding any law to the contrary, all Missouri landowners retain the right to have, use, and own private water systems and ground source systems, **including systems for potable water**, anytime and anywhere including land within city limits, unless prohibited by city ordinance, on their own property so long as all applicable rules and regulations established by the Missouri department of natural resources are satisfied. All Missouri landowners who choose to use their own private water system shall not be forced to purchase water from any other water source system servicing their community.

**2. Notwithstanding any law to the contrary, all Missouri landowners retain the right to have, use, and own systems for rainwater collection anytime and anywhere on their own property, including land within city limits.**

**644.054. FEES, BILLING AND COLLECTION — ADMINISTRATION, GENERALLY — FEES TO BECOME EFFECTIVE, WHEN — FEES TO EXPIRE, WHEN — VARIANCES GRANTED, WHEN. — 1.** Fees imposed in sections 644.052 and 644.053 shall, except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective October 1, 1990, and shall expire December 31, 2018. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire on December 31, 2018. The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a public sewer district, a public water district or other publicly owned treatment works are state fees. Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.

2. The commission may grant a variance pursuant to section 644.061 to reduce fees collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.

3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated.

[4. The director of the department of natural resources shall conduct a comprehensive review of the fee structure in sections 644.052 and 644.053. The review shall include stakeholder meetings in order to solicit stakeholder input. The director shall submit a report to the general assembly by December 31, 2012, which shall include its findings and a recommended plan for the fee structure. The plan shall also include time lines for permit issuance, provisions for expedited permits, and recommendations for any other improved services provided by the fee funding.]

**644.057. CLEAN WATER FEE STRUCTURE REVIEW, REQUIREMENTS. —** Notwithstanding any statutory fee amounts or maximums to the contrary, the director of the department of natural resources may conduct a comprehensive review and propose changes to the clean water fee structure set forth in sections 644.052, 644.053, and 644.061. The comprehensive review shall

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include stakeholder meetings in order to solicit stakeholder input from each of the following groups: agriculture, industry, municipalities, public and private wastewater facilities, and the development community. Upon completion of the comprehensive review, the department shall submit a proposed fee structure with stakeholder agreement to the clean water commission. The commission shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. In no case shall the clean water commission adopt or recommend any clean water fee in excess of five thousand dollars. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments, may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year and the fee structures set forth in sections 644.052, 644.053, and 644.061 shall expire upon the effective date of the commission-adopted fee structure, contrary to section 644.054. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure provided by this section shall expire on August 28, 2024. **Any fee, bond, or assessment structure established pursuant to the process in this section shall expire on August 28, 2024.**

**644.059. AGRICULTURAL STORM WATER DISCHARGE EXEMPT FROM PERMITTING REQUIREMENTS — NOT CONSIDERED UNLAWFUL. — Agricultural storm water discharges and return flows from irrigated agriculture shall be exempt from permitting requirements set forth in sections 644.006 to 644.141. Agricultural storm water discharges and return flows from irrigated agriculture shall not be considered unlawful under subdivisions (1) and (2) of subsection 1 of section 644.051 unless such discharges or return flows have entered waters of the state and have rendered such waters harmful, detrimental, or injurious to public health, safety, or welfare, or to industrial or agricultural uses, or to wild animals, birds, or fish. For the purposes of this section, agricultural storm water discharges and return flows from irrigated agriculture shall include storm water and snow melt runoff, drainage, and infiltration, including water that leaves land as a result of the application of irrigation water, both surface and subsurface, from standard farming industry practices. This shall include but not be limited to cultivation and tillage of soil, and production, growing, raising, and harvesting of agricultural commodities and livestock. Nothing in this section shall be construed to effect, limit, or supersede sections 640.700 to 640.755 or any other law or regulation of concentrated animal feeding operations.**

Approved June 22, 2018

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## HCS SB 793

**Enacts provisions relating to juvenile court proceedings.**

AN ACT to repeal sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, 221.044, 478.375, 478.625, 567.020, 567.030, 567.050, 567.060, 589.400, and 610.140, RSMo, and to enact in lieu thereof thirty new sections relating to juvenile court proceedings, with penalty provisions and a delayed effective date for certain sections.

## SECTION

- A. Enacting clause.
- 211.021 Definitions.
- 211.031 Juvenile court to have exclusive jurisdiction, when — exceptions — home schooling, attendance violations, how treated.
- 211.032 Child abuse and neglect hearings, when held, procedure — supreme court rules to be promulgated — transfer of school records, when.
- 211.033 Detention for violation of traffic ordinances — no civil or criminal liability created — contingent effective date.
- 211.041 Continuing jurisdiction over child, exception, seventeen-year-old violating state or municipal laws.
- 211.061 Arrested child taken before juvenile court — transfer of prosecution to juvenile court — limitations on detention of juvenile — detention hearing, notice.
- 211.071 Certification of juvenile for trial as adult — procedure — mandatory hearing, certain offenses — misrepresentation of age, effect.
- 211.073 Transfer to court of general jurisdiction, dual jurisdiction of both criminal and juvenile codes — suspended execution of adult sentence, revocation of juvenile disposition — petition for transfer of custody, hearing — offender age seventeen, hearing — offender age twenty-one, hearing — credit for time served.
- 211.081 Preliminary inquiry as to institution of proceedings — approval of division necessary for placement outside state — institutional placements, findings required, duties of division, limitations on judge, financial limitations.
- 211.091 Petition in juvenile court — contents — dismissal, juvenile officer to assess impact on best interest of child.
- 211.101 Issuance of summons — notice — temporary custody of child — subpoenas.
- 211.161 Court may require physical or mental examination — costs paid by county.
- 211.181 Order for disposition or treatment of child — suspension of order and probation granted, when — community organizations, immunity from liability, when — length of commitment may be set forth — assessments, deposits, use.
- 211.321 Juvenile court records, confidentiality, exceptions — records of peace officers, exceptions, release of certain information to victim.
- 211.421 Endangering the welfare of a child or interfering with orders of court.
- 211.425 Registration of juvenile sex offenders, when — agencies required to register juveniles, when — registration form, contents — registry maintained — confidentiality of registry — penalty for failure to register — termination of requirement, when.
- 211.431 Violation of law, class A misdemeanor.
- 211.435 Juvenile justice preservation fund — surcharge on traffic violations.
- 221.044 Persons under seventeen may not be confined in adult jails, exceptions — commitment to juvenile detention facilities, when.
- 478.625 Circuit No. 19, number of judges, divisions — when judges elected.
- 488.315 Surcharge for juvenile justice preservation fund — contingent expiration.
- 558.003 Fine for juvenile justice preservation fund, when, amount.
- 567.020 Prostitution — penalty — affirmative defense.
- 567.030 Patronizing prostitution — penalty.
- 567.050 Promoting prostitution in the first degree — penalty.

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- 567.060 Promoting prostitution in the second degree — penalty.
- 589.400 Registration of certain offenders with chief law officers of county of residence — time limitation — registration requirements — fees — automatic removal from registry — petitions for exemption — procedure, notice, denial of petition — nonresident workers, higher education students and workers.
- 610.131 Expungement for persons less than eighteen years of age at time of offense.
- 610.140 Expungement of certain criminal records, petition, contents, procedure — effect of expungement on employer inquiry — lifetime limits.
- 1 Contingency — expansion of services to eighteen years of age not effective until sufficient appropriations.
- 478.375 6th Circuit — additional judge, when.
- B. Effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, 221.044, 478.375, 478.625, 567.020, 567.030, 567.050, 567.060, 589.400, and 610.140, RSMo, are repealed and thirty new sections enacted in lieu thereof, to be known as sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, 211.435, 221.044, 478.625, 488.315, 558.003, 567.020, 567.030, 567.050, 567.060, 589.400, 610.131, 610.140, and 1, to read as follows:

**211.021. DEFINITIONS.** — [1.] As used in this chapter, unless the context clearly requires otherwise:

- (1) "Adult" means a person [seventeen] **eighteen** years of age or older [except for seventeen-year-old children as defined in this section];
- (2) "Child" means any person under [seventeen] **eighteen** years of age [and shall mean, in addition, any person over seventeen but not yet eighteen years of age alleged to have committed a status offense];
- (3) "Juvenile court" means the juvenile division or divisions of the circuit court of the county, or judges while hearing juvenile cases assigned to them;
- (4) "Legal custody" means the right to the care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline of a child. Legal custody may be taken from a parent only by court action and if the legal custody is taken from a parent without termination of parental rights, the parent's duty to provide support continues even though the person having legal custody may provide the necessities of daily living;
- (5) "Parent" means either a natural parent or a parent by adoption and if the child is illegitimate, "parent" means the mother;
- (6) "Shelter care" means the temporary care of juveniles in physically unrestricting facilities pending final court disposition. These facilities may include:
- (a) "Foster home", the private home of foster parents providing twenty-four-hour care to one to three children unrelated to the foster parents by blood, marriage or adoption;
- (b) "Group foster home", the private home of foster parents providing twenty-four-hour care to no more than six children unrelated to the foster parents by blood, marriage or adoption;
- (c) "Group home", a child care facility which approximates a family setting, provides access to community activities and resources, and provides care to no more than twelve children[;]
- (7) "Status offense", any offense as described in subdivision (2) of subsection 1 of section 211.031.

2. The amendments to subsection 1 of this section, as provided for in this act, shall not take effect until such time as appropriations by the general assembly for additional juvenile officer full-time equivalents and deputy juvenile officer full-time equivalents shall exceed by one million nine

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hundred thousand dollars the amount spent by the state for such officers in fiscal year 2007 and appropriations by the general assembly to single first class counties for juvenile court personnel costs shall exceed by one million nine hundred thousand dollars the amount spent by the state for such juvenile court personnel costs in fiscal year 2007 and notice of such appropriations has been given to the revisor of statutes].

**211.031. JUVENILE COURT TO HAVE EXCLUSIVE JURISDICTION, WHEN — EXCEPTIONS — HOME SCHOOLING, ATTENDANCE VIOLATIONS, HOW TREATED.** — 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have exclusive original jurisdiction in proceedings:

(1) Involving any child [or person seventeen years of age] who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child [or person seventeen years of age], neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child [or person seventeen years of age] shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child [or person seventeen years of age] is otherwise without proper care, custody or support; [or]

(c) The child [or person seventeen years of age] was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130; **or**

(d) The child [or person seventeen years of age is a child] **is** in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; [or]

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; [or]

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; [or]

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of [seventeen] **eighteen** years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the

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violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child [or person seventeen years of age] to the guardianship of the department of social services as provided by law; and

(6) Involving an order of protection pursuant to chapter 455 when the respondent is less than [seventeen] **eighteen** years of age.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child [or person seventeen years of age] who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child [or person seventeen years of age] may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence [or the residence of the person seventeen years of age] for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child [or person seventeen years of age] to the court located in the county of the child's residence [or the residence of the person seventeen years of age], or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child [or person seventeen years of age] to the court located in the county of the child's residence [or the residence of the person seventeen years of age] for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child [or person seventeen years of age] under the supervision of another juvenile court within or without the state pursuant to section 210.570 with the consent of the receiving court;

(5) Upon motion of any child [or person seventeen years of age] or his or her parent, the court having jurisdiction shall grant one change of judge pursuant to Missouri supreme court rules;

(6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child [or person seventeen years of age], certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child [or person seventeen years of age] taken into custody in a county other than the county of the child's residence [or the residence of a person seventeen years of age], the juvenile court of the county of the child's residence [or the residence of a person seventeen years of age] shall be notified of such taking into custody within seventy-two hours.

4. When an investigation by a juvenile officer pursuant to this section reveals that the only basis for action involves an alleged violation of section 167.031 involving a child who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the child is being home schooled and not in violation of section 167.031 before making a report of such a violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a child who is being home schooled shall be made to the prosecuting attorney of the county where the child legally resides.

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5. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care or for the removal of custody of a child from the parent without a specific showing that there is a causal relation between the disability or disease and harm to the child.

**211.032. CHILD ABUSE AND NEGLECT HEARINGS, WHEN HELD, PROCEDURE — SUPREME COURT RULES TO BE PROMULGATED — TRANSFER OF SCHOOL RECORDS, WHEN.** — 1. Except as otherwise provided in a circuit participating in a pilot project established by the Missouri supreme court, when a child [or person seventeen years of age], alleged to be in need of care and treatment pursuant to subdivision (1) of subsection 1 of section 211.031, is taken into custody, the juvenile or family court shall notify the parties of the right to have a protective custody hearing. Such notification shall be in writing.

2. Upon request from any party, the court shall hold a protective custody hearing. Such hearing shall be held within three days of the request for a hearing, excluding Saturdays, Sundays and legal holidays. For circuits participating in a pilot project established by the Missouri supreme court, the parties shall be notified at the status conference of their right to request a protective custody hearing.

3. No later than February 1, 2005, the Missouri supreme court shall require a mandatory court proceeding to be held within three days, excluding Saturdays, Sundays, and legal holidays, in all cases under subdivision (1) of subsection 1 of section 211.031. The Missouri supreme court shall promulgate rules for the implementation of such mandatory court proceedings and may consider recommendations from any pilot projects established by the Missouri supreme court regarding such proceedings. Nothing in this subsection shall prevent the Missouri supreme court from expanding pilot projects prior to the implementation of this subsection.

4. The court shall hold an adjudication hearing no later than sixty days after the child has been taken into custody. The court shall notify the parties in writing of the specific date, time, and place of such hearing. If at such hearing the court determines that sufficient cause exists for the child to remain in the custody of the state, the court shall conduct a dispositional hearing no later than ninety days after the child has been taken into custody and shall conduct review hearings regarding the reunification efforts made by the division every ninety to one hundred twenty days for the first year the child is in the custody of the division. After the first year, review hearings shall be held as necessary, but in no event less than once every six months for as long as the child is in the custody of the division.

5. At all hearings held pursuant to this section the court may receive testimony and other evidence relevant to the necessity of detaining the child out of the custody of the parents, guardian or custodian.

6. By January 1, 2005, the supreme court shall develop rules regarding the effect of untimely hearings.

7. If the placement of any child in the custody of the children's division will result in the child attending a school other than the school the child was attending when taken into custody:

(1) The child's records from such school shall automatically be forwarded to the school that the child is transferring to upon notification within two business days by the division; or

(2) Upon request of the foster family, the guardian ad litem, or the volunteer advocate and whenever possible, the child shall be permitted to continue to attend the same school that the child was enrolled in and attending at the time the child was taken into custody by the division. The division, in consultation with the department of elementary and secondary education, shall establish the necessary procedures to implement the provisions of this subsection.

**211.033. DETENTION FOR VIOLATION OF TRAFFIC ORDINANCES — NO CIVIL OR CRIMINAL LIABILITY CREATED — CONTINGENT EFFECTIVE DATE.** — 1. No person under the age of [seventeen] **eighteen** years, except those transferred to the court of general jurisdiction under the provisions of section 211.071 shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. A traffic court judge may request the juvenile court to order the commitment of a person under the age of [seventeen] **eighteen** to a juvenile detention facility.

2. Nothing in this section shall be construed as creating any civil or criminal liability for any law enforcement officer, juvenile officer, school personnel, or court personnel for any action taken or failure to take any action involving a minor child who remains under the jurisdiction of the juvenile court under this section if such action or failure to take action is based on a good faith belief by such officer or personnel that the minor child is not under the jurisdiction of the juvenile court.

[3. The amendments to subsection 2 of this section, as provided for in this act, shall not take effect until such time as the provisions of section 211.021 shall take effect in accordance with subsection 2 of section 211.021.]

**211.041. CONTINUING JURISDICTION OVER CHILD, EXCEPTION, SEVENTEEN-YEAR-OLD VIOLATING STATE OR MUNICIPAL LAWS.** — When jurisdiction over the person of a child has been acquired by the juvenile court under the provisions of this chapter in proceedings coming within the applicable provisions of section 211.031, the jurisdiction of the child may be retained for the purpose of this chapter until he or she has attained the age of twenty-one years, except in cases where he or she is committed to and received by the division of youth services, unless jurisdiction has been returned to the committing court by provisions of chapter 219 through requests of the court to the division of youth services and except in any case where he or she has not paid an assessment imposed in accordance with section 211.181 or in cases where the judgment for restitution entered in accordance with section 211.185 has not been satisfied. Every child over whose person the juvenile court retains jurisdiction shall be prosecuted under the general law for any violation of a state law or of a municipal ordinance which he or she commits after he or she becomes [seventeen] **eighteen** years of age. The juvenile court shall have no jurisdiction with respect to any such violation and, so long as it retains jurisdiction of the child, shall not exercise its jurisdiction in such a manner as to conflict with any other court's jurisdiction as to any such violation.

**211.061. ARRESTED CHILD TAKEN BEFORE JUVENILE COURT — TRANSFER OF PROSECUTION TO JUVENILE COURT — LIMITATIONS ON DETENTION OF JUVENILE — DETENTION HEARING, NOTICE.** — 1. When a child is taken into custody with or without warrant for an offense, the child, together with any information concerning the child and the personal property found in the child's possession, shall be taken immediately and directly before the juvenile court or delivered to the juvenile officer or person acting for [him] **the child**.

2. If any person is taken before a circuit or associate circuit judge not assigned to juvenile court or a municipal judge, and it is then, or at any time thereafter, ascertained that he or she was under the age of [seventeen] **eighteen** years at the time he or she is alleged to have committed the offense, or that he or she is subject to the jurisdiction of the juvenile court as provided by this chapter, it is the duty of the judge forthwith to transfer the case or refer the matter to the juvenile court, and direct the delivery of such person, together with information concerning him or her and the personal property found in his or her possession, to the juvenile officer or person acting as such.

3. When the juvenile court is informed that a child is in detention it shall examine the reasons therefor and shall immediately:

- (1) Order the child released; or

(2) Order the child continued in detention until a detention hearing is held. An order to continue the child in detention shall only be entered upon the filing of a petition or motion to modify and a determination by the court that probable cause exists to believe that the child has committed acts specified in the petition or motion that bring the child within the jurisdiction of the court under subdivision (2) or (3) of subsection 1 of section 211.031.

4. A juvenile shall not remain in detention for a period greater than twenty-four hours unless the court orders a detention hearing. If such hearing is not held within three days, excluding Saturdays, Sundays and legal holidays, the juvenile shall be released from detention unless the court for good cause orders the hearing continued. The detention hearing shall be held within the judicial circuit at a date, time and place convenient to the court. Notice of the date, time and place of a detention hearing, and of the right to counsel, shall be given to the juvenile and his or her custodian in person, by telephone, or by such other expeditious method as is available.

**211.071. CERTIFICATION OF JUVENILE FOR TRIAL AS ADULT — PROCEDURE — MANDATORY HEARING, CERTAIN OFFENSES — MISREPRESENTATION OF AGE, EFFECT. — 1.**

If a petition alleges that a child between the ages of twelve and [seventeen] **eighteen** has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013, rape in the first degree under section 566.030, forcible sodomy under section 566.060 as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060, first degree robbery under section 569.020 **as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023, [or] distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or the manufacturing of a controlled substance under section 579.055,** or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between [seventeen] **eighteen** and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

- (1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;
- (2) Whether the offense alleged involved viciousness, force and violence;
- (3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;
- (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;
- (5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;
- (6) The sophistication and maturity of the child as determined by consideration of his **or her** home and environmental situation, emotional condition and pattern of living;
- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

- (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- (2) Findings showing that the child was represented by counsel;
- (3) Findings showing that the hearing was held in the presence of the child and his **or her** counsel; and
- (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the prosecution of the child results in a conviction, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

**211.073. TRANSFER TO COURT OF GENERAL JURISDICTION, DUAL JURISDICTION OF BOTH CRIMINAL AND JUVENILE CODES — SUSPENDED EXECUTION OF ADULT SENTENCE, REVOCATION OF JUVENILE DISPOSITION — PETITION FOR TRANSFER OF CUSTODY, HEARING — OFFENDER AGE SEVENTEEN, HEARING — OFFENDER AGE TWENTY-ONE, HEARING — CREDIT FOR TIME SERVED.**— 1. The court shall, in a case when the offender is under [seventeen] **eighteen** years [and six months] of age and has been transferred to a court of general jurisdiction pursuant to section 211.071, and whose prosecution results in a conviction or a plea of guilty, consider dual jurisdiction of both the criminal and juvenile codes, as set forth in this section. The court is authorized to impose a juvenile disposition under this chapter and simultaneously impose an adult criminal sentence, the execution of which shall be suspended pursuant to the provisions of this section. Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court may order an offender into the custody of the division of youth services pursuant to this section:

(1) Upon agreement of the division of youth services; and

(2) If the division of youth services determines that there is space available in a facility designed to serve offenders sentenced under this section. If the division of youth services agrees to accept a youth and the court does not impose a juvenile disposition, the court shall make findings on the record as to why the division of youth services was not appropriate for the offender prior to imposing the adult criminal sentence.

2. If there is probable cause to believe that the offender has violated a condition of the suspended sentence or committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established and found the court may continue or revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order as it may see fit.

3. When an offender has received a suspended sentence pursuant to this section and the division determines the child is beyond the scope of its treatment programs, the division of youth services may petition the court for a transfer of custody of the offender. The court shall hold a hearing and shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

4. When an offender who has received a suspended sentence reaches the age of [seventeen] **eighteen**, the court shall hold a hearing. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections;

(2) Direct that the offender be placed on probation; or

(3) Direct that the offender remain in the custody of the division of youth services if the division agrees to such placement.

5. The division of youth services shall petition the court for a hearing before it releases an offender who comes within subsection 1 of this section at any time before the offender reaches the age of twenty-one years. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

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6. If the suspension of the adult criminal sentence is revoked, all time served by the offender under the juvenile disposition shall be credited toward the adult criminal sentence imposed.

**211.081. PRELIMINARY INQUIRY AS TO INSTITUTION OF PROCEEDINGS — APPROVAL OF DIVISION NECESSARY FOR PLACEMENT OUTSIDE STATE — INSTITUTIONAL PLACEMENTS, FINDINGS REQUIRED, DUTIES OF DIVISION, LIMITATIONS ON JUDGE, FINANCIAL LIMITATIONS.**

— 1. Whenever any person informs the juvenile officer in writing that a child appears to be within the purview of applicable provisions of section 211.031 [or that a person seventeen years of age appears to be within the purview of the provisions of subdivision (1) of subsection 1 of section 211.031], the juvenile officer shall make or cause to be made a preliminary inquiry to determine the facts and to determine whether or not the interests of the public or of the child [or person seventeen years of age] require that further action be taken. On the basis of this inquiry, the juvenile officer may make such informal adjustment as is practicable without a petition or file a petition. Any other provision of this chapter to the contrary notwithstanding, the juvenile court shall not make any order for disposition of a child [or person seventeen years of age] which would place or commit the child [or person seventeen years of age] to any location outside the state of Missouri without first receiving the approval of the children's division.

2. Placement in any institutional setting shall represent the least restrictive appropriate placement for the child [or person seventeen years of age] and shall be recommended based upon a psychological or psychiatric evaluation or both. Prior to entering any order for disposition of a child [or person seventeen years of age] which would order residential treatment or other services inside the state of Missouri, the juvenile court shall enter findings which include the recommendation of the psychological or psychiatric evaluation or both; and certification from the division director or designee as to whether a provider or funds or both are available, including a projection of their future availability. If the children's division indicates that funding is not available, the division shall recommend and make available for placement by the court an alternative placement for the child [or person seventeen years of age]. The division shall have the burden of demonstrating that they have exercised due diligence in utilizing all available services to carry out the recommendation of the evaluation team and serve the best interest of the child [or person seventeen years of age]. The judge shall not order placement or an alternative placement with a specific provider but may reasonably designate the scope and type of the services which shall be provided by the department to the child [or person seventeen years of age].

3. Obligations of the state incurred under the provisions of section 211.181 shall not exceed, in any fiscal year, the amount appropriated for this purpose.

**211.091. PETITION IN JUVENILE COURT — CONTENTS — DISMISSAL, JUVENILE OFFICER TO ASSESS IMPACT ON BEST INTEREST OF CHILD.** — 1. The petition shall be entitled "In the interest of \_\_\_\_\_, a child under [seventeen] **eighteen** years of age" [or "In the interest of \_\_\_\_\_, a child seventeen years of age" or "In the interest of \_\_\_\_\_, a person seventeen years of age" as appropriate to the subsection of section 211.031 that provides the basis for the filing of the petition].

2. The petition shall set forth plainly:

- (1) The facts which bring the child [or person seventeen years of age] within the jurisdiction of the court;
- (2) The full name, birth date, and residence of the child [or person seventeen years of age];
- (3) The names and residence of his or her parents, if living;

(4) The name and residence of his or her legal guardian if there be one, of the person having custody of the child [or person seventeen years of age] or of the nearest known relative if no parent or guardian can be found; and

(5) Any other pertinent data or information.

3. If any facts required in subsection 2 of this section are not known by the petitioner, the petition shall so state.

4. Prior to the voluntary dismissal of a petition filed under this section, the juvenile officer shall assess the impact of such dismissal on the best interests of the child, and shall take all actions practicable to minimize any negative impact.

**211.101. ISSUANCE OF SUMMONS — NOTICE — TEMPORARY CUSTODY OF CHILD — SUBPOENAS.** — 1. After a petition has been filed, unless the parties appear voluntarily, the juvenile court shall issue a summons in the name of the state of Missouri requiring the person who has custody of the child [or person seventeen years of age] to appear personally and, unless the court orders otherwise, to bring the child [or person seventeen years of age] before the court, at the time and place stated.

2. If the person so summoned is other than a parent or guardian of the child [or person seventeen years of age], then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed.

3. If it appears that the child [or person seventeen years of age] is in such condition or surroundings that his or her welfare requires that his or her custody be immediately assumed by the court, the judge may order, by endorsement upon the summons, the officer serving it to take the child [or person seventeen years of age] into custody at once.

4. Subpoena may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

**211.161. COURT MAY REQUIRE PHYSICAL OR MENTAL EXAMINATION — COSTS PAID BY COUNTY.** — 1. The court may cause any child [or person seventeen years of age] within its jurisdiction to be examined by a physician, psychiatrist or psychologist appointed by the court in order that the condition of the child [or person seventeen years of age] may be given consideration in the disposition of his or her case. The expenses of the examination when approved by the court shall be paid by the county, except that the county shall not be liable for the costs of examinations conducted by the department of mental health either directly or through contract.

2. The services of a state, county or municipally maintained hospital, institution, or psychiatric or health clinic may be used for the purpose of this examination and treatment.

3. A county may establish medical, psychiatric and other facilities, upon request of the juvenile court, to provide proper services for the court in the diagnosis and treatment of children [or persons seventeen years of age] coming before it and these facilities shall be under the administration and control of the juvenile court. The juvenile court may appoint and fix the compensation of such professional and other personnel as it deems necessary to provide the court proper diagnostic, clinical and treatment services for children [or persons seventeen years of age] under its jurisdiction.

**211.181. ORDER FOR DISPOSITION OR TREATMENT OF CHILD — SUSPENSION OF ORDER AND PROBATION GRANTED, WHEN — COMMUNITY ORGANIZATIONS, IMMUNITY FROM LIABILITY, WHEN — LENGTH OF COMMITMENT MAY BE SET FORTH — ASSESSMENTS, DEPOSITS, USE.** — 1. When a child [or person seventeen years of age] is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall

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so decree and make a finding of fact upon which it exercises its jurisdiction over the child [or person seventeen years of age], and the court may, by order duly entered, proceed as follows:

(1) Place the child [or person seventeen years of age] under supervision in his **or her** own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child [or person seventeen years of age] to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child [or person seventeen years of age] may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child [or person seventeen years of age] in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child [or person seventeen years of age] in a family home;

(4) Cause the child [or person seventeen years of age] to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child [or person seventeen years of age] requires it, cause the child [or person seventeen years of age] to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child [or person seventeen years of age] whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child [or person seventeen years of age];

(6) The department of social services, in conjunction with the department of mental health, shall apply to the United States Department of Health and Human Services for such federal waivers as required to provide services for such children, including the acquisition of community-based services waivers.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his **or her** own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of

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youth services, only if he **or she** is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.

Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require; provided that, no child who has been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related offense which if committed by an adult would be considered a felony offense pursuant to chapter 566, RSMo, including but not limited to rape, forcible sodomy, child molestation, and sexual abuse, and in which the victim was a child, shall be placed in any residence within one thousand feet of the residence of the abused child of that offense until the abused child reaches the age of eighteen, and provided further that the provisions of this subdivision regarding placement within one thousand feet of the abused child shall not apply when the abusing child and the abused child are siblings or children living in the same home;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

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- (4) Place the child in a family home;
- (5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;
- (6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;
- (7) Order the child to make restitution or reparation for the damage or loss caused by his **or her** offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his **or her** attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;
- (8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287,[RSMo,] nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288[, RSMo]. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;
- (9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's eighteenth birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021[, RSMo]. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate program or placement pursuant to subsection 3 of section 219.021[, RSMo]. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child

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from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.

**211.321. JUVENILE COURT RECORDS, CONFIDENTIALITY, EXCEPTIONS — RECORDS OF PEACE OFFICERS, EXCEPTIONS, RELEASE OF CERTAIN INFORMATION TO VICTIM.** — 1. Records of juvenile court proceedings as well as all information obtained and social records prepared in the discharge of official duty for the court shall not be open to inspection or their contents disclosed, except by order of the court to persons having a legitimate interest therein, unless a petition or motion to modify is sustained which charges the child with an offense which, if committed by an adult, would be a class A felony under the criminal code of Missouri, or capital murder, first degree murder, or second degree murder or except as provided in subsection 2 of this section. In addition, whenever a report is required under section 557.026, there shall also be included a complete list of certain violations of the juvenile code for which the defendant had been adjudicated a delinquent while a juvenile. This list shall be made available to the probation officer and shall be included in the presentence report. The violations to be included in the report are limited to the following: rape, sodomy, murder, kidnapping, robbery, arson, burglary or any acts involving the rendering or threat of serious bodily harm. The supreme court may promulgate rules to be followed by the juvenile courts in separating the records.

2. In all proceedings under subdivision (2) of subsection 1 of section 211.031, the records of the juvenile court as well as all information obtained and social records prepared in the discharge of official duty for the court shall be kept confidential and shall be open to inspection only by order of the judge of the juvenile court or as otherwise provided by statute. In all proceedings under subdivision (3) of subsection 1 of section 211.031 the records of the juvenile court as well as all information obtained and social records prepared in the discharge of official duty for the court shall be kept confidential and may be open to inspection without court order only as follows:

(1) The juvenile officer is authorized at any time:

(a) To provide information to or discuss matters concerning the child, the violation of law or the case with the victim, witnesses, officials at the child's school, law enforcement officials, prosecuting attorneys, any person or agency having or proposed to have legal or actual care, custody or control of the child, or any person or agency providing or proposed to provide treatment of the child. Information received pursuant to this paragraph shall not be released to the general public, but shall be released only to the persons or agencies listed in this paragraph;

(b) To make public information concerning the offense, the substance of the petition, the status of proceedings in the juvenile court and any other information which does not specifically identify the child or the child's family;

(2) After a child has been adjudicated delinquent pursuant to subdivision (3) of subsection 1 of section 211.031, for an offense which would be a felony if committed by an adult, the records of the dispositional hearing and proceedings related thereto shall be open to the public to the same extent that records of criminal proceedings are open to the public. However, the social summaries, investigations or updates in the nature of presentence investigations, and status reports submitted to the court by any treating agency or individual after the dispositional order is entered shall be kept confidential and shall be opened to inspection only by order of the judge of the juvenile court;

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Matter in bold-face type is proposed language.

(3) As otherwise provided by statute;

(4) In all other instances, only by order of the judge of the juvenile court.

3. Peace officers' records, if any are kept, of children shall be kept separate from the records of persons [seventeen] **eighteen** years of age or over and shall not be open to inspection or their contents disclosed, except by order of the court. This subsection does not apply to children who are transferred to courts of general jurisdiction as provided by section 211.071 or to juveniles convicted under the provisions of sections 578.421 to 578.437. This subsection does not apply to the inspection or disclosure of the contents of the records of peace officers for the purpose of pursuing a civil forfeiture action pursuant to the provisions of section 195.140.

4. Nothing in this section shall be construed to prevent the release of information and data to persons or organizations authorized by law to compile statistics relating to juveniles. The court shall adopt procedures to protect the confidentiality of children's names and identities.

5. The court may, either on its own motion or upon application by the child or his **or her** representative, or upon application by the juvenile officer, enter an order to destroy all social histories, records, and information, other than the official court file, and may enter an order to seal the official court file, as well as all peace officers' records, at any time after the child has reached his [seventeenth] **or her eighteenth** birthday if the court finds that it is in the best interest of the child that such action or any part thereof be taken, unless the jurisdiction of the court is continued beyond the child's [seventeenth] **eighteenth** birthday, in which event such action or any part thereof may be taken by the court at any time after the closing of the child's case.

6. Nothing in this section shall be construed to prevent the release of general information regarding the informal adjustment or formal adjudication of the disposition of a child's case to a victim or a member of the immediate family of a victim of any offense committed by the child. Such general information shall not be specific as to location and duration of treatment or detention or as to any terms of supervision.

7. Records of juvenile court proceedings as well as all information obtained and social records prepared in the discharge of official duty for the court shall be disclosed to the child fatality review panel reviewing the child's death pursuant to section 210.192 unless the juvenile court on its own motion, or upon application by the juvenile officer, enters an order to seal the records of the victim child.

**211.421. ENDANGERING THE WELFARE OF A CHILD OR INTERFERING WITH ORDERS OF COURT.** — 1. After any child has come under the care or control of the juvenile court as provided in this chapter, any person who thereafter encourages, aids, or causes the child to commit any act or engage in any conduct which would be injurious to the child's morals or health or who knowingly or negligently disobeys, violates or interferes with a lawful order of the court with relation to the child, is guilty of contempt of court, and shall be proceeded against as now provided by law and punished by imprisonment in the county jail for a term not exceeding six months or by a fine not exceeding five hundred dollars or by both such fine and imprisonment.

2. If it appears at a juvenile court hearing that any person [seventeen] **eighteen** years of age or over has violated section 568.045 or 568.050[, RSMo,] by endangering the welfare of a child, the judge of the juvenile court shall refer the information to the prosecuting or circuit attorney, as the case may be, for appropriate proceedings.

**211.425. REGISTRATION OF JUVENILE SEX OFFENDERS, WHEN — AGENCIES REQUIRED TO REGISTER JUVENILES, WHEN — REGISTRATION FORM, CONTENTS — REGISTRY MAINTAINED — CONFIDENTIALITY OF REGISTRY — PENALTY FOR FAILURE TO REGISTER — TERMINATION OF REQUIREMENT, WHEN.** — 1. Any person who has been adjudicated a delinquent by a juvenile

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court for committing or attempting to commit a sex-related offense which if committed by an adult would be considered a felony offense pursuant to chapter 566 including, but not limited to, rape, forcible sodomy, child molestation and sexual abuse, shall be considered a juvenile sex offender and shall be required to register as a juvenile sex offender by complying with the registration requirements provided for in this section, unless such juvenile adjudicated as a delinquent is fourteen years of age or older at the time of the offense and the offense adjudicated would be considered a felony under chapter 566 if committed by an adult, which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, including any attempt or conspiracy to commit such offense, in which case, the juvenile shall be required to register as an adult sexual offender under sections 589.400 to 589.425. This requirement shall also apply to any person who is or has been adjudicated a juvenile delinquent in any other state or federal jurisdiction for committing, attempting to commit, or conspiring to commit offenses which would be proscribed herein.

2. Any state agency having supervision over a juvenile required to register as a juvenile sex offender or any court having jurisdiction over a juvenile required to register as a juvenile sex offender, or any person required to register as a juvenile sex offender, shall, within ten days of the juvenile offender moving into any county of this state, register with the juvenile office of the county. If such juvenile offender changes residence or address, the state agency, court or person shall inform the juvenile office within ten days of the new residence or address and shall also be required to register with the juvenile office of any new county of residence. Registration shall be accomplished by completing a registration form similar to the form provided for in section 589.407. Such form shall include, but is not limited to, the following:

(1) A statement in writing signed by the juvenile, giving the juvenile's name, address, Social Security number, phone number, school in which enrolled, place of employment, offense which requires registration, including the date, place, and a brief description of such offense, date and place of adjudication regarding such offense, and age and gender of the victim at the time of the offense; and

(2) The fingerprints and a photograph of the juvenile.

3. Juvenile offices shall maintain the registration forms of those juvenile offenders in their jurisdictions who register as required by this section. Information contained on the registration forms shall be kept confidential and may be released by juvenile offices to only those persons and agencies who are authorized to receive information from juvenile court records as provided by law, including, but not limited to, those specified in section 211.321. State agencies having custody of juveniles who fall within the registration requirements of this section shall notify the appropriate juvenile offices when such juvenile offenders are being transferred to a location falling within the jurisdiction of such juvenile offices.

4. Any juvenile who is required to register pursuant to this section but fails to do so or who provides false information on the registration form is subject to disposition pursuant to this chapter. Any person [seventeen] **eighteen** years of age or over who commits such violation is guilty of a class A misdemeanor as provided for in section 211.431.

5. Any juvenile to whom the registration requirement of this section applies shall be informed by the official in charge of the juvenile's custody, upon the juvenile's discharge or release from such custody, of the requirement to register pursuant to this section. Such official shall obtain the address where such juvenile expects to register upon being discharged or released and shall report the juvenile's name and address to the juvenile office where the juvenile [will] **shall** be required to register. This requirement to register upon discharge or release from custody does not apply in situations where the juvenile is temporarily released under guard or direct supervision from a detention facility or similar custodial facility.

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6. The requirement to register as a juvenile sex offender shall terminate upon the juvenile offender reaching age twenty-one, unless such juvenile offender is required to register as an adult offender pursuant to section 589.400.

**211.431. VIOLATION OF LAW, CLASS A MISDEMEANOR.** — Any person [seventeen] **eighteen** years of age or over who willfully violates, neglects or refuses to obey or perform any lawful order of the court, or who violates any provision of this chapter is guilty of a class A misdemeanor.

**211.435. JUVENILE JUSTICE PRESERVATION FUND — SURCHARGE ON TRAFFIC VIOLATIONS.** — 1. There is hereby created in the state treasury the "Juvenile Justice Preservation Fund", which shall consist of moneys collected under subsection 2 of this section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be distributed to the judicial circuits of the state based upon the increased workload created by sections 211.021 to 211.425 solely for the administration of the juvenile justice system. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The provisions of this subsection shall expire on August 28, 2024.

2. For all traffic violations of any county ordinance or any violation of traffic laws of this state, including an infraction, in which a person has pled guilty, there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. The surcharge collected under this section shall be paid into the state treasury to the credit of the juvenile justice preservation fund created in this section. The provisions of this subsection shall expire if the provisions of subsection 1 of this section expire.

**221.044. PERSONS UNDER SEVENTEEN MAY NOT BE CONFINED IN ADULT JAILS, EXCEPTIONS — COMMITMENT TO JUVENILE DETENTION FACILITIES, WHEN.** — No person under the age of [seventeen] **eighteen** years, except those transferred to the court of general jurisdiction under the provisions of section 211.071, shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. A traffic court judge may request the juvenile court to order the commitment of a person under the age of [seventeen] **eighteen** to a juvenile detention facility.

**478.625. CIRCUIT NO. 19, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED.** — 1. Beginning on January 1, 2003, there shall be three circuit judges in the nineteenth judicial circuit consisting of the county of Cole.

2. One circuit judge shall be first elected in 1982. The second circuit judge shall be first elected in 1984. The third circuit judge shall be first elected in 2002.

3. Effective January 1, [2003] **2021, in compliance with section 478.320**, there shall be [one less] **two** associate circuit [judge] **judges** in Cole County [than is provided pursuant to section 478.320]. **The second associate circuit judge shall be first elected in 2020.**

**488.315. SURCHARGE FOR JUVENILE JUSTICE PRESERVATION FUND — CONTINGENT EXPIRATION. — 1. In addition to all other costs associated with civil actions, there shall be assessed and collected a surcharge of three dollars and fifty cents in all civil actions filed in the state. The clerk responsible for collecting court costs in civil cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the juvenile justice preservation fund under section 211.435.**

**2. The provisions of this section shall expire if the provisions of subsection 1 of section 211.435 expire.**

**558.003. FINE FOR JUVENILE JUSTICE PRESERVATION FUND, WHEN, AMOUNT. — The prosecuting attorney shall have discretion to charge an offender convicted of an offense in which the victim was a child a fine of up to five hundred dollars for each offense. Such fine shall be deposited in the juvenile justice preservation fund, created under section 211.435. The provisions of this section shall expire if the provisions of subsection 1 of section 211.435 expire.**

**567.020. PROSTITUTION — PENALTY — AFFIRMATIVE DEFENSE. — 1. A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.**

**2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense.**

**3. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.**

**4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant's sentence.**

**5. In addition to the affirmative defense provided in subsection 2 of section 566.223, it shall be an affirmative defense to prosecution pursuant to this section that the defendant was under the age of eighteen and was acting under the coercion, as defined in section 566.200, of an agent at the time of the offense charged.**

**567.030. PATRONIZING PROSTITUTION — PENALTY. — 1. A person commits the offense of patronizing prostitution if he or she:**

**(1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or**

**(2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or**

**(3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.**

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2. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen years of age or older.

3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person patronizes is less than eighteen years of age but older than fourteen years of age, in which case patronizing prostitution is a class [A misdemeanor] **E felony**.

4. The offense of patronizing prostitution is a class [E] **D felony** if the individual who the person patronizes is fourteen years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of:

- (1) Statutory rape in the first degree pursuant to section 566.032;
- (2) Statutory rape in the second degree pursuant to section 566.034;
- (3) Statutory sodomy in the first degree pursuant to section 566.062; or
- (4) Statutory sodomy in the second degree pursuant to section 566.064.

**567.050. PROMOTING PROSTITUTION IN THE FIRST DEGREE — PENALTY.** — 1. A person commits the offense of promoting prostitution in the first degree if he or she knowingly:

(1) Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; or

(2) Promotes prostitution of a person less than sixteen years of age.

2. The term "compelling" includes:

(1) The use of forcible compulsion;

(2) The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature;

(3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug dependent person.

3. The offense of promoting prostitution in the first degree **under subdivision (1) of subsection 1 of this section** is a class B felony. **The offense of promoting prostitution in the first degree under subdivision (2) of subsection 1 of this section is a felony punishable by a term of imprisonment not less than ten years and not to exceed fifteen years.**

**567.060. PROMOTING PROSTITUTION IN THE SECOND DEGREE — PENALTY.** — 1. A person commits the offense of promoting prostitution in the second degree if he or she knowingly:

(1) Promotes prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes; or

(2) **Promotes prostitution of a person sixteen or seventeen years of age.**

2. The offense of promoting prostitution in the second degree is a class D felony.

**589.400. REGISTRATION OF CERTAIN OFFENDERS WITH CHIEF LAW OFFICERS OF COUNTY OF RESIDENCE — TIME LIMITATION — REGISTRATION REQUIREMENTS — FEES — AUTOMATIC REMOVAL FROM REGISTRY — PETITIONS FOR EXEMPTION — PROCEDURE, NOTICE, DENIAL OF PETITION — NONRESIDENT WORKERS, HIGHER EDUCATION STUDENTS AND WORKERS.** — 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is exempted from registering under subsection 8 of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; **patronizing prostitution if the individual the person patronizes is less than eighteen years of age; or**

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under tribal, federal, or military law; or

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom

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sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

- (1) All offenses requiring registration are reversed, vacated or set aside;
- (2) The registrant is pardoned of the offenses requiring registration;
- (3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or
- (4) The registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the court orders the removal or exemption of such person from the registry.

4. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

6. Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

7. Any person currently on the sexual offender registry for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

8. Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of

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this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

10. Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education and is not entitled to relief under the provisions of subsection 9 of this section. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency and is not entitled to the provisions of subsection 9 of this section.

11. Any person whose name is removed or exempted from the sexual offender registry under subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.

**610.131. EXPUNGEMENT FOR PERSONS LESS THAN EIGHTEEN YEARS OF AGE AT TIME OF OFFENSE. — 1. Notwithstanding the provisions of section 610.140 to the contrary, an individual who at the time of the offense was under the age of eighteen, and has pleaded guilty or has been convicted for the offense of prostitution under section 567.020 may apply to the court in which he or she pled guilty or was sentenced for an order to expunge from all official records all recordations of his or her arrest, plea, trial, or conviction. If the court determines, after a hearing, that such person was acting under the coercion, as defined in section 566.200, of an agent when committing the offense that resulted in a plea of guilty or conviction under section 567.020, the court shall enter an order of expungement.**

**2. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea, or conviction and as if such event had**

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Matter in bold-face type is proposed language.

never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.

**610.140. EXPUNGEMENT OF CERTAIN CRIMINAL RECORDS, PETITION, CONTENTS, PROCEDURE — EFFECT OF EXPUNGEMENT ON EMPLOYER INQUIRY — LIFETIME LIMITS. — 1.** Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

- (1) Any class A felony offense;
- (2) Any dangerous felony as that term is defined in section 556.061;
- (3) Any offense that requires registration as a sex offender;
- (4) Any felony offense where death is an element of the offense;
- (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;
- (6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.100, 569.160, 570.025, 570.030, 570.090, 570.100, 570.130, 570.180, 570.223, 570.224, 570.310, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;
- (7) Any offense eligible for expungement under section 577.054 or 610.130;
- (8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;
- (9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section; and

(10) Any violations of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state.

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Driver's license number, if applicable; and

(e) Current address;

(2) Each offense, violation, or infraction for which the petitioner is requesting expungement;

(3) The approximate date the petitioner was charged for each offense, violation, or infraction; and

(4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and

(5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

(1) **At the time the petition is filed**, it has been at least seven years if the offense is a felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;

(2) The person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;

(3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;

(4) The person does not have charges pending;

(5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and

(6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

- (1) A license, certificate, or permit issued by this state to practice such individual's profession;
- (2) Any license issued under chapter 313 or permit issued under chapter 571;
- (3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;
- (4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

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

(5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or

(6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

(1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and

(2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law.

**SECTION 1. CONTINGENCY - EXPANSION OF SERVICES TO EIGHTEEN YEARS OF AGE NOT EFFECTIVE UNTIL SUFFICIENT APPROPRIATIONS.** — Expanding services from seventeen years of age to eighteen years of age is a new service and shall not be effective until an appropriation sufficient to fund the expanded service is provided therefor.

**[478.375. 6TH CIRCUIT — ADDITIONAL JUDGE, WHEN.** — At such time as a new jail or law enforcement center is constructed within the sixth judicial circuit, a new circuit judgeship shall be added.]

**SECTION B. EFFECTIVE DATE.** — The repeal and reenactment of sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044 of this act shall become effective on January 1, 2021.

Approved June 1, 2018

HCS SB 800

**Enacts provisions relating to juvenile court proceedings.**

AN ACT to repeal sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.093, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, 211.444, 211.447, and 221.044, RSMo, and to enact in lieu thereof twenty-five new sections relating to juvenile court proceedings, with an effective date for certain sections.

SECTION

- A. Enacting clause.
- 211.021 Definitions.
- 211.031 Juvenile court to have exclusive jurisdiction, when — exceptions — home schooling, attendance violations, how treated.
- 211.032 Child abuse and neglect hearings, when held, procedure — supreme court rules to be promulgated — transfer of school records, when.
- 211.033 Detention for violation of traffic ordinances — no civil or criminal liability created — contingent effective date.
- 211.041 Continuing jurisdiction over child, exception, seventeen-year-old violating state or municipal laws.
- 211.061 Arrested child taken before juvenile court — transfer of prosecution to juvenile court — limitations on detention of juvenile — detention hearing, notice.
- 211.071 Certification of juvenile for trial as adult — procedure — mandatory hearing, certain offenses — misrepresentation of age, effect.
- 211.073 Transfer to court of general jurisdiction, dual jurisdiction of both criminal and juvenile codes — suspended execution of adult sentence, revocation of juvenile disposition — petition for transfer of custody, hearing — offender age seventeen, hearing — offender age twenty-one, hearing — credit for time served.
- 211.081 Preliminary inquiry as to institution of proceedings — approval of division necessary for placement outside state — institutional placements, findings required, duties of division, limitations on judge, financial limitations.
- 211.091 Petition in juvenile court — contents — dismissal, juvenile officer to assess impact on best interest of child.
- 211.093 Orders or judgment of juvenile court to have precedence over certain other court orders or judgments — additional powers, limitations — establishment of paternity, time period.
- 211.101 Issuance of summons — notice — temporary custody of child — subpoenas.
- 211.161 Court may require physical or mental examination — costs paid by county.

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

- 211.181 Order for disposition or treatment of child — suspension of order and probation granted, when — community organizations, immunity from liability, when — length of commitment may be set forth — assessments, deposits, use.
- 211.321 Juvenile court records, confidentiality, exceptions — records of peace officers, exceptions, release of certain information to victim.
- 211.421 Endangering the welfare of a child or interfering with orders of court.
- 211.425 Registration of juvenile sex offenders, when — agencies required to register juveniles, when — registration form, contents — registry maintained — confidentiality of registry — penalty for failure to register — termination of requirement, when.
- 211.431 Violation of law, class A misdemeanor.
- 211.435 Juvenile justice preservation fund — surcharge on traffic violations.
- 211.444 Termination of parental rights, when.
- 211.447 Juvenile officer preliminary inquiry, when — petition to terminate parental rights filed, when — juvenile court may terminate parental rights, when — investigation to be made — grounds for termination.
- 221.044 Persons under seventeen may not be confined in adult jails, exceptions — commitment to juvenile detention facilities, when.
- 488.315 Surcharge for juvenile justice preservation fund — contingent expiration.
- 558.003 Fine for juvenile justice preservation fund, when, amount.
- 1 Contingency — expansion of services to eighteen years of age not effective until sufficient appropriations.
- B. Effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.093, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, 211.444, 211.447, and 221.044, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.093, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, 211.435, 211.444, 211.447, 221.044, 488.315, 558.003, and 1, to read as follows:

**211.021. DEFINITIONS.** — [1.] As used in this chapter, unless the context clearly requires otherwise:

- (1) "Adult" means a person [seventeen] **eighteen** years of age or older [except for seventeen-year-old children as defined in this section];
- (2) "Child" means any person under [seventeen] **eighteen** years of age [and shall mean, in addition, any person over seventeen but not yet eighteen years of age alleged to have committed a status offense];
- (3) "Juvenile court" means the juvenile division or divisions of the circuit court of the county, or judges while hearing juvenile cases assigned to them;
- (4) "Legal custody" means the right to the care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline of a child. Legal custody may be taken from a parent only by court action and if the legal custody is taken from a parent without termination of parental rights, the parent's duty to provide support continues even though the person having legal custody may provide the necessities of daily living;
- (5) "Parent" means either a natural parent or a parent by adoption and if the child is illegitimate, "parent" means the mother;
- (6) "Shelter care" means the temporary care of juveniles in physically unrestricting facilities pending final court disposition. These facilities may include:
- (a) "Foster home", the private home of foster parents providing twenty-four-hour care to one to three children unrelated to the foster parents by blood, marriage or adoption;

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

(b) "Group foster home", the private home of foster parents providing twenty-four-hour care to no more than six children unrelated to the foster parents by blood, marriage or adoption;

(c) "Group home", a child care facility which approximates a family setting, provides access to community activities and resources, and provides care to no more than twelve children;

(7) "Status offense", any offense as described in subdivision (2) of subsection 1 of section 211.031.

[2. The amendments to subsection 1 of this section, as provided for in this act, shall not take effect until such time as appropriations by the general assembly for additional juvenile officer full-time equivalents and deputy juvenile officer full-time equivalents shall exceed by one million nine hundred thousand dollars the amount spent by the state for such officers in fiscal year 2007 and appropriations by the general assembly to single first class counties for juvenile court personnel costs shall exceed by one million nine hundred thousand dollars the amount spent by the state for such juvenile court personnel costs in fiscal year 2007 and notice of such appropriations has been given to the revisor of statutes.]

**211.031. JUVENILE COURT TO HAVE EXCLUSIVE JURISDICTION, WHEN — EXCEPTIONS — HOME SCHOOLING, ATTENDANCE VIOLATIONS, HOW TREATED.** — 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have exclusive original jurisdiction in proceedings:

(1) Involving any child [or person seventeen years of age] who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child [or person seventeen years of age], neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child [or person seventeen years of age] shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child [or person seventeen years of age] is otherwise without proper care, custody or support; or

(c) The child [or person seventeen years of age] was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130;

(d) The child [or person seventeen years of age is a child] **is** in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the

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violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of [seventeen] **eighteen** years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child [or person seventeen years of age] to the guardianship of the department of social services as provided by law; and

(6) Involving an order of protection pursuant to chapter 455 when the respondent is less than [seventeen] **eighteen** years of age.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child [or person seventeen years of age] who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child [or person seventeen years of age] may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person [seventeen] **eighteen** years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child [or person seventeen years of age] to the court located in the county of the child's residence [or the residence of the person seventeen years of age], or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child [or person seventeen years of age] to the court located in the county of the child's residence [or the residence of the person seventeen years of age] for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child [or person seventeen years of age] under the supervision of another juvenile court within or without the state pursuant to section 210.570 with the consent of the receiving court;

(5) Upon motion of any child [or person seventeen years of age] or his or her parent, the court having jurisdiction shall grant one change of judge pursuant to Missouri supreme court rules;

(6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child [or person seventeen years of age], certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child [or person seventeen years of age] taken into custody in a county other than the county of the child's residence [or the residence of a person seventeen

years of age], the juvenile court of the county of the child's residence [or the residence of a person seventeen years of age] shall be notified of such taking into custody within seventy-two hours.

4. When an investigation by a juvenile officer pursuant to this section reveals that the only basis for action involves an alleged violation of section 167.031 involving a child who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the child is being home schooled and not in violation of section 167.031 before making a report of such a violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a child who is being home schooled shall be made to the prosecuting attorney of the county where the child legally resides.

5. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care or for the removal of custody of a child from the parent without a specific showing that there is a causal relation between the disability or disease and harm to the child.

**211.032. CHILD ABUSE AND NEGLECT HEARINGS, WHEN HELD, PROCEDURE — SUPREME COURT RULES TO BE PROMULGATED — TRANSFER OF SCHOOL RECORDS, WHEN.** — 1. Except as otherwise provided in a circuit participating in a pilot project established by the Missouri supreme court, when a child [or person seventeen years of age], alleged to be in need of care and treatment pursuant to subdivision (1) of subsection 1 of section 211.031, is taken into custody, the juvenile or family court shall notify the parties of the right to have a protective custody hearing. Such notification shall be in writing.

2. Upon request from any party, the court shall hold a protective custody hearing. Such hearing shall be held within three days of the request for a hearing, excluding Saturdays, Sundays and legal holidays. For circuits participating in a pilot project established by the Missouri supreme court, the parties shall be notified at the status conference of their right to request a protective custody hearing.

3. No later than February 1, 2005, the Missouri supreme court shall require a mandatory court proceeding to be held within three days, excluding Saturdays, Sundays, and legal holidays, in all cases under subdivision (1) of subsection 1 of section 211.031. The Missouri supreme court shall promulgate rules for the implementation of such mandatory court proceedings and may consider recommendations from any pilot projects established by the Missouri supreme court regarding such proceedings. Nothing in this subsection shall prevent the Missouri supreme court from expanding pilot projects prior to the implementation of this subsection.

4. The court shall hold an adjudication hearing no later than sixty days after the child has been taken into custody. The court shall notify the parties in writing of the specific date, time, and place of such hearing. If at such hearing the court determines that sufficient cause exists for the child to remain in the custody of the state, the court shall conduct a dispositional hearing no later than ninety days after the child has been taken into custody and shall conduct review hearings regarding the reunification efforts made by the division every ninety to one hundred twenty days for the first year the child is in the custody of the division. After the first year, review hearings shall be held as necessary, but in no event less than once every six months for as long as the child is in the custody of the division.

5. At all hearings held pursuant to this section the court may receive testimony and other evidence relevant to the necessity of detaining the child out of the custody of the parents, guardian or custodian.

6. By January 1, 2005, the supreme court shall develop rules regarding the effect of untimely hearings.

7. If the placement of any child in the custody of the children's division will result in the child attending a school other than the school the child was attending when taken into custody:

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

Matter in bold-face type is proposed language.

(1) The child's records from such school shall automatically be forwarded to the school that the child is transferring to upon notification within two business days by the division; or

(2) Upon request of the foster family, the guardian ad litem, or the volunteer advocate and whenever possible, the child shall be permitted to continue to attend the same school that the child was enrolled in and attending at the time the child was taken into custody by the division. The division, in consultation with the department of elementary and secondary education, shall establish the necessary procedures to implement the provisions of this subsection.

**211.033. DETENTION FOR VIOLATION OF TRAFFIC ORDINANCES — NO CIVIL OR CRIMINAL LIABILITY CREATED — CONTINGENT EFFECTIVE DATE.** — 1. No person under the age of [seventeen] **eighteen** years, except those transferred to the court of general jurisdiction under the provisions of section 211.071 shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. A traffic court judge may request the juvenile court to order the commitment of a person under the age of [seventeen] **eighteen** to a juvenile detention facility.

2. Nothing in this section shall be construed as creating any civil or criminal liability for any law enforcement officer, juvenile officer, school personnel, or court personnel for any action taken or failure to take any action involving a minor child who remains under the jurisdiction of the juvenile court under this section if such action or failure to take action is based on a good faith belief by such officer or personnel that the minor child is not under the jurisdiction of the juvenile court.

[3. The amendments to subsection 2 of this section, as provided for in this act, shall not take effect until such time as the provisions of section 211.021 shall take effect in accordance with subsection 2 of section 211.021.]

**211.041. CONTINUING JURISDICTION OVER CHILD, EXCEPTION, SEVENTEEN-YEAR-OLD VIOLATING STATE OR MUNICIPAL LAWS.** — When jurisdiction over the person of a child has been acquired by the juvenile court under the provisions of this chapter in proceedings coming within the applicable provisions of section 211.031, the jurisdiction of the child may be retained for the purpose of this chapter until he or she has attained the age of twenty-one years, except in cases where he or she is committed to and received by the division of youth services, unless jurisdiction has been returned to the committing court by provisions of chapter 219 through requests of the court to the division of youth services and except in any case where he or she has not paid an assessment imposed in accordance with section 211.181 or in cases where the judgment for restitution entered in accordance with section 211.185 has not been satisfied. Every child over whose person the juvenile court retains jurisdiction shall be prosecuted under the general law for any violation of a state law or of a municipal ordinance which he or she commits after he or she becomes [seventeen] **eighteen** years of age. The juvenile court shall have no jurisdiction with respect to any such violation and, so long as it retains jurisdiction of the child, shall not exercise its jurisdiction in such a manner as to conflict with any other court's jurisdiction as to any such violation.

**211.061. ARRESTED CHILD TAKEN BEFORE JUVENILE COURT — TRANSFER OF PROSECUTION TO JUVENILE COURT — LIMITATIONS ON DETENTION OF JUVENILE — DETENTION HEARING, NOTICE.** — 1. When a child is taken into custody with or without warrant for an offense, the child, together with any information concerning the child and the personal property found in the child's possession, shall be taken immediately and directly before the juvenile court or delivered to the juvenile officer or person acting for [him] **the child**.

2. If any person is taken before a circuit or associate circuit judge not assigned to juvenile court or a municipal judge, and it is then, or at any time thereafter, ascertained that he or she was

under the age of [seventeen] **eighteen** years at the time he or she is alleged to have committed the offense, or that he or she is subject to the jurisdiction of the juvenile court as provided by this chapter, it is the duty of the judge forthwith to transfer the case or refer the matter to the juvenile court, and direct the delivery of such person, together with information concerning him or her and the personal property found in his or her possession, to the juvenile officer or person acting as such.

3. When the juvenile court is informed that a child is in detention it shall examine the reasons therefor and shall immediately:

(1) Order the child released; or

(2) Order the child continued in detention until a detention hearing is held. An order to continue the child in detention shall only be entered upon the filing of a petition or motion to modify and a determination by the court that probable cause exists to believe that the child has committed acts specified in the petition or motion that bring the child within the jurisdiction of the court under subdivision (2) or (3) of subsection 1 of section 211.031.

4. A juvenile shall not remain in detention for a period greater than twenty-four hours unless the court orders a detention hearing. If such hearing is not held within three days, excluding Saturdays, Sundays and legal holidays, the juvenile shall be released from detention unless the court for good cause orders the hearing continued. The detention hearing shall be held within the judicial circuit at a date, time and place convenient to the court. Notice of the date, time and place of a detention hearing, and of the right to counsel, shall be given to the juvenile and his or her custodian in person, by telephone, or by such other expeditious method as is available.

**211.071. CERTIFICATION OF JUVENILE FOR TRIAL AS ADULT — PROCEDURE — MANDATORY HEARING, CERTAIN OFFENSES — MISREPRESENTATION OF AGE, EFFECT. — 1.** If a petition alleges that a child between the ages of twelve and [seventeen] **eighteen** has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013, rape in the first degree under section 566.030, forcible sodomy under section 566.060 as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060, first degree robbery under section 569.020 **as it existed prior to January 1, 2017, or first degree robbery under section 570.023,** [or] distribution of drugs under section 195.211 **as it existed prior to January 1, 2017, or the manufacturing of a controlled substance under section 579.055,** or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between [seventeen] **eighteen** and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

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4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

- (1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;
- (2) Whether the offense alleged involved viciousness, force and violence;
- (3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;
- (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;
- (5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;
- (6) The sophistication and maturity of the child as determined by consideration of his **or her** home and environmental situation, emotional condition and pattern of living;
- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

- (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- (2) Findings showing that the child was represented by counsel;
- (3) Findings showing that the hearing was held in the presence of the child and his **or her** counsel; and
- (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the prosecution of the child results in a conviction, the jurisdiction of the juvenile

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court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

**211.073. TRANSFER TO COURT OF GENERAL JURISDICTION, DUAL JURISDICTION OF BOTH CRIMINAL AND JUVENILE CODES — SUSPENDED EXECUTION OF ADULT SENTENCE, REVOCATION OF JUVENILE DISPOSITION — PETITION FOR TRANSFER OF CUSTODY, HEARING — OFFENDER AGE SEVENTEEN, HEARING — OFFENDER AGE TWENTY-ONE, HEARING — CREDIT FOR TIME SERVED.** — 1. The court shall, in a case when the offender is under [seventeen] **eighteen** years [and six months] of age and has been transferred to a court of general jurisdiction pursuant to section 211.071, and whose prosecution results in a conviction or a plea of guilty, consider dual jurisdiction of both the criminal and juvenile codes, as set forth in this section. The court is authorized to impose a juvenile disposition under this chapter and simultaneously impose an adult criminal sentence, the execution of which shall be suspended pursuant to the provisions of this section. Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court may order an offender into the custody of the division of youth services pursuant to this section:

(1) Upon agreement of the division of youth services; and

(2) If the division of youth services determines that there is space available in a facility designed to serve offenders sentenced under this section. If the division of youth services agrees to accept a youth and the court does not impose a juvenile disposition, the court shall make findings on the record as to why the division of youth services was not appropriate for the offender prior to imposing the adult criminal sentence.

2. If there is probable cause to believe that the offender has violated a condition of the suspended sentence or committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established and found the court may continue or revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order as it may see fit.

3. When an offender has received a suspended sentence pursuant to this section and the division determines the child is beyond the scope of its treatment programs, the division of youth services may petition the court for a transfer of custody of the offender. The court shall hold a hearing and shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

4. When an offender who has received a suspended sentence reaches the age of [seventeen] **eighteen**, the court shall hold a hearing. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections;

(2) Direct that the offender be placed on probation; or

(3) Direct that the offender remain in the custody of the division of youth services if the division agrees to such placement.

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5. The division of youth services shall petition the court for a hearing before it releases an offender who comes within subsection 1 of this section at any time before the offender reaches the age of twenty-one years. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

6. If the suspension of the adult criminal sentence is revoked, all time served by the offender under the juvenile disposition shall be credited toward the adult criminal sentence imposed.

**211.081. PRELIMINARY INQUIRY AS TO INSTITUTION OF PROCEEDINGS — APPROVAL OF DIVISION NECESSARY FOR PLACEMENT OUTSIDE STATE — INSTITUTIONAL PLACEMENTS, FINDINGS REQUIRED, DUTIES OF DIVISION, LIMITATIONS ON JUDGE, FINANCIAL LIMITATIONS.**

— 1. Whenever any person informs the juvenile officer in writing that a child appears to be within the purview of applicable provisions of section 211.031 [or that a person seventeen years of age appears to be within the purview of the provisions of subdivision (1) of subsection 1 of section 211.031], the juvenile officer shall make or cause to be made a preliminary inquiry to determine the facts and to determine whether or not the interests of the public or of the child [or person seventeen years of age] require that further action be taken. On the basis of this inquiry, the juvenile officer may make such informal adjustment as is practicable without a petition or file a petition. Any other provision of this chapter to the contrary notwithstanding, the juvenile court shall not make any order for disposition of a child [or person seventeen years of age] which would place or commit the child [or person seventeen years of age] to any location outside the state of Missouri without first receiving the approval of the children's division.

2. Placement in any institutional setting shall represent the least restrictive appropriate placement for the child [or person seventeen years of age] and shall be recommended based upon a psychological or psychiatric evaluation or both. Prior to entering any order for disposition of a child [or person seventeen years of age] which would order residential treatment or other services inside the state of Missouri, the juvenile court shall enter findings which include the recommendation of the psychological or psychiatric evaluation or both; and certification from the division director or designee as to whether a provider or funds or both are available, including a projection of their future availability. If the children's division indicates that funding is not available, the division shall recommend and make available for placement by the court an alternative placement for the child [or person seventeen years of age]. The division shall have the burden of demonstrating that they have exercised due diligence in utilizing all available services to carry out the recommendation of the evaluation team and serve the best interest of the child [or person seventeen years of age]. The judge shall not order placement or an alternative placement with a specific provider but may reasonably designate the scope and type of the services which shall be provided by the department to the child [or person seventeen years of age].

3. Obligations of the state incurred under the provisions of section 211.181 shall not exceed, in any fiscal year, the amount appropriated for this purpose.

**211.091. PETITION IN JUVENILE COURT — CONTENTS — DISMISSAL, JUVENILE OFFICER TO ASSESS IMPACT ON BEST INTEREST OF CHILD.** — 1. The petition shall be entitled "In the interest of \_\_\_\_\_, a child under [seventeen] **eighteen** years of age" [or "In the interest of \_\_\_\_\_, a child seventeen years of age" or "In the interest of \_\_\_\_\_, a person seventeen years of age" as appropriate to the subsection of section 211.031 that provides the basis for the filing of the petition].

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2. The petition shall set forth plainly:
  - (1) The facts which bring the child [or person seventeen years of age] within the jurisdiction of the court;
  - (2) The full name, birth date, and residence of the child [or person seventeen years of age];
  - (3) The names and residence of his or her parents, if living;
  - (4) The name and residence of his or her legal guardian if there be one, of the person having custody of the child [or person seventeen years of age] or of the nearest known relative if no parent or guardian can be found; and
  - (5) Any other pertinent data or information.
3. If any facts required in subsection 2 of this section are not known by the petitioner, the petition shall so state.
4. Prior to the voluntary dismissal of a petition filed under this section, the juvenile officer shall assess the impact of such dismissal on the best interests of the child, and shall take all actions practicable to minimize any negative impact.

**211.093. ORDERS OR JUDGMENT OF JUVENILE COURT TO HAVE PRECEDENCE OVER CERTAIN OTHER COURT ORDERS OR JUDGMENTS — ADDITIONAL POWERS, LIMITATIONS — ESTABLISHMENT OF PATERNITY, TIME PERIOD. — 1.** Any order or judgment entered by the court under authority of this chapter or chapter 210 shall, so long as [such order or judgment remains in effect] **the juvenile court exercises continuing jurisdiction**, take precedence over any order or judgment concerning the status or custody of a child under [age] twenty-one **years of age** entered by a court under authority of chapter 452, 453, 454 or 455, **or orders of guardianship under chapter 475**, but only to the extent inconsistent therewith.

**2.** In addition to all other powers conveyed upon the court by this chapter and chapter 210, any court exercising jurisdiction over a child under subdivision (1) of subsection 1 of section 211.031 shall have authority to enter an order regarding custody of the child under chapter 452, enter a child support order, and establish rights of visitation for the parents of the child. In every case in which the juvenile or family court exercises authority over a child under subdivision (1) or (2) of subsection 1 of section 211.031, the court shall have concurrent authority and jurisdiction with the circuit court to enter a final order and judgment establishing the paternity of the child's biological father under the uniform parentage act under sections 210.817 to 210.852.

**3.** Any custody, support, or visitation order entered by the court under subsection 2 of this section shall remain in full force and effect after the termination of juvenile court proceedings unless the court's order specifically states otherwise. Any custody, child support, or visitation order shall take precedence over and shall automatically stay any prior orders concerning custody, child support, guardianship, or visitation. Such orders shall remain in full force and effect until a subsequent order with respect to custody, child support, guardianship, or visitation of the child is entered by a court under the authority of this chapter or chapter 210, 452, 453, 454, or 455, or orders of guardianship under chapter 475. Any final judgment and order establishing paternity under this section shall be a final and binding judgment of the circuit court as in other civil judgments entered under the uniform parentage act under sections 210.817 to 210.852, and the court may enter the final paternity judgment and order under a different, nonjuvenile case number.

**4.** If the juvenile court terminates jurisdiction without entering a continuing custody, support, or visitation order under subsections 2 and 3 of this section, legal and physical custody of the child shall be returned to the custodian, parent, or legal guardian who

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exercised custody prior to the juvenile court assuming jurisdiction under subdivision (1) of subsection 1 of section 211.031, and any custody or visitation orders in effect at the time the juvenile court assumed jurisdiction shall be restored.

5. The juvenile court shall not have the authority to hear modification motions or other actions to rehear any orders entered under this section after the juvenile court terminates jurisdiction on the underlying case. Any future actions shall be conducted under sections 210.817 to 210.852, this chapter, or chapter 452, 453, 454, 455, or 475, as appropriate.

6. Any child support order entered under this section shall be established and enforced pursuant to the procedures set forth by chapter 454. On entry of a child support order, the circuit clerk shall send a certified copy to the family support division for enforcement in the manner provided by law.

7. In all cases filed under subdivisions (1) and (2) of subsection 1 of section 211.031, the children's division shall make all reasonable efforts, as defined by section 211.183, to establish paternity within sixty days of the juvenile court obtaining jurisdiction over the child.

**211.101. ISSUANCE OF SUMMONS — NOTICE — TEMPORARY CUSTODY OF CHILD — SUBPOENAS.** — 1. After a petition has been filed, unless the parties appear voluntarily, the juvenile court shall issue a summons in the name of the state of Missouri requiring the person who has custody of the child [or person seventeen years of age] to appear personally and, unless the court orders otherwise, to bring the child [or person seventeen years of age] before the court, at the time and place stated.

2. If the person so summoned is other than a parent or guardian of the child [or person seventeen years of age], then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed.

3. If it appears that the child [or person seventeen years of age] is in such condition or surroundings that his or her welfare requires that his or her custody be immediately assumed by the court, the judge may order, by endorsement upon the summons, the officer serving it to take the child [or person seventeen years of age] into custody at once.

4. Subpoena may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

**211.161. COURT MAY REQUIRE PHYSICAL OR MENTAL EXAMINATION — COSTS PAID BY COUNTY.** — 1. The court may cause any child [or person seventeen years of age] within its jurisdiction to be examined by a physician, psychiatrist or psychologist appointed by the court in order that the condition of the child [or person seventeen years of age] may be given consideration in the disposition of his **or her** case. The expenses of the examination when approved by the court shall be paid by the county, except that the county shall not be liable for the costs of examinations conducted by the department of mental health either directly or through contract.

2. The services of a state, county or municipally maintained hospital, institution, or psychiatric or health clinic may be used for the purpose of this examination and treatment.

3. A county may establish medical, psychiatric and other facilities, upon request of the juvenile court, to provide proper services for the court in the diagnosis and treatment of children [or persons seventeen years of age] coming before it and these facilities shall be under the administration and control of the juvenile court. The juvenile court may appoint and fix the compensation of such professional and other personnel as it deems necessary to provide the court proper diagnostic, clinical and treatment services for children [or persons seventeen years of age] under its jurisdiction.

**211.181. ORDER FOR DISPOSITION OR TREATMENT OF CHILD — SUSPENSION OF ORDER AND PROBATION GRANTED, WHEN — COMMUNITY ORGANIZATIONS, IMMUNITY FROM LIABILITY, WHEN — LENGTH OF COMMITMENT MAY BE SET FORTH — ASSESSMENTS, DEPOSITS, USE.** — 1. When a child [or person seventeen years of age] is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child [or person seventeen years of age], and the court may, by order duly entered, proceed as follows:

(1) Place the child [or person seventeen years of age] under supervision in his **or her** own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child [or person seventeen years of age] to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child [or person seventeen years of age] may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child [or person seventeen years of age] in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child [or person seventeen years of age] in a family home;

(4) Cause the child [or person seventeen years of age] to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child [or person seventeen years of age] requires it, cause the child [or person seventeen years of age] to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child [or person seventeen years of age] whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child [or person seventeen years of age];

(6) The department of social services, in conjunction with the department of mental health, shall apply to the United States Department of Health and Human Services for such federal waivers as required to provide services for such children, including the acquisition of community-based services waivers.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his **or her** own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court

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conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he **or she** is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.

Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require; provided that, no child who has been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related offense which if committed by an adult would be considered a felony offense pursuant to chapter 566, RSMo, including but not limited to rape, forcible sodomy, child molestation, and sexual abuse, and in which the victim was a child, shall be placed in any residence within one thousand feet of the residence of the abused child of that offense until the abused child reaches the age of eighteen, and provided further that the provisions of this subdivision regarding placement within one thousand feet of the abused child shall not apply when the abusing child and the abused child are siblings or children living in the same home;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by his **or her** offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his **or her** attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's eighteenth birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any order of commitment of a child to the custody of the division of youth services, the division shall determine

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the appropriate program or placement pursuant to subsection 3 of section 219.021, RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.

**211.321. JUVENILE COURT RECORDS, CONFIDENTIALITY, EXCEPTIONS — RECORDS OF PEACE OFFICERS, EXCEPTIONS, RELEASE OF CERTAIN INFORMATION TO VICTIM. — 1.** Records of juvenile court proceedings as well as all information obtained and social records prepared in the discharge of official duty for the court shall not be open to inspection or their contents disclosed, except by order of the court to persons having a legitimate interest therein, unless a petition or motion to modify is sustained which charges the child with an offense which, if committed by an adult, would be a class A felony under the criminal code of Missouri, or capital murder, first degree murder, or second degree murder or except as provided in subsection 2 of this section. In addition, whenever a report is required under section 557.026, there shall also be included a complete list of certain violations of the juvenile code for which the defendant had been adjudicated a delinquent while a juvenile. This list shall be made available to the probation officer and shall be included in the presentence report. The violations to be included in the report are limited to the following: rape, sodomy, murder, kidnapping, robbery, arson, burglary or any acts involving the rendering or threat of serious bodily harm. The supreme court may promulgate rules to be followed by the juvenile courts in separating the records.

2. In all proceedings under subdivision (2) of subsection 1 of section 211.031, the records of the juvenile court as well as all information obtained and social records prepared in the discharge of official duty for the court shall be kept confidential and shall be open to inspection only by order of the judge of the juvenile court or as otherwise provided by statute. In all proceedings under subdivision (3) of subsection 1 of section 211.031 the records of the juvenile court as well as all information obtained and social records prepared in the discharge of official duty for the court shall be kept confidential and may be open to inspection without court order only as follows:

(1) The juvenile officer is authorized at any time:

(a) To provide information to or discuss matters concerning the child, the violation of law or the case with the victim, witnesses, officials at the child's school, law enforcement officials, prosecuting attorneys, any person or agency having or proposed to have legal or actual care, custody or control of the child, or any person or agency providing or proposed to provide treatment of the child. Information received pursuant to this paragraph shall not be released to the general public, but shall be released only to the persons or agencies listed in this paragraph;

(b) To make public information concerning the offense, the substance of the petition, the status of proceedings in the juvenile court and any other information which does not specifically identify the child or the child's family;

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(2) After a child has been adjudicated delinquent pursuant to subdivision (3) of subsection 1 of section 211.031, for an offense which would be a felony if committed by an adult, the records of the dispositional hearing and proceedings related thereto shall be open to the public to the same extent that records of criminal proceedings are open to the public. However, the social summaries, investigations or updates in the nature of presentence investigations, and status reports submitted to the court by any treating agency or individual after the dispositional order is entered shall be kept confidential and shall be opened to inspection only by order of the judge of the juvenile court;

(3) As otherwise provided by statute;

(4) In all other instances, only by order of the judge of the juvenile court.

3. Peace officers' records, if any are kept, of children shall be kept separate from the records of persons [seventeen] **eighteen** years of age or over and shall not be open to inspection or their contents disclosed, except by order of the court. This subsection does not apply to children who are transferred to courts of general jurisdiction as provided by section 211.071 or to juveniles convicted under the provisions of sections 578.421 to 578.437. This subsection does not apply to the inspection or disclosure of the contents of the records of peace officers for the purpose of pursuing a civil forfeiture action pursuant to the provisions of section 195.140.

4. Nothing in this section shall be construed to prevent the release of information and data to persons or organizations authorized by law to compile statistics relating to juveniles. The court shall adopt procedures to protect the confidentiality of children's names and identities.

5. The court may, either on its own motion or upon application by the child or his **or her** representative, or upon application by the juvenile officer, enter an order to destroy all social histories, records, and information, other than the official court file, and may enter an order to seal the official court file, as well as all peace officers' records, at any time after the child has reached his [seventeenth] **or her eighteenth** birthday if the court finds that it is in the best interest of the child that such action or any part thereof be taken, unless the jurisdiction of the court is continued beyond the child's [seventeenth] **eighteenth** birthday, in which event such action or any part thereof may be taken by the court at any time after the closing of the child's case.

6. Nothing in this section shall be construed to prevent the release of general information regarding the informal adjustment or formal adjudication of the disposition of a child's case to a victim or a member of the immediate family of a victim of any offense committed by the child. Such general information shall not be specific as to location and duration of treatment or detention or as to any terms of supervision.

7. Records of juvenile court proceedings as well as all information obtained and social records prepared in the discharge of official duty for the court shall be disclosed to the child fatality review panel reviewing the child's death pursuant to section 210.192 unless the juvenile court on its own motion, or upon application by the juvenile officer, enters an order to seal the records of the victim child.

**211.421. ENDANGERING THE WELFARE OF A CHILD OR INTERFERING WITH ORDERS OF COURT.** — 1. After any child has come under the care or control of the juvenile court as provided in this chapter, any person who thereafter encourages, aids, or causes the child to commit any act or engage in any conduct which would be injurious to the child's morals or health or who knowingly or negligently disobeys, violates or interferes with a lawful order of the court with relation to the child, is guilty of contempt of court, and shall be proceeded against as now provided by law and punished by imprisonment in the county jail for a term not exceeding six months or by a fine not exceeding five hundred dollars or by both such fine and imprisonment.

2. If it appears at a juvenile court hearing that any person [seventeen] **eighteen** years of age or over has violated section 568.045 or 568.050, RSMo, by endangering the welfare of a child, the

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judge of the juvenile court shall refer the information to the prosecuting or circuit attorney, as the case may be, for appropriate proceedings.

**211.425. REGISTRATION OF JUVENILE SEX OFFENDERS, WHEN — AGENCIES REQUIRED TO REGISTER JUVENILES, WHEN — REGISTRATION FORM, CONTENTS — REGISTRY MAINTAINED — CONFIDENTIALITY OF REGISTRY — PENALTY FOR FAILURE TO REGISTER — TERMINATION OF REQUIREMENT, WHEN.** — 1. Any person who has been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related offense which if committed by an adult would be considered a felony offense pursuant to chapter 566 including, but not limited to, rape, forcible sodomy, child molestation and sexual abuse, shall be considered a juvenile sex offender and shall be required to register as a juvenile sex offender by complying with the registration requirements provided for in this section, unless such juvenile adjudicated as a delinquent is fourteen years of age or older at the time of the offense and the offense adjudicated would be considered a felony under chapter 566 if committed by an adult, which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, including any attempt or conspiracy to commit such offense, in which case, the juvenile shall be required to register as an adult sexual offender under sections 589.400 to 589.425. This requirement shall also apply to any person who is or has been adjudicated a juvenile delinquent in any other state or federal jurisdiction for committing, attempting to commit, or conspiring to commit offenses which would be proscribed herein.

2. Any state agency having supervision over a juvenile required to register as a juvenile sex offender or any court having jurisdiction over a juvenile required to register as a juvenile sex offender, or any person required to register as a juvenile sex offender, shall, within ten days of the juvenile offender moving into any county of this state, register with the juvenile office of the county. If such juvenile offender changes residence or address, the state agency, court or person shall inform the juvenile office within ten days of the new residence or address and shall also be required to register with the juvenile office of any new county of residence. Registration shall be accomplished by completing a registration form similar to the form provided for in section 589.407. Such form shall include, but is not limited to, the following:

(1) A statement in writing signed by the juvenile, giving the juvenile's name, address, Social Security number, phone number, school in which enrolled, place of employment, offense which requires registration, including the date, place, and a brief description of such offense, date and place of adjudication regarding such offense, and age and gender of the victim at the time of the offense; and

(2) The fingerprints and a photograph of the juvenile.

3. Juvenile offices shall maintain the registration forms of those juvenile offenders in their jurisdictions who register as required by this section. Information contained on the registration forms shall be kept confidential and may be released by juvenile offices to only those persons and agencies who are authorized to receive information from juvenile court records as provided by law, including, but not limited to, those specified in section 211.321. State agencies having custody of juveniles who fall within the registration requirements of this section shall notify the appropriate juvenile offices when such juvenile offenders are being transferred to a location falling within the jurisdiction of such juvenile offices.

4. Any juvenile who is required to register pursuant to this section but fails to do so or who provides false information on the registration form is subject to disposition pursuant to this chapter. Any person [seventeen] **eighteen** years of age or over who commits such violation is guilty of a class A misdemeanor as provided for in section 211.431.

5. Any juvenile to whom the registration requirement of this section applies shall be informed by the official in charge of the juvenile's custody, upon the juvenile's discharge or release from such custody, of the requirement to register pursuant to this section. Such official shall obtain the address where such juvenile expects to register upon being discharged or released and shall report the juvenile's name and address to the juvenile office where the juvenile [will] **shall** be required to register. This requirement to register upon discharge or release from custody does not apply in situations where the juvenile is temporarily released under guard or direct supervision from a detention facility or similar custodial facility.

6. The requirement to register as a juvenile sex offender shall terminate upon the juvenile offender reaching age twenty-one, unless such juvenile offender is required to register as an adult offender pursuant to section 589.400.

**211.431. VIOLATION OF LAW, CLASS A MISDEMEANOR.** — Any person [seventeen] **eighteen** years of age or over who willfully violates, neglects or refuses to obey or perform any lawful order of the court, or who violates any provision of this chapter is guilty of a class A misdemeanor.

**211.435. JUVENILE JUSTICE PRESERVATION FUND — SURCHARGE ON TRAFFIC VIOLATIONS.** — 1. **There is hereby created in the state treasury the "Juvenile Justice Preservation Fund", which shall consist of moneys collected under subsection 2 of this section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be distributed to the judicial circuits of the state based upon the increased workload created by sections 211.021 to 211.425 solely for the administration of the juvenile justice system. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The provisions of this subsection shall expire on August 28, 2024.**

2. **For all traffic violations of any county ordinance or any violation of traffic laws of this state, including an infraction, in which a person has pled guilty, there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. The surcharge collected under this section shall be paid into the state treasury to the credit of the juvenile justice preservation fund created in this section. The provisions of this subsection shall expire if the provisions of subsection 1 of this section expire.**

**211.444. TERMINATION OF PARENTAL RIGHTS, WHEN.** — [1.] **The juvenile court may, upon petition of the juvenile officer or a child-placing agency licensed under sections 210.481 to 210.536 in conjunction with a placement with such agency under subsection 6 of section 453.010[,] or [the court before which] a private attorney filing a petition for adoption [has been filed pursuant to] under the provisions of chapter 453, terminate the rights of a parent or receive the consent to a specific adoption or waiver of consent to adoption executed by a parent or**

**named father** to a child, **including a child who is a ward of the court**, if the court finds that such termination, **consent to a specific adoption, or waiver of consent to adoption** is in the best interests of the child, and the parent **or named father** has, **in a properly executed writing under section 453.030 or 453.050**, consented [in writing] to the termination of his or her parental rights, **consented to a specific adoption, or waived consent to adoption**.

[2. The written consent required by subsection 1 of this section may be executed before or after the institution of the proceedings and shall be acknowledged before a notary public. In lieu of such acknowledgment, the signature of the person giving the written consent shall be witnessed by at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective parents. The notary public or witnesses shall verify the identity of the party signing the consent.

3. The written consent required by subsection 1 of this section shall be valid and effective only after the child is at least forty-eight hours old and if it complies with the other requirements of section 453.030.]

**211.447. JUVENILE OFFICER PRELIMINARY INQUIRY, WHEN — PETITION TO TERMINATE PARENTAL RIGHTS FILED, WHEN — JUVENILE COURT MAY TERMINATE PARENTAL RIGHTS, WHEN — INVESTIGATION TO BE MADE — GROUNDS FOR TERMINATION.** — 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it appears that the information could justify the filing of a petition, the juvenile officer may take further action, including filing a petition. If it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(c) The parent has voluntarily relinquished a child under section 210.950; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or  
(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development.

Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those

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conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape or rape in the first degree. When the biological father has pled guilty to, or is convicted of, the forcible rape or rape in the first degree of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) (a) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse including, but not limited to, specific conditions directly relating to the parent and child relationship which are determined by the court to be of a duration or nature that renders the parent unable for the reasonably foreseeable future to care appropriately for the ongoing physical, mental, or emotional needs of the child.

(b) It is presumed that a parent is unfit to be a party to the parent and child relationship upon a showing that:

a. Within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3), or (4) of this subsection or similar laws of other states;

b. If the parent is the birth mother and within eight hours after the child's birth, the child's birth mother tested positive and over .08 blood alcohol content pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case;

c. If the parent is the birth mother and at the time of the child's birth or within eight hours after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result

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of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case; or

d. Within a three-year period immediately prior to the termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent of at least one other child who was adjudicated an abused or neglected minor by such parent or such parent has previously failed to complete recommended treatment services by the children's division through a family-centered services case.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

- (1) The emotional ties to the birth parent;
- (2) The extent to which the parent has maintained regular visitation or other contact with the child;
- (3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;
- (4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;
- (5) The parent's disinterest in or lack of commitment to the child;
- (6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;
- (7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

**11. A court of competent jurisdiction may terminate the parental rights of a biological father of a child if he is an alleged perpetrator of forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030 that resulted in the conception and birth of the child. The biological mother who is the victim of the forcible rape or rape in the first degree or, if she is a minor, someone on her behalf may file a petition to terminate the parental rights of the biological father. The court may terminate the parental rights of the biological father if the court finds that by:**

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- (1) Clear, cogent, and convincing evidence the biological father committed the act of forcible rape or rape in the first degree against the biological mother;
- (2) Clear, cogent, and convincing evidence the child was conceived as a result of that act of forcible rape or rape in the first degree; and
- (3) The preponderance of the evidence the termination of the parental rights of the biological father is in the best interests of the child.

12. In any action to terminate the parental rights of the biological father under subsection 11 of this section or subdivision (5) of subsection 5 of this section, a court of competent jurisdiction may order that the mother and the child conceived and born as a result of forcible rape or rape in the first degree are entitled to obtain from the biological father certain payments, support, beneficiary designations, or other financial benefits. The court shall issue such order only if the mother gives her consent; provided, that the court shall first inform the mother that such order may require or obligate the mother to have continuous or future communication and contact with the biological father. Such order shall be issued without the biological father being entitled to or granted any custody, guardianship, visitation privileges, or other parent-child relationship, and may include any or all of the following:

- (1) Payment for the reasonable expenses of the mother or the child, or both, related to pregnancy, labor, delivery, postpartum care, newborn care, or early childhood care;
- (2) Child support under this chapter or chapters 210, 452, or 454;
- (3) All rights of the child to inherit under the probate code, as defined in section 472.010; provided that, for purposes of intestate succession, the biological father or his kindred shall have no right to inherit from or through the child;
- (4) The designation of the child as the beneficiary of a life or accidental death insurance policy, annuity, contract, plan, or other product sold or issued by a life insurance company; or
- (5) Any other payments, support, beneficiary designations, or financial benefits that are in the best interests of the child or for the reasonable expenses of the mother, or both.

If the mother declines to seek a court order for child support under this subsection, no state agency shall require the mother to do so in order to receive public assistance benefits for herself or the child, including, but not limited to, benefits for temporary assistance for needy families, supplemental nutrition assistance program, or MO HealthNet. The court order terminating the parental rights of the biological father under subdivision (5) of subsection 5 of this section or subsection 11 of this section shall serve as a sufficient basis for a good cause or other exemptions under 42 U.S.C. Section 654(29) and the state agency shall not require the mother or the child to otherwise provide the identity, location, income, or assets of the biological father or have contact or communicate with the biological father. However, nothing in this subsection shall prohibit a state agency from requesting that the mother assign any child support rights she receives under this subsection to the state as a condition of receipt of public assistance benefits under applicable federal and state law.

**221.044. PERSONS UNDER SEVENTEEN MAY NOT BE CONFINED IN ADULT JAILS, EXCEPTIONS — COMMITMENT TO JUVENILE DETENTION FACILITIES, WHEN.** — No person under the age of [seventeen] **eighteen** years, except those transferred to the court of general jurisdiction under the provisions of section 211.071, shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. A traffic court judge may request the

juvenile court to order the commitment of a person under the age of [seventeen] **eighteen** to a juvenile detention facility.

**488.315. SURCHARGE FOR JUVENILE JUSTICE PRESERVATION FUND — CONTINGENT EXPIRATION. — 1.** In addition to all other costs associated with civil actions, there shall be assessed and collected a surcharge of three dollars and fifty cents in all civil actions filed in the state. The clerk responsible for collecting court costs in civil cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the juvenile justice preservation fund under subsection 1 of section 211.435.

**2.** The provisions of this section shall expire if the provisions of subsection 1 of section 211.435 expire.

**558.003. FINE FOR JUVENILE JUSTICE PRESERVATION FUND, WHEN, AMOUNT. —** The prosecuting attorney shall have discretion to charge an offender convicted of an offense in which the victim was a child a fine of up to five hundred dollars for each offense. Such fine shall be deposited in the juvenile justice preservation fund, created under section 211.435. The provisions of this section shall expire if the provisions of subsection 1 of section 211.435 expire.

**SECTION 1. CONTINGENCY - EXPANSION OF SERVICES TO EIGHTEEN YEARS OF AGE NOT EFFECTIVE UNTIL SUFFICIENT APPROPRIATIONS.—** Expanding services from seventeen years of age to eighteen years of age is a new service and shall not be effective until an appropriation sufficient to fund the expanded service is provided therefor.

**SECTION B. EFFECTIVE DATE. —** The repeal and reenactment of sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044 of this act shall become effective on January 1, 2021.

Approved June 1, 2018

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SS#2 SCS SB 802

**Enacts provisions relating to nonprofit organizations.**

AN ACT to repeal section 37.020, RSMo, and to enact in lieu thereof one new section relating to nonprofit organizations.

SECTION

A. Enacting clause.

37.020 Definitions — socially and economically disadvantaged small business concerns — plan to increase and maintain participation — study — oversight review committee, members — nonprofit designated as minority or women's business enterprise, purpose.

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

**SECTION A. ENACTING CLAUSE. —** Section 37.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 37.020, to read as follows:

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

**37.020. DEFINITIONS — SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS — PLAN TO INCREASE AND MAINTAIN PARTICIPATION — STUDY — OVERSIGHT REVIEW COMMITTEE, MEMBERS — NONPROFIT DESIGNATED AS MINORITY OR WOMEN'S BUSINESS ENTERPRISE, PURPOSE.** — 1. As used in this section, the following words and phrases mean:

(1) "Certification", the determination, through whatever procedure is used by the office of administration, that a legal entity is a socially and economically disadvantaged small business concern for purposes of this section;

(2) "Department", the office of administration and any public institution of higher learning in the state of Missouri;

(3) "Minority business enterprise", a business that is:

(a) A sole proprietorship owned and controlled by a minority;

(b) A partnership or joint venture owned and controlled by minorities in which at least fifty-one percent of the ownership interest is held by minorities and the management and daily business operations of which are controlled by one or more of the minorities who own it; or

(c) A corporation or other entity whose management and daily business operations are controlled by one or more minorities who own it, and which is at least fifty-one percent owned by one or more minorities, or if stock is issued, at least fifty-one percent of the stock is owned by one or more minorities;

(4) "Socially and economically disadvantaged individuals", individuals, regardless of gender, who have been subjected to racial, ethnic, or sexual prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area. In determining the degree of diminished credit and capital opportunities the office of administration shall consider, but not be limited to, the assets and net worth of such individual;

(5) "Socially and economically disadvantaged small business concern", any small business concern:

(a) Which is at least fifty-one percentum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least fifty-one percentum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(b) Whose management and daily business operations are controlled by one or more of such individuals;

(6) "Women's business enterprise", a business that is:

(a) A sole proprietorship owned and controlled by a woman;

(b) A partnership or joint venture owned and controlled by women in which at least fifty-one percent of the ownership interest is held by women and the management and daily business operations of which are controlled by one or more of the women who own it; or

(c) A corporation or other entity whose management and daily business operations are controlled by one or more women who own it, and which is at least fifty-one percent owned by women, or if stock is issued, at least fifty-one percent of the stock is owned by one or more women.

2. The office of administration, in consultation with each department, shall establish and implement a plan to increase and maintain the participation of certified socially and economically disadvantaged small business concerns or minority business enterprises, directly or indirectly, in contracts for supplies, services, and construction contracts, consistent with goals determined after an appropriate study conducted to determine the availability of socially and economically disadvantaged small business concerns and minority business enterprises in the marketplace. The commissioner of administration shall appoint an oversight review committee to oversee and

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Matter in bold-face type is proposed language.

review the results of such study. The committee shall be composed of nine members, four of whom shall be members of business, three of whom shall be from staff of selected departments, one of whom shall be a member of the house of representatives, and one of whom shall be a member of the senate.

3. The goals to be pursued by each department under the provisions of this section shall be construed to overlap with those imposed by federal law or regulation, if any, shall run concurrently therewith and shall be in addition to the amount required by federal law only to the extent the percentage set by this section exceeds those required by federal law or regulations.

**4. The commissioner of administration may designate a nonprofit organization as a minority business enterprise or women's business enterprise for the exclusive purpose of competing in other states, provided that the organization is headquartered in Missouri and the collective majority of the organization's board of directors and executive management in charge of daily business operations are minorities or women.**

Approved June 1, 2018

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CCS HCS SB 806

**Enacts provisions relating to guardianship proceedings.**

AN ACT to repeal sections 473.397, 473.398, 473.730, 473.770, 473.771, 475.010, 475.016, 475.050, 475.060, 475.061, 475.062, 475.070, 475.075, 475.078, 475.079, 475.080, 475.082, 475.083, 475.094, 475.120, 475.125, 475.130, 475.145, 475.230, 475.270, 475.276, 475.290, 475.320, 475.355, and 630.005, RSMo, and to enact in lieu thereof thirty-six new sections relating to guardianship proceedings.

SECTION

- A. Enacting clause.
- 473.397 Classification of claims and statutory allowances.
- 473.398 Recovery of public assistance funds from recipient's estate, when authorized — procedure — exceptions.
- 473.730 Public administrators — qualifications — election — oath — bond — public administrator deemed public office, duties — salaried public administrators deemed county officials — City of St. Louis, appointments of administrators.
- 473.770 Deputies, appointment, tenure, compensation, powers (first classification counties) — delegation of duties, certain counties.
- 473.771 Deputies, appointment in all counties but counties of the first classification — tenure — compensation — powers — delegation to deputies.
- 475.010 Definitions.
- 475.016 Persons adjudged incompetent prior to September 28, 1983 — review — effect on prior appointed guardians — one year to meet new reporting requirements.
- 475.050 Appointment of guardian or conservator of disabled or incapacitated persons — order of priority.
- 475.060 Application for guardianship — petition for guardianship requirements — incapacitated persons, petition requirements.
- 475.061 Application for conservatorship — may combine with petition for guardian of person.
- 475.062 Procedures for petition for appointment of conservator.
- 475.070 Notice of petition for appointment of guardian or conservator for a minor — service on parents of minor not required, when.
- 475.075 Hearing on capacity or disability — notice — service — contents of petition, appointment of attorney — examination of respondent, when — burden of proof — rights of respondent — factors court to consider.
- 475.078 Effect of adjudication.

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

- 475.079 Order appointing guardian or conservator.
- 475.080 Appointment of limited guardian or conservator.
- 475.082 Review of status of persons under guardianship or conservatorship — required report, content.
- 475.083 Termination of guardianship or conservatorship, when.
- 475.084 Visitation, parent may petition for, when.
- 475.094 Conservator, authorized exercise of powers.
- 475.120 General powers and duties of guardian of the person — social service agency acting on behalf of ward, requirements — preneed funeral contract permitted, when — exercise of authority.
- 475.125 Support and education of protectee and dependents.
- 475.130 General duties and powers of conservator of estate.
- 475.145 Inventory and appraisal.
- 475.230 Sales of real estate, how made — notice required.
- 475.270 Annual settlements required, when, exception — information required.
- 475.276 Order waiving settlement, when.
- 475.290 Final settlement required, when — notice.
- 475.320 Death of protectee, distribution of estate — administration, when.
- 475.341 Voidable transactions, exceptions.
- 475.342 Estate property, conservator's duties.
- 475.343 Personal financial resources, guardian not obligated to use — court order for ward's admission to mental health facility — authorized acts of social service agencies.
- 475.355 Temporary emergency detention.
- 475.357 Child custody and visitation, probate courts to have jurisdiction, when.
- 475.361 Wards, rights of.
- 630.005 Definitions.

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

**SECTION A. ENACTING CLAUSE.** — Sections 473.397, 473.398, 473.730, 473.770, 473.771, 475.010, 475.016, 475.050, 475.060, 475.061, 475.062, 475.070, 475.075, 475.078, 475.079, 475.080, 475.082, 475.083, 475.094, 475.120, 475.125, 475.130, 475.145, 475.230, 475.270, 475.276, 475.290, 475.320, 475.355, and 630.005, RSMo, are repealed and thirty-six new sections enacted in lieu thereof, to be known as sections 473.397, 473.398, 473.730, 473.770, 473.771, 475.010, 475.016, 475.050, 475.060, 475.061, 475.062, 475.070, 475.075, 475.078, 475.079, 475.080, 475.082, 475.083, 475.084, 475.094, 475.120, 475.125, 475.130, 475.145, 475.230, 475.270, 475.276, 475.290, 475.320, 475.341, 475.342, 475.343, 475.355, 475.357, 475.361, and 630.005, to read as follows:

**473.397. CLASSIFICATION OF CLAIMS AND STATUTORY ALLOWANCES.** — All claims and statutory allowances against the estate of a decedent shall be divided into the following classes:

- (1) Costs;
- (2) Expenses of administration;
- (3) Exempt property, family and homestead allowances;
- (4) Funeral expenses;
- (5) Debts and taxes due the United States of America;
- (6) **Debts for medical assistance owed to the state of Missouri under section 473.398;**
- (7) Expenses of the last sickness, wages of servants, claims for medicine and medical attendance during the last sickness, and the reasonable cost of a tombstone;
- ~~[(7)]~~ **(8)** Debts and taxes due the state of Missouri, any county, or any political subdivision of the state of Missouri;
- ~~[(8)]~~ **(9)** Judgments rendered against the decedent in his lifetime and judgments rendered upon attachments levied upon property of decedent during his lifetime;

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[(9)] **(10)** All other claims not barred by section 473.360.

**473.398. RECOVERY OF PUBLIC ASSISTANCE FUNDS FROM RECIPIENT'S ESTATE, WHEN AUTHORIZED — PROCEDURE — EXCEPTIONS.** — 1. Upon the death of a person, who has been a participant of aid, assistance, care, services, or who has had moneys expended on his behalf by the department of health and senior services, department of social services, or the department of mental health, or by a county commission, the total amount paid to the decedent or expended upon his behalf after January 1, 1978, shall be a debt due the state or county, as the case may be, from the estate of the decedent. The debt shall be collected as provided by the probate code of Missouri, chapters 472, 473, 474 and 475.

2. Procedures for the allowance of such claims shall be in accordance with this chapter, and such claims shall be allowed as a claim of [the seventh] **either the sixth or eighth** class under [subdivision (7)] **subdivisions (6) and (8)** of section 473.397.

3. Such claim shall not be filed or allowed if it is determined that:

(1) The cost of collection will exceed the amount of the claim;

(2) The collection of the claim will adversely affect the need of the surviving spouse or dependents of the decedent to reasonable care and support from the estate.

4. Claims consisting of moneys paid on the behalf of a participant as defined in 42 U.S.C. 1396 shall be allowed, except as provided in subsection 3 of this section, upon the showing by the claimant of proof of moneys expended. Such proof may include but is not limited to [the following items which are deemed to be competent and substantial evidence of payment:

(1)] computerized records maintained by any governmental entity as described in subsection 1 of this section of a request for payment for services rendered to the participant]; and

(2) The certified statement of the treasurer or his designee that the payment was made], **which shall be deemed to be competent and substantial evidence of payment.**

5. The provisions of this section shall not apply to any claims, adjustments or recoveries specifically prohibited by federal statutes or regulations duly promulgated thereunder. Further, the federal government shall receive from the amount recovered any portion to which it is entitled.

6. Before any probate estate may be closed under this chapter, with respect to a decedent who, at the time of death, was enrolled in MO HealthNet, the personal representative of the estate shall file with the clerk of the court exercising probate jurisdiction a release from the MO HealthNet division evidencing payment of all MO HealthNet benefits, premiums, or other such costs due from the estate under law, unless waived by the MO HealthNet division.

**473.730. PUBLIC ADMINISTRATORS — QUALIFICATIONS — ELECTION — OATH — BOND — PUBLIC ADMINISTRATOR DEEMED PUBLIC OFFICE, DUTIES — SALARIED PUBLIC ADMINISTRATORS DEEMED COUNTY OFFICIALS — CITY OF ST. LOUIS, APPOINTMENTS OF ADMINISTRATORS.** — 1. Every county in this state, except the City of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator in and for the public administrator's county. A candidate for public administrator shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and business taxes. Each candidate for public administrator shall provide to the election authority a copy of a signed affidavit from a surety company, indicating that the candidate meets the bond requirements for the office of public administrator under this section. The secretary of state shall notify each election authority of the

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requirements of this section. The secretary of state will provide the necessary forms to assure compliance of the requirements of this section.

2. Before entering on the duties of the public administrator's office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with one or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator's office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator's election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator's hands or under the public administrator's control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

3. The public administrator in all counties, in the performance of the duties required by chapters 473, 474, and 475, is a public officer. The duties specified by [section] **sections 475.120 and 475.343** are discretionary. The county shall defend and indemnify the public administrator against any alleged breach of duty, provided that any such alleged breach of duty arose out of an act or omission occurring within the scope of duty or employment.

4. After January 1, 2001, all salaried public administrators shall be considered county officials for purposes of section 50.333, subject to the minimum salary requirements set forth in section 473.742.

5. The public administrator for the City of St. Louis shall be appointed by a majority of the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc. Such public administrator shall meet the same qualifications and requirements specified in subsection 1 of this section for elected public administrators. The elected public administrator holding office on August 28, 2013, shall continue to hold such office for the remainder of his or her term.

**473.770. DEPUTIES, APPOINTMENT, TENURE, COMPENSATION, POWERS (FIRST CLASSIFICATION COUNTIES) — DELEGATION OF DUTIES, CERTAIN COUNTIES.** — 1. Whenever, in the judgment of any public administrator in any county of the first class, it is necessary for the proper and efficient conduct of the business of the public administrator's office that the public administrator appoint any deputies to assist the public administrator in the performance of his or her official duties as public administrator or as executor, administrator, personal representative, guardian, or conservator in any estates wherein the public administrator has been specially appointed, the public administrator may appoint one or more deputies to assist him or her in the performance of his or her duties as public administrator and as executor, administrator, personal representative, guardian, or conservator in the estates wherein the public administrator has been specially appointed. The appointment shall be in writing and shall be filed with the court, and, upon the filing, the court shall issue under its seal a certificate of the appointment for each deputy, stating that the appointee is vested with the powers and duties conferred by this section. The certificate shall be valid for one year from date, unless terminated prior thereto, and shall be renewed from year to year as long as the appointment remains in force, and may be taken as evidence of the authority of the deputy. The appointment and authority of any deputy may at any time be terminated by the public administrator by notice of the termination filed in the court, and upon termination the deputy shall surrender the public administrator's certificate of appointment.

2. In all counties of the first classification not having a charter form of government and containing a portion of a city having a population of three hundred thousand or more inhabitants,

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Matter in bold-face type is proposed language.

the compensation of each such deputy shall be set by the public administrator, with the approval of the governing body of the county, and shall be paid in equal monthly installments out of the county treasury. In all other counties of the first classification the compensation of each such deputy shall be prescribed and paid by the public administrator out of the fees to which he or she is legally entitled, and no part of such compensation shall be paid out of any public funds or assessed as costs or allowed in any estate.

3. Each deputy so appointed shall be authorized to perform such ministerial and nondiscretionary duties as may be delegated to him or her by the public administrator, including:

(1) Assembling, taking into possession, and listing moneys, checks, notes, stocks, bonds and other securities, and all other personal property of any and all estates in the charge of the public administrator;

(2) Depositing all moneys, checks, and other instruments for the payment of money in the bank accounts maintained by the public administrator for the deposit of such funds;

(3) Signing or countersigning any and all checks and other instruments for the payment of moneys out of such bank accounts, in pursuance of general authorization by the public administrator to the bank in which the same are deposited, as long as such authorization remains in effect;

(4) Entering the safe deposit box of any person or decedent whose estate is in the charge of the public administrator and any safe deposit box maintained by the public administrator for the safekeeping of assets in his or her charge, as a deputy of the public administrator, pursuant to general authorization given by the public administrator to the bank or safe deposit company in charge of any such safe deposit box, as long as such deputy-authorization remains in effect, and withdrawing therefrom and depositing therein such assets as may be determined by the public administrator. The bank or safe deposit company shall not be charged with notice or knowledge or any limitation of authority of the authorized deputy, unless specially notified in writing thereof by the public administrator, and may allow the deputy access to the safe deposit box, in the absence of notice, to the full extent allowable to the public administrator in person.

4. The enumeration of the foregoing powers shall not operate as an exclusion of any powers not specifically conferred. No authorized deputy shall exercise any power, other than as prescribed in this section, which shall require the exercise of a discretion enjoined by law to be exercised personally by the executor, administrator, personal representative, guardian, or conservator in charge of the estate to which the discretionary power refers.

5. Notwithstanding the provisions of subsections 3 and 4 of this section to the contrary, a public administrator in a county of the first classification having a charter form of government and containing all or part of a city with a population of at least three hundred thousand inhabitants, and a public administrator in any county of the first classification may delegate to any deputy appointed by the public administrator any of the duties of the public administrator enumerated in section 473.743, and sections 475.120 [and], 475.130, and **475.343**. Such public administrator may also delegate to a deputy who is a licensed attorney the authority to execute inventories, settlements, surety bonds, pleadings and other documents filed in any court in the name of the public administrator, and the same shall have the force and effect as if executed by the public administrator.

**473.771. DEPUTIES, APPOINTMENT IN ALL COUNTIES BUT COUNTIES OF THE FIRST CLASSIFICATION — TENURE — COMPENSATION — POWERS — DELEGATION TO DEPUTIES. —**

1. Whenever, in the judgment of any public administrator in any county which is not a county of the first classification, it is necessary for the proper and efficient conduct of the business of his or her office that the public administrator appoint a deputy to assist the public administrator in the performance of his or her official duties as public administrator or as executor, administrator,

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Matter in bold-face type is proposed language.

personal representative, guardian, or conservator in any estates wherein the public administrator has been specially appointed, the public administrator may appoint a deputy to assist him or her in the performance of his or her duties as public administrator and as executor, administrator, personal representative, guardian, or conservator in the estates wherein the public administrator has been specially appointed. The appointment shall be in writing and shall be filed with the court, and, upon the filing, the court shall issue under its seal a certificate of the appointment for the deputy, stating that the appointee is vested with the powers and duties conferred by this section. The certificate shall be valid for one year from the date, unless terminated prior thereto, and shall be renewed from year to year as long as the appointment remains in force, and may be taken as evidence of the authority of the deputy. The appointment and authority of a deputy may at any time be terminated by the public administrator by notice of the termination filed in the court, and upon termination the deputy shall surrender his or her certificate of appointment.

2. The compensation of a deputy appointed pursuant to the provisions of this section shall be prescribed and paid by the public administrator out of the fees to which he or she is legally entitled.

3. A deputy appointed pursuant to the provisions of this section shall be authorized to perform such ministerial and nondiscretionary duties as may be delegated to him or her by the public administrator, including:

(1) Assembling, taking into possession, and listing moneys, checks, notes, stocks, bonds and other securities, and all other personal property of any and all estates in the charge of the public administrator;

(2) Depositing all moneys, checks, and other instruments for the payment of money in the bank accounts maintained by the public administrator for the deposit of such funds;

(3) Signing or countersigning any and all checks and other instruments for the payment of moneys out of such bank accounts, in pursuance of general authorization by the public administrator to the bank in which the same are deposited, as long as such authorization remains in effect;

(4) Entering the safe deposit box of any person or decedent whose estate is in the charge of the public administrator and any safe deposit box maintained by the public administrator for the safekeeping of assets in his or her charge, as a deputy of the public administrator, pursuant to general authorization given by the public administrator to the bank or safe deposit company in charge of any such safe deposit box, as long as such authorization as a deputy remains in effect, and withdrawing therefrom and depositing therein such assets as may be determined by the public administrator. The bank or safe deposit company shall not be charged with notice or knowledge or any limitation of authority of the authorized deputy, unless specially notified in writing thereof by the public administrator, and may allow the deputy access to the safe deposit box, in the absence of notice, to the full extent allowable to the public administrator in person.

4. The enumeration of the foregoing powers shall not operate as an exclusion of any powers not specifically conferred. No authorized deputy shall exercise any power, other than as prescribed in this section, which shall require the exercise of a discretion enjoined by law to be exercised personally by the executor, administrator, personal representative, guardian, or conservator in charge of the estate to which the discretionary power refers.

5. Notwithstanding the provisions of subsections 3 and 4 of this section to the contrary, a public administrator in a county which is not a county of the first classification may delegate to any deputy appointed by the public administrator any of the duties of the public administrator enumerated in section 473.743, and sections 475.120 [and], 475.130, and **475.343**. Such public administrator may also delegate to a deputy who is a licensed attorney the authority to execute inventories, settlements, surety bonds, pleadings, and other documents filed in any court in the

name of the public administrator, and the same shall have the force and effect as if executed by the public administrator.

**475.010. DEFINITIONS.** — When used in this chapter, unless otherwise apparent from the context, the following terms mean:

- (1) "Adult", a person who has reached the age of eighteen years;
- (2) "Claims", liabilities of the protectee arising in contract, in tort or otherwise, before or after the appointment of a conservator, and liabilities of the estate which arise at or after the adjudication of disability or after the appointment of a conservator of the estate, including expenses of the adjudication and of administration. The term does not include demands or disputes regarding title of the protectee to specific assets alleged to be included in the estate;
- (3) "Conservator", one appointed by a court to have the care and custody of the estate of a minor or a disabled person. A "limited conservator" is one whose duties or powers are limited. The term "conservator", as used in this chapter, includes limited conservator unless otherwise specified or apparent from the context;
- (4) **"Conservator ad litem", one appointed by the court in which particular litigation is pending regarding the management of financial resources on behalf of a minor, a disabled person, or an unborn person in that particular proceeding or as otherwise specified in this chapter;**
- (5) "Custodial parent", the parent of a minor who has been awarded sole or joint physical custody of such minor, or the parent of an incapacitated person who has been appointed as guardian of such person, by an order or judgment of a court of this state or of another state or territory of the United States, or if there is no such order or judgment, the parent with whom the minor or incapacitated person primarily resides;
- [(5)] (6) "Disabled" or "disabled person", one who is:
  - (a) Unable by reason of any physical [or], mental, **or cognitive** condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage [his] **the person's** financial resources; or
  - (b) The term "disabled" or "disabled person", as used in this chapter includes the terms partially disabled or partially disabled person unless otherwise specified or apparent from the context;
- [(6)] (7) "Eligible person" or "qualified person", a natural person, social service agency, corporation or national or state banking organization qualified to act as guardian of the person or conservator of the estate pursuant to the provisions of section 475.055;
- [(7)] (8) "Guardian", one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person. A "limited guardian" is one whose duties or powers are limited. A "standby guardian" is one approved by the court to temporarily assume the duties of guardian of a minor or of an incapacitated person under section 475.046. The term "guardian", as used in this chapter, includes limited guardian and standby guardian unless otherwise specified or apparent from the context;
- [(8)] (9) "Guardian ad litem", one appointed by a court, in which particular litigation is pending[, to represent] **on behalf of** a minor, an incapacitated person, a disabled person, or an unborn person in that particular proceeding or as otherwise specified in this code;
- [(9)] (10) "Habilitation", [instruction, training, guidance or treatment designed to enable and encourage a intellectually disabled or developmentally disabled person as defined in chapter 630 to acquire and maintain those life skills needed to cope more effectively with the demands of his or her own person and of his or her environment] **a process of treatment, training, care, or specialized attention that seeks to enhance and maximize the ability of a person with an intellectual disability or a developmental disability to cope with the environment and to live**

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as determined by the person as much as possible, as is appropriate for the person considering his or her physical and mental condition and financial means;

[(10)] **(11)** "Incapacitated person", one who is unable by reason of any physical [or], mental, **or cognitive** condition to receive and evaluate information or to communicate decisions to such an extent that [he or she] **the person, even with appropriate services and assistive technology**, lacks capacity to [meet] **manage the person's** essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur. The term "incapacitated person" as used in this chapter includes the term partially incapacitated person unless otherwise specified or apparent from the context;

**(12)** "Interested persons", spouses, children, parents, adult members of a ward's or protectee's family, creditors or any others having a property right or claim against the estate of a protectee being administered, trustees of a trust of which the ward or protectee is a beneficiary, agents of a durable power of attorney for a ward or protectee, and children of a protectee who may have a property right or claim against or an interest in the estate of a protectee. This meaning may vary at different stages and different parts of a proceeding and shall be determined according to the particular purpose and matter involved;

[(11)] **(13)** "Least restrictive [environment] **alternative**", [that there shall be imposed on the personal liberty of the ward only such restraint as is necessary to prevent the ward from injuring himself or herself and others and to provide the ward with such care, habilitation and treatment as are appropriate for the ward considering his or her physical and mental condition and financial means] **with respect to the guardianship order and the exercise of power by the guardian, a course of action or an alternative that allows the incapacitated person to live, learn, and work with minimum restrictions on the person, as are appropriate for the person considering his or her physical and mental condition and financial means. "Least restrictive alternative" also means choosing the decision or approach that:**

**(a)** Places the least possible restriction on the person's personal liberty and exercise of rights and that promotes the greatest possible inclusion of the person into his or her community, as is appropriate for the person considering his or her physical and mental condition and financial means; and

**(b)** Is consistent with meeting the person's essential requirements for health, safety, habilitation, treatment, and recovery and protecting the person from abuse, neglect, and financial exploitation;

[(12)] **(14)** "Manage financial resources", either those actions necessary to obtain, administer, and dispose of real and personal property, intangible property, business property, benefits, income or any assets, or those actions necessary to prevent waste, loss or dissipation of property, or those actions necessary to provide for the care and support of such person or anyone legally dependent upon such person by a person of ordinary skills and intelligence commensurate with his or her training and education;

[(13)] **(15)** "Minor", any person who is under the age of eighteen years;

[(14)] **(16)** "Parent", the biological or adoptive mother or father of a child whose parental rights have not been terminated under chapter 211, including:

**(a)** A person registered as the father of the child by reason of an unrevoked notice of intent to claim paternity under section 192.016;

**(b)** A person who has acknowledged paternity of the child and has not rescinded that acknowledgment under section 193.215; and

**(c)** A person presumed to be the natural father of the child under section 210.822;

[(15)] **(17)** "Partially disabled person", one who is unable by reason of any physical [or], mental, **or cognitive** condition to receive and evaluate information or to communicate decisions to such an extent that such person lacks capacity to manage, in part, his or her financial resources;

[(16)] **(18)** "Partially incapacitated person", one who is unable by reason of any physical [or], mental, **or cognitive** condition to receive and evaluate information or to communicate decisions to the extent that such person lacks capacity to meet, in part, essential requirements for food, clothing, shelter, safety, or other care without court-ordered assistance;

[(17)] **(19)** "Protectee", a person for whose estate a conservator or limited conservator has been appointed or with respect to whose estate a transaction has been authorized by the court under section 475.092 without appointment of a conservator or limited conservator;

[(18)] **(20)** "Seriously ill", a significant likelihood that a person will become incapacitated or die within twelve months;

[(19)] **(21)** "Social service agency", a charitable organization organized and incorporated as a not-for-profit corporation under the laws of this state and which qualifies as an exempt organization within the meaning of Section 501(c)(3), or any successor provision thereto of the federal Internal Revenue Code;

[(20)] **(22)** "Standby guardian", one who is authorized to have the temporary care and custody of the person of a minor or of an incapacitated person under the provisions of section 475.046;

[(21)] **(23)** "Treatment", the prevention, amelioration or cure of a person's physical and mental illnesses or incapacities;

[(22)] **(24)** "Ward", a minor or an incapacitated person for whom a guardian, limited guardian, or standby guardian has been appointed.

**475.016. PERSONS ADJUDGED INCOMPETENT PRIOR TO SEPTEMBER 28, 1983 — REVIEW — EFFECT ON PRIOR APPOINTED GUARDIANS — ONE YEAR TO MEET NEW REPORTING REQUIREMENTS. — 1.** If there has been an adjudication of incompetency before September 28, 1983, any person so adjudicated shall be deemed totally incapacitated and totally disabled as defined in section 475.010, until such time as the probate division of the circuit court of the county of proper venue, upon the annual review proceeding prescribed by section 475.082 or otherwise, may review the nature of the incapacity or disability of the person so adjudicated and alter the nature of the adjudication if, as a consequence of the review, it appears to the court that the person is not both totally incapacitated and totally disabled as defined in section 475.010. A guardian of the person appointed before September 28, 1983, shall be deemed a guardian as defined in section 475.010. A guardian of the estate appointed before September 28, 1983, shall be deemed a conservator as defined in section 475.010.

**2. Existing guardians and conservators shall have one year after August 28, 2018, to meet any annual and other reporting requirements that are different from the former requirements of chapter 475 prior to August 28, 2018.**

**475.050. APPOINTMENT OF GUARDIAN OR CONSERVATOR OF DISABLED OR INCAPACITATED PERSONS — ORDER OF PRIORITY. — 1.** Before appointing any other eligible person as guardian of an incapacitated person, or conservator of a disabled person, the court shall consider the suitability of appointing any of the following persons, **listed in the order of priority**, who appear to be willing to serve:

(1) If the incapacitated or disabled person is, at the time of the hearing, able to make and communicate a reasonable choice, any eligible person nominated by the person;

(2) Any eligible person nominated in a durable power of attorney executed by the incapacitated or disabled person, or in an instrument in writing signed by the incapacitated or disabled person and by two witnesses who signed at the incapacitated or disabled person's request, before the inception of the person's incapacity or disability[, at a time within five years before the hearing when the person was able to make and communicate a reasonable choice];

(3) The spouse, parents, adult children, adult brothers and sisters and other close adult relatives of the incapacitated or disabled person;

(4) Any other eligible person or, with respect to the estate only, any eligible organization or corporation, nominated in a duly probated will of such a spouse or relative [executed within five years before the hearing].

**2. The court shall not appoint an unrelated third party as a guardian or conservator unless there is no relative suitable and willing to serve or if the appointment of a relative or nominee is otherwise contrary to the best interests of the incapacitated or disabled person. If the incapacitated or disabled person is a minor under the care of the children's division and is entering adult guardianship or conservatorship, it shall be a rebuttable presumption that he or she has no relative suitable and willing to serve as guardian or conservator.**

3. Except for good cause shown, the court shall make its appointment in accordance with the incapacitated or disabled person's most recent valid nomination of an eligible person qualified to serve as guardian of the person or conservator of the estate. [In the event there is not brought to the attention of the court any such valid nomination executed within five years before the hearing, then the court shall give consideration to the most recent valid nomination brought to its attention, but the court shall not be required to follow such nomination.]

**4. Except for those individuals specified in subdivisions (1) and (2) of this subsection, the court shall require all guardians and conservators who are seeking appointment and who have a fiduciary responsibility to a ward, an incapacitated person, or a disabled person to submit at their own expense to a background screening that shall include the disqualification lists of the departments of mental health, social services, and health and senior services; the abuse and neglect registries for adults and children; a Missouri criminal record review; and the sexual offender registry. Individuals seeking appointment as a conservator shall also submit, at their own expense, to a credit history investigation. The nominated guardian or conservator shall file the results of the reports with the court at least ten days prior to the appointment hearing date unless waived or modified by the court for good cause shown by an affidavit filed simultaneously with the petition for appointment or in the event the protected person requests an expedited hearing. The provisions of this subsection shall not apply to:**

**(1) Public administrators; or**

**(2) The ward's, incapacitated person's, or disabled person's spouse, parents, children who have reached eighteen years of age, or siblings who have reached eighteen years of age.**

**5. Guardians certified by a national accrediting organization may file proof of certification in lieu of the requirements of subsections 4 and 6 of this section.**

**6. An order appointing a guardian or conservator shall not be signed by the judge until such reports have been filed with the court and reviewed by the judge, who shall consider the reports in determining whether to appoint a guardian or conservator. Such reports, or lack thereof, shall be certified either by an affidavit or by obtaining a certified copy of the reports. No reports or national criminal history record check shall be required by the court upon the application of a petitioner for an emergency temporary guardianship or emergency temporary conservatorship. The court may waive the requirements of this subsection for**

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**good cause shown. If appointed, a guardian or conservator may petition the court for reimbursement of the reasonable expenses of the credit history investigation and background screenings.**

**475.060. APPLICATION FOR GUARDIANSHIP — PETITION FOR GUARDIANSHIP REQUIREMENTS — INCAPACITATED PERSONS, PETITION REQUIREMENTS.** — 1. Any person may file a petition for the appointment of himself or herself or some other qualified person as guardian of a minor. Such petition shall state:

(1) The name, age, domicile, actual place of residence and post office address of the minor if known and if any of these facts is unknown, the efforts made to ascertain that fact;

(2) The estimated value of the minor's real and personal property, and the location and value of any real property owned by the minor outside of this state;

(3) If the minor has no domicile or place of residence in this state, the county in which the property or major part thereof of the minor is located;

(4) The name and address of the parents of the minor and whether they are living or dead;

(5) The name and address of the spouse, and the names, ages and addresses of all living children of the minor;

(6) The name and address of the person having custody of the person of the minor **or who claims to have custody of the person of the minor;**

(7) The name and address of any guardian of the person or conservator of the estate of the minor appointed in this or any other state;

(8) If appointment is sought for a natural person, other than the public administrator, the names and addresses of wards and disabled persons for whom such person is already guardian or conservator;

(9) The name and address of the trustees and the purpose of any trust of which the minor is a qualified beneficiary;

(10) The reasons why the appointment of a guardian is sought;

(11) A petition for the appointment of a guardian of a minor may be filed for the sole and specific purpose of school registration or medical insurance coverage. Such a petition shall clearly set out this limited request and shall not be combined with a petition for conservatorship;

**(12) If the petitioner requests the appointment of co-guardians, a statement of the reasons why such appointment is sought and whether the petitioner requests that the co-guardians, if appointed, may act independently or whether they may act only together or only together with regard to specified matters;**

**(13) That written consent has been obtained from any person, including a public administrator, who is to be appointed as a co-guardian; and**

**(14) Whether the petitioner knows of any other court having jurisdiction over the minor and the name of the court, if known.**

2. Any person may file a petition for the appointment of himself or herself or some other qualified person as guardian **or limited guardian** of an incapacitated person. Such petition shall state:

(1) If known, the name, age, domicile, actual place of residence, and post office address of the alleged incapacitated person, and for the period of three years before the filing of the petition, the most recent addresses, up to three, at which the alleged incapacitated person lived prior to the most recent address, and if any of these facts is unknown, the efforts made to ascertain that fact. In the case of a petition filed by a public official in his or her official capacity, the information required by this subdivision need only be supplied to the extent it is reasonably available to the petitioner;

(2) The estimated value of the alleged incapacitated person's real and personal property, and the location and value of any real property owned by the alleged incapacitated person outside of this state;

(3) If the alleged incapacitated person has no domicile or place of residence in this state, the county in which the property or major part thereof of the alleged incapacitated person is located;

(4) The name and address of the parents of the alleged incapacitated person and whether they are living or dead;

(5) The name and address of the spouse, the names, ages, and addresses of all living children of the alleged incapacitated person, the names and addresses of the alleged incapacitated person's closest known relatives, and the names and relationship, if known, of any adults living with the alleged incapacitated person; if no spouse, adult child, or parent is listed, the names and addresses of the siblings and children of deceased siblings of the alleged incapacitated person; the name and address of any agent appointed by the alleged incapacitated person in any durable power of attorney, and of the presently acting trustees of any trust of which the alleged incapacitated person is the grantor or is a qualified beneficiary or is or was the trustee or cotrustee and the purpose of the power of attorney or trust;

(6) The name and address of the person having custody of the person of the alleged incapacitated person;

(7) The name and address of any guardian of the person or conservator of the estate of the alleged incapacitated person appointed in this or any other state;

(8) If appointment is sought for a natural person, other than the public administrator, the names and addresses of wards and [disabled persons] **protectees** for whom such person is already guardian or conservator;

(9) The [fact] **factual basis for the petitioner's conclusion** that the person for whom guardianship is sought is unable **or partially unable** by reason of some specified physical [or], mental, **or cognitive** condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks capacity to meet essential requirements for food, clothing, shelter, safety, or other care such that serious physical injury, illness, or disease is likely to occur;

(10) The reasons, **incidents, and specific behaviors demonstrating** why the appointment of a guardian **or limited guardian** is sought;

(11) **If the petitioner suggests the appointment of co-guardians, a statement of the reasons why such appointment is sought and whether the petitioner suggests that the co-guardians, if appointed, may act independently or whether they may act only together or only together with regard to specified matters; and**

(12) **Written consent has been obtained from any person, including a public administrator, who is to be appointed as a co-guardian.**

**3. If the person filing the petition seeks the appointment of an emergency guardian, the petition shall include the same requirements as provided in subsection 1 of this section and shall request the appointment per the requirements provided in subsection 15 of section 475.075.**

**475.061. APPLICATION FOR CONSERVATORSHIP — MAY COMBINE WITH PETITION FOR GUARDIAN OF PERSON.** — 1. Any person may file a petition in the probate division of the circuit court of the county of proper venue for the appointment of himself **or herself** or some other qualified person as conservator of the estate of a minor or disabled person. The petition shall contain the same allegations as are set forth in subdivisions (1), (8), and (10) of subsection 2 of section 475.060 with respect to the appointment of a guardian for an incapacitated person and, in addition thereto, an allegation that the respondent is unable by reason of some specific physical or

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[mental] **cognitive** condition to receive and evaluate information or to communicate decisions to such an extent that the respondent lacks ability to manage his financial resources or that the respondent is under the age of eighteen years.

2. A petition for appointment of a conservator or limited conservator of the estate may be combined with a petition for appointment of a guardian or limited guardian of the person. In such a combined petition allegations need not be repeated.

**475.062. PROCEDURES FOR PETITION FOR APPOINTMENT OF CONSERVATOR.**— 1. [When a petition for appointment of a conservator of the estate of an alleged disabled person is made by said person, or said person's consent to the appointment sought is endorsed on the petition or filed with it, the court, after appointment of counsel for the alleged disabled person, if satisfied, by interview with the alleged disabled person or otherwise, that the alleged disability does exist, that the disabled person wishes the appointment and has capacity to understand the need for it and make a reasonable choice of conservator and that the person nominated as conservator is suitable, qualified and has or will accept the appointment, may, without notice or hearing, appoint as conservator of the estate, the person, organization or corporation designated by the disabled person. If it appears that the alleged disabled person is a codepositor or cotenant, the other codepositors and cotenants shall, in any event, be given notice before the court acts.

2.] When a petition for appointment of a conservator of the estate of an alleged disabled person is not made or consented to by said alleged disabled person, the procedures as to notice, appointment of counsel, hearing and adjudication of disability as prescribed by section 475.075 shall be followed.

**2. If a petition for appointment of a conservator is made by a person on account of that person's alleged disability or is made by another on behalf of that person with that person's consent endorsed on the petition or filed therewith, the court shall first appoint an attorney for that person. The court-appointed attorney shall advise the respondent of the respondent's rights and of the consequences of the appointment of the conservator.**

**3. If the court determines that the disability exists and the respondent desires the appointment, understands its purpose, and makes a reasonable choice of conservator, the court may, without notice or hearing, appoint the person, organization, or corporation designated by the respondent as conservator of the respondent's estate, provided that the conservator is suitable and qualified and has accepted or will accept the appointment.**

**4. If it appears that the respondent is a codepositor or cotenant, the other codepositors and cotenants shall, in any event, be given notice before the court acts.**

[3.] **5.** If the whereabouts of a person alleged to be disappeared or detained pursuant to section 475.081 is unknown or the place or nature of his confinement or detention prevents personal service, service shall be made on him by publication in accordance with the rules of civil procedure.

**475.070. NOTICE OF PETITION FOR APPOINTMENT OF GUARDIAN OR CONSERVATOR FOR A MINOR — SERVICE ON PARENTS OF MINOR NOT REQUIRED, WHEN.**— 1. Before appointing a guardian or conservator for a minor, notice of the petition therefor shall be served upon the following unless they have signed such petition or have waived notice thereof:

- (1) The minor, if over fourteen years of age;
- (2) The parents of the minor;
- (3) The spouse of the minor;
- (4) **The person or entity nominated to serve as guardian or conservator;**
- (5) If directed by the court:

(a) Any person who has been appointed guardian or any person having care and custody of the minor;

(b) Any department, bureau or agency of the United States or of this state or any political subdivision thereof, which makes or awards compensation, pension, insurance or other allowance for the benefit of the ward's estate;

(c) Any department, bureau or agency of this state or any political subdivision thereof or any charitable organization of this state, which may be charged with the supervision, control or custody of the minor.

2. If the minor is over fourteen years of age, there shall be personal service upon him if personal service can be had. Service on others may be had in accordance with section 472.100.

3. If a petition for the appointment of a guardian of a minor is filed for the sole and specific purpose of school registration or medical insurance coverage, upon the filing of an affidavit by the petitioner stating that, after due and diligent effort to the best of his or her ability, the whereabouts or identity of either or both parents of the minor remains unknown, the court may proceed with the appointment of such a guardian without having obtained service upon the parents of the minor.

**475.075. HEARING ON CAPACITY OR DISABILITY — NOTICE — SERVICE — CONTENTS OF PETITION, APPOINTMENT OF ATTORNEY — EXAMINATION OF RESPONDENT, WHEN — BURDEN OF PROOF — RIGHTS OF RESPONDENT — FACTORS COURT TO CONSIDER. — 1.** Except as otherwise provided in section 475.062, when a petition for the appointment of a guardian ad litem, guardian, or conservator [against] **for any [person] potential ward or protectee, [hereinafter] who is then** referred to as the respondent, is filed **under this chapter** on grounds other than minority, the court, if satisfied that there is good cause for the exercise of its [jurisdiction] **authority**, shall promptly set the petition for hearing.

2. The respondent shall be served in person with the following: A copy of the petition; a written notice stating the time and place the proceeding will be heard by the court, the name and address of appointed counsel, and the names and addresses of the witnesses who may be called to testify in support of the petition; and with a copy of the respondent's rights as set forth in subsections [7 and 8] **9 and 10** of this section. The notice shall be signed by the judge or clerk of the court and served in person on the respondent a reasonable time before the date set for the hearing. [The petition shall state the names and addresses of the] **A written notice stating the time and place for the petition to be heard by the court, and the name and address of counsel appointed to represent the respondent shall be served upon the** spouse, parents, children who have reached **the age of** eighteen, any person serving as [his] **the respondent's** guardian, conservator, limited guardian, or limited conservator, **any person proposed to serve as guardian or conservator**, any person having power to act in a fiduciary capacity with respect to any of the respondent's financial resources, [and] any person having [his] **the respondent's** care and custody known to the petitioner, **and any cotenants or codepositors with the respondent**. Each person so listed shall be served [with like notice] in any manner permitted by section 472.100. If no such spouse, parent, or child is known, notice shall be given to at least one of [his] **the respondent's** closest relatives who [has] **have reached eighteen years of age**.

3. **If the public administrator is nominated as guardian or conservator or at any stage of the proceeding is being considered by the court to be nominated as guardian or conservator, the public administrator shall receive a copy of the petition from the petitioner or the court and any accompanying documents, including exhibits and medical opinions, receive written notice indicating the date and time of the proceeding, and have an opportunity to attend and be heard.**

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4. Upon the filing of a petition under the provisions of subsection 1 of this section or for the approval on behalf of the respondent of a transaction pursuant to section 475.092 or for the rendition of emergency medical treatment under the provisions of section 475.123, the court shall immediately appoint an attorney to represent the respondent in the proceeding. The attorney shall visit [his client] **the respondent at least twenty-four hours** prior to the hearing **unless the court finds good cause for waiving this requirement**. If the [client] **attorney finds that the respondent** is capable of understanding the matter in question or of contributing to the advancement of the [client's] **respondent's** interest, the attorney shall obtain from the [client] **respondent** all possible aid. If the [disability of a client compels the attorney to make decisions for the client,] **attorney finds that the respondent is so impaired that the respondent cannot communicate or participate in the proceedings**, the attorney shall consider all circumstances then prevailing and act with care to safeguard and advance the interests of the [client] **respondent**.

5. **If the court enters an order appointing an attorney for the respondent, it shall specify that the attorney shall have the right to obtain all medical and financial information of the respondent from medical care providers and financial institutions, and no medical care provider or financial institution shall be liable for damages or otherwise for the release of this information to the attorney appointed for the respondent.** The court shall allow a reasonable attorney's fee for the services rendered, to be taxed as costs of the proceeding. **Upon entry of appearance by private counsel on behalf of the respondent, the court may permit the court-appointed attorney [may be permitted] to withdraw [if the respondent employs private counsel who enters an appearance on behalf of said person] only if after a hearing the court finds cause to permit the withdrawal. The private counsel shall meet the requirements of the court-appointed attorney in representing the respondent as provided in subsection 4 of this section. The respondent's attorney shall not also serve as guardian ad litem or conservator ad litem for the respondent unless and until a judgment granting guardianship, conservatorship, limited guardianship, or limited conservatorship has been entered by the court. If the attorney for the respondent has filed or intends to file an appeal of such judgment, the attorney for the respondent shall not serve as guardian ad litem or conservator ad litem for the respondent until all proceedings in connection with such appeal have been finally resolved. The petitioner shall not nominate an attorney for the respondent.**

[4.] 6. The court may direct that the respondent be examined by a physician [or], licensed psychologist, or other appropriate professional [designated by the court, and may allow a reasonable fee for the services rendered, to be taxed as costs in the proceeding] **if the other professional has experience or training in the alleged mental, physical, or cognitive impairment**. The court-appointed physician, licensed psychologist, or other professional shall, prior to examination, explain to the respondent in simple language, the following:

(1) [Incapacity or disability as defined in section 475.010;

(2)] That the purpose of the examination is to produce evidence which may be used to determine whether the respondent is incapacitated, disabled [or], partially incapacitated, or **partially** disabled;

[(3)] (2) That respondent has the right to remain silent;

[(4)] (3) That anything respondent says may be used at the court hearing, and in making the determination of incapacity or disability.

[5.] 7. The court-appointed physician, licensed psychologist, or other professional shall submit [his] a report in writing to the court and to counsel for all parties. **It shall not be a valid objection to the review of the report by the court or the attorneys for the parties that the court will be responsible for the ultimate determination of incapacity or partial incapacity.**

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**If other objections to the report are made by any party, the court may order a hearing for the limited purpose of determining whether the court shall admit the report. The court may allow a reasonable fee for the services rendered by the physician, licensed psychologist, or other professional to be taxed as costs in the proceeding.**

[6.] **8.** If prima facie proof of partial or complete incapacity or disability, **with or without the court ordered evaluation as provided in subsections 6 and 7 of this section**, is made **upon motion by any party or the court on its own motion**, a physician [or], licensed psychologist, **or other appropriate professional** is competent and may be compelled **by the court** to testify as to information acquired from the respondent, despite otherwise applicable testimonial privileges. Evidence received under this subsection [which] **that** would otherwise be privileged **and confidential** may not be used in any other civil action or criminal proceeding without the consent of the holder of the privilege. **Any resulting report shall be shared with the respondent and counsel for all parties but shall not be used in any other civil action or criminal proceeding without the consent of the holder of the privilege.**

[7.] **9.** The petitioner has the burden of proving incapacity, partial incapacity, disability, or partial disability by clear and convincing evidence.

[8.] **10.** The respondent shall have the following rights in addition to those elsewhere specified **and shall be advised of these rights by the attorney for the respondent:**

- (1) The right to be represented by an attorney;
- (2) The right to have a jury trial;
- (3) The right to present evidence in [his] **the respondent's** behalf;
- (4) The right to cross-examine witnesses who testify against [him] **the respondent;**
- (5) The right to remain silent;
- (6) The right to have the hearing opened or closed to the public as [he] **the respondent** elects;
- (7) The right to a hearing conducted in accordance with the rules of evidence in civil proceedings, except as modified by this chapter;
- (8) The right to be present at the hearing;
- (9) **The right to appeal the court's decision.**

[9.] **11.** If the court finds that the respondent possesses capacity to [meet his] **manage the respondent's** essential requirements for food, clothing, shelter, safety, and other care or that [he] **the respondent** possesses the ability to manage [his] **the respondent's** financial resources, [it] **the court** shall deny the petition. On the other hand, if the court finds that the capacity of the respondent to receive and evaluate information or to communicate decisions is impaired to such an extent as to render [him] **the respondent** incapable of [meeting] **managing** some or all of [his] **the respondent's** essential requirements for food, clothing, shelter, safety or other care so that serious physical injury, illness, or disease is likely to occur, or that the [ability] **capacity** of the respondent to receive and evaluate information or to communicate decisions is impaired to such an extent so as to render [him] **the respondent** unable to manage some or all of [his] **the respondent's** financial resources, [it shall make and recite in its order detailed findings of fact stating:

- (1) The extent of his physical and mental incapacity to care for his person;
- (2) The extent of his physical and mental disability to manage his financial resources;
- (3) Whether or not he requires placement in a supervised living situation and, if so, the degree of supervision needed;
- (4) Whether or not his financial resources require supervision and, if so, the nature and extent of supervision needed] **the court shall appoint a guardian or limited guardian, a conservator or limited conservator, or both in combination.**

[10.] **12.** If the court finds the respondent to be in some degree incapacitated or disabled, or both, the court, in determining the degree of supervision necessary, shall apply the least restrictive [environment] **alternative** principle as defined in this chapter and shall not restrict [his] **the respondent's** personal liberty or [his] **the respondent's** freedom to manage [his] **the respondent's** financial resources to any greater extent than is necessary to protect [his] **the respondent's** person and [his] **the respondent's** financial resources. [The court shall consider whether or not the respondent may be fully protected by the rendition of temporary protective services provided by a private or public agency or agencies; or by the appointment of a guardian or conservator ad litem; or by the appointment of a limited guardian or conservator; or, as a last resort, by the appointment of a guardian or conservator.] The limitations imposed upon the authority of the guardian or conservator as set forth in the findings of the court shall be stated in the letters of the guardian or conservator and shall be set forth in the notice of first publication of letters of conservatorship granted.

**13. Before appointing a guardian or conservator, the court shall consider whether the respondent's needs may be met without the necessity of the appointment of a guardian or conservator, or both, by a less restrictive alternative including, but not limited to, the following:**

- (1) Evidence that the respondent has appointed an attorney-in-fact in a durable power of attorney executed by the respondent before the petition was filed;**
- (2) The management of the beneficial interests of the respondent in a trust by a trustee;**
- (3) Evidence that a representative payee has been appointed to manage the respondent's public benefits;**
- (4) Supported decision-making agreements or the provision of protective or supportive services or arrangements provided by individuals or public or private services or agencies;**
- (5) The use of appropriate services or assistive technology;**
- (6) The appointment of a temporary emergency guardian ad litem or conservator ad litem under subsection 15 of this section; or**
- (7) The appointment of a limited guardian or conservator.**

**14. The court shall make and recite in its order detailed findings of fact stating:**

- (1) The extent of the respondent's physical, mental, and cognitive incapacity to manage essential requirements for food, clothing, shelter, safety, or other care;**
- (2) The extent of the respondent's physical, mental, and cognitive incapacity to manage the respondent's financial resources;**
- (3) Whether the respondent requires placement in a supervised living situation and, if so, the degree of supervision needed;**
- (4) Whether the respondent's financial resources require supervision and, if so, the nature and extent of supervision needed;**
- (5) Whether the respondent retains the right to vote;**
- (6) Whether the respondent is permitted to drive a motor vehicle if the respondent can pass the required driving test; and**
- (7) Whether the respondent retains the right to marry.**

[11.] **15.** If it is **alleged in a petition that** an alleged incapacitated or disabled [person] **respondent** has no guardian or conservator and an emergency exists [which] **that** presents a substantial risk that serious physical harm will occur to [his] **the respondent's** person or irreparable damage will occur to [his] **the respondent's** property because of [his] **the respondent's** failure or inability to provide for [his] **the respondent's** essential human needs or to protect [his] **the respondent's** property, the court may, with notice to such person's attorney, as provided in subsection [3] **4** of this section, and service of notice upon such person as provided in

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Matter in bold-face type is proposed language.

subsection 2 of this section, and, with or without notice to other persons interested in the proceeding, after hearing, appoint [a] **an emergency guardian ad litem** or conservator ad litem for a specified period not to exceed [thirty] **ninety** days and for specified purposes. **Except for good cause shown, the court shall hold a hearing on petitions filed under this section within five business days of the filing of the petition.** Orders appointing the guardian or conservator ad litem may be modified upon motion and hearing. **Only** after a hearing and a showing of continuing emergency need, [orders appointing the] **the court may order the extension of the appointment of an emergency guardian ad litem** or conservator ad litem [may be extended] from time to time, not to exceed [thirty] **ninety** days each. A guardian **ad litem** or conservator ad litem may be removed at any time and shall make any report the court requires. Proceedings under this subsection shall not be employed as alternative to proceedings for the involuntary detention and treatment of a mentally ill person under the provisions of chapter 632. **If no petition for guardianship, conservatorship, limited guardianship, or limited conservatorship has been filed within the first ninety days following the granting of emergency authority under this section, the court may terminate the authority granted under the emergency letters upon motion of the attorney for the respondent and a finding that doing so would not be manifestly contrary to the respondent's interest.**

**475.078. EFFECT OF ADJUDICATION.** — 1. An adjudication of partial incapacity or partial disability does not operate to impose upon the ward or protectee any legal disability provided by law except to the extent specified in the order of adjudication, provided that the court shall not impose upon the ward or protectee any legal disability other than those which are consistent with the condition of the ward or protectee.

2. An adjudication of incapacity or disability does operate to impose upon the ward or protectee all legal disabilities provided by law, except to the extent specified in the order of adjudication **or otherwise in this chapter**, and provided further that the court is without [jurisdiction] **authority** to impose any legal disability upon a disabled person for whom a conservator has been appointed by reason of [his] **the person's** disappearance, detention, or confinement.

3. A person who has been adjudicated incapacitated or disabled or both shall be presumed to be incompetent, **except as otherwise specified in this chapter**. A person who has been adjudicated partially incapacitated or partially disabled or both shall be presumed to be competent. The court at any time after a hearing on the question may determine that an incapacitated, disabled, or partially incapacitated or partially disabled person is incompetent for some purposes and competent for other purposes.

4. **The court may expressly enter an order that the ward's or protectee's right to vote shall be retained even though the ward or protectee is otherwise totally incapacitated; that the ward or protectee is permitted to drive a motor vehicle if the ward or protectee can pass the required driving test; or that the ward or protectee retains the right to marry.**

**475.079. ORDER APPOINTING GUARDIAN OR CONSERVATOR.** — 1. If it appears to the court [that a guardian should be appointed for a minor who is not incapacitated] or if it is found by the jury or the court upon proof by clear and convincing evidence that the person for whom a guardian is sought is incapacitated as defined in this law **and that the respondent's identified needs cannot be met by a less restrictive alternative**, the court may appoint a guardian of the person. [The appointment of guardians of minors shall be made in accordance with section 475.045, except that if a person entitled to appointment as a guardian or entitled to select a guardian fails to appear

after notice or to apply for such appointment or make selection in accordance with the order of the court the court may appoint any suitable person as guardian.]

2. If it is found that the person for whom a conservator of the estate is sought is a minor or is disabled as defined in section 475.010 by a disability other than or in addition to minority **and that the respondent's identified needs cannot be met by a less restrictive alternative**, the court may appoint a conservator of the estate, who may be the same person appointed guardian of the person.

3. **The court shall not appoint the public administrator to serve as guardian, limited guardian, conservator, limited conservator, emergency guardian, emergency conservator, guardian ad litem, or conservator ad litem unless notice is first given to the public administrator as provided in subsection 3 of section 475.075 and the public administrator has an opportunity to participate in any hearing on such matter, including the right to cross-examine witnesses and to offer witnesses and evidence. The public administrator may waive notice and the opportunity to participate.**

**475.080. APPOINTMENT OF LIMITED GUARDIAN OR CONSERVATOR.** — 1. If the court, after hearing, finds that a person is partially incapacitated **and that the respondent's identified needs cannot be met by a less restrictive alternative**, the court shall appoint a limited guardian of the person of the ward. The order of appointment shall specify the powers and duties of the limited guardian so as to permit the partially incapacitated ward to [care for himself] **provide for self-care** commensurate with [his] **the ward's** ability to do so and shall also specify the legal disabilities to which the ward is subject. In establishing a limited guardianship, the court shall impose only such legal disabilities and restraints on personal liberty as are necessary to promote and protect the well-being of the individual and shall design the guardianship so as to encourage the development of maximum self-reliance and independence in the individual.

2. If the court, after hearing, finds that a person is partially disabled **and that the respondent's identified needs cannot be met by a less restrictive alternative**, the court shall appoint a limited conservator of the estate. The order of appointment shall specify the powers and duties of the limited conservator so as to permit the partially disabled person to manage [his] **the person's** financial resources commensurate with [his] **the person's** ability to do so.

**475.082. REVIEW OF STATUS OF PERSONS UNDER GUARDIANSHIP OR CONSERVATORSHIP — REQUIRED REPORT, CONTENT.** — 1. At least annually, the court shall inquire into the status of every **adult** ward and protectee under its jurisdiction for the purpose of determining whether the incapacity or disability may have ceased **or changed** and to insure that the guardian or conservator is discharging [his] **the guardian's or conservator's** responsibilities and duties in accordance with this chapter.

2. In order to implement the court review prescribed by this section, the guardian or limited guardian shall file annually on the anniversary date of [his] **the guardian's or limited guardian's** letters[,] a report concerning the personal status of the **adult** ward **and plans by the guardian or limited guardian for future care**. Such report may be combined with the settlement of accounts if the guardian is also conservator of the estate of the ward. The report shall be in the form prescribed by the court and shall include the following information:

- (1) The present address of the ward;
- (2) The present address of the guardian;

(3) **Unless the report specifies that the ward is living with the guardian**, the number of times the guardian has had contact with the ward, and the nature of such contacts including the date the ward was last seen by the guardian;

(4) **A summary of the guardian's visits with the ward and activities on the ward's behalf and the extent to which the ward has participated in decision-making;**

(5) If the ward is institutionalized, whether the guardian has received a copy of the treatment or habilitation plan **and, if so, the date of such plan**, and whether the guardian agrees with its provision;

[(5)] (6) The date the ward was last seen by a physician **or other professional** and the purpose;

[(6) Any major changes in the physical or mental condition of the ward observed by the guardian] (7) **The current mental and physical condition of the ward and any major changes in the ward's condition since the last report;**

[(7)] (8) The opinion of the guardian as to the need for the continuation of the guardianship and whether it is necessary to increase or decrease the powers of the guardian; **and**

[(8) The opinion of the guardian as to the adequacy of the present care of the ward] (9) **A summarized plan for the coming year. If an individual support plan, treatment plan, or plan of care is in place, such plan may be submitted in lieu of the requirements of this subdivision.**

3. The court may as part of its review, in its discretion, order the performance of a mental status evaluation of [an incapacitated] **the** ward and may require any hospital, physician, or custodial facility to submit copies of their records relating to the treatment, habilitation, or care of the ward. **The court, as part of its review and in its discretion, may also contact the department of health and senior services or other appropriate agencies to investigate the conduct of the guardian and report its findings to the court.**

4. If there is an indication that the incapacity or disability of the ward or protectee has ceased, the court shall appoint an attorney to file on behalf of the ward or protectee a petition for termination of the guardianship or conservatorship or for restoration.

5. If it appears to the court as part of its review or at any time upon motion of any interested person, including the ward or protectee or some person on [his] behalf **of the ward or protectee**, that the guardian or conservator is not discharging [his] **the guardian's or conservator's** responsibilities and duties as required by this chapter or has not acted in the best interests of [his] **the** ward or protectee, the court may order that a hearing be held and direct that the guardian or conservator appear before the court. In the event that such a hearing is ordered and the ward or protectee is not represented by an attorney, the court shall appoint an attorney to represent the ward or protectee in the proceedings. At the conclusion of the hearing, if the court finds that the guardian or conservator is not discharging his **or her** duties and responsibilities as required by this code[,] or is not acting in the best interests of the ward or protectee, the court shall enter such orders as it deems appropriate under the circumstances. Such orders may include the removal of the guardian or conservator and the appointment of a successor guardian or conservator or termination of the guardianship or conservatorship on finding that the ward has recovered [his] capacity or the protectee is no longer disabled. The court, in framing its orders and findings, shall give due consideration to the exercise by the guardian or conservator of any discretion vested in [him] **the guardian or conservator** by law.

**475.083. TERMINATION OF GUARDIANSHIP OR CONSERVATORSHIP, WHEN.** — 1. The authority of a guardian or conservator terminates:

- (1) When a minor ward becomes eighteen years of age;
- (2) Upon an adjudication that an incapacitated or disabled person has been restored to [his] capacity or ability;
- (3) Upon revocation of the letters of the guardian or conservator;
- (4) Upon the acceptance by the court of the resignation of the guardian or conservator;

(5) Upon the death of the ward or protectee except that if there is no person other than the estate of the ward or protectee liable for the funeral and burial expenses of the ward or protectee the guardian or conservator may, with the approval of the court, contract for the funeral and burial of the deceased ward or protectee;

(6) Upon the expiration of an order appointing a guardian or conservator ad litem unless the court orders extension of the appointment;

(7) Upon an order of court terminating the guardianship or conservatorship.

2. A guardianship or conservatorship may be terminated by court order after such notice as the court may require:

(1) If the conservatorship estate is exhausted;

(2) If the conservatorship is no longer necessary for any other reason;

(3) If the court finds that a parent is fit, suitable and able to assume the duties of guardianship and it is in the best interest of the minor that the guardianship be terminated; **or**

**(4) If the court determines that the guardian is unable to provide the services of a guardian due to the ward's absence from the state or other particular circumstances of the ward.**

3. Notwithstanding the termination of the authority of a conservator, [he] **the conservator** shall continue to have such authority as may be necessary to wind up [his] administration.

4. At any time the guardian, conservator, or any person on behalf of the ward or protectee may, individually or jointly with the ward or protectee, or the ward or protectee individually may petition the court to restore the ward or protectee, [or] to decrease the powers of the guardian or conservator, **or to return rights to the ward or protectee**; except that, if the court determines that the petition is frivolous, the court may summarily dismiss the petition without hearing. **The petition from the ward or protectee or on behalf of the ward or protectee may be an informal letter to the court. Anyone who interferes with the transmission of the ward's or protectee's letter or petition may be cited by the court for contempt after notice and hearing. If at any time the court, on its own motion, has reason to believe that the guardian's or conservator's powers should be increased or decreased or additional rights should be returned to the ward or protectee, the court shall set the matter for a hearing.**

5. Upon the filing of a joint petition by the guardian or conservator and the ward or protectee, the court, if it finds restoration or modification to be in the best interests of the ward or protectee, may summarily order restoration [or modification of the] **or a decrease in** powers of the guardian or conservator **or return rights to the ward or protectee** without the necessity of notice and hearing.

6. Upon the filing of a petition without the joinder of the guardian or conservator **or if the court requires a hearing for a petition filed with the joinder of a guardian or conservator**, the court shall cause the petition to be set for hearing with notice to the guardian or conservator **and to such other persons as the court directs. The hearing shall be conducted in accordance with the provisions of section 475.075.** If the ward or protectee is not represented by an attorney, the court shall appoint an attorney to represent the ward or protectee in such proceeding. The burden of proof by a preponderance of the evidence shall be upon the petitioner. Such a petition may not be filed more than once every one hundred eighty days.

7. At any time the guardian [or], **limited guardian**, conservator, **or limited conservator** may petition the court to increase [his] **the guardian's or conservator's** powers **or to remove rights from the ward or protectee.** Proceedings on the petition shall be in accordance with the provisions of section 475.075.

**8. In deciding whether to terminate or modify a guardianship or conservatorship, the court may require a report by and consider the recommendations in the report of a physician, licensed psychologist, or other appropriate qualified professional who has**

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experience or training in the alleged mental, physical, or cognitive impairment of the ward or protectee.

**475.084. VISITATION, PARENT MAY PETITION FOR, WHEN.** — If a guardian has been appointed for a minor under the provisions of subdivision (2) of subsection 4 of section 475.030, then a parent of the minor may petition the court for periods of visitation. The court may order visitation if visitation is in the best interest of the child.

**475.094. CONSERVATOR, AUTHORIZED EXERCISE OF POWERS.** — [If the court determines and enters a finding that a permanently totally mentally disabled protectee's estate would be substantially depleted upon his death by the payment of federal estate taxes, the court is hereby empowered: to exercise or release powers of appointment, to change the beneficiaries and elect options under insurance and annuity policies, to make gifts to the natural objects of the protectee's bounty, to convey or release his contingent and expectant interests in property including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entirety, to surrender insurance or annuity policies for their cash values, to exercise his right to an elective share in the estate of his deceased spouse, and to renounce any interest by testate or intestate succession or by inter vivos transfer, if such act or acts will not deplete the protectee's estate so as to impair the ability to provide for the protectee's foreseeable lifetime needs, and if such act will cause financial benefits to inure solely to the natural objects of the protectee's bounty. Such act shall be undertaken by the court only to the extent that it will result in a substantial saving of federal estate tax for the estate of the disabled protectee upon his death.] **1. After notice to interested persons and upon express authorization of the court, a conservator may:**

(1) Make gifts that the protectee might have been expected to make including, but not limited to, gifts to qualify for government benefits or to reduce federal estate taxes;

(2) Convey, release, or disclaim contingent and expectant interests in property, including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entireties;

(3) Exercise or release a power of appointment;

(4) Create a revocable or irrevocable trust of property of the estate, whether the trust extends beyond the duration of the conservatorship, or revoke or amend a trust revocable by the protected person;

(5) Exercise rights to elect options and change beneficiaries under insurance policies and annuities or surrender the policies and annuities for cash value;

(6) Exercise any right to an elective share in the estate of the protectee's deceased spouse and to renounce or disclaim any interest by testate or intestate succession or by transfer during lifetime.

**2. The court, in exercising or in approving a conservator's exercise of the powers listed under subsection 1 of this section, shall consider primarily the decision that the protectee would have made, to the extent that the decision can be ascertained. The court shall also consider:**

(1) The financial needs of the protectee and the needs of individuals who are in fact dependent on the protectee for support and the interest of creditors;

(2) Possible reduction of income, estate, inheritance, or other tax liabilities;

(3) Eligibility for government assistance;

(4) The protectee's previous pattern of giving or level of support;

(5) The existing estate plan;

**(6) The protectee's life expectancy and the probability that the conservatorship will terminate before the protectee's death; and**

**(7) Any other factors the court considers relevant.**

**3. Without authorization of the court, a conservator shall not revoke or amend a durable power of attorney of which the protectee is the principal.**

**475.120. GENERAL POWERS AND DUTIES OF GUARDIAN OF THE PERSON — SOCIAL SERVICE AGENCY ACTING ON BEHALF OF WARD, REQUIREMENTS — PRENEED FUNERAL CONTRACT PERMITTED, WHEN — EXERCISE OF AUTHORITY. —**

**1.** The guardian of the person of a minor shall be entitled to the custody and control of the ward and shall provide for the ward's education, support, and maintenance.

**2.** A guardian or limited guardian of an incapacitated person shall act in the best interest of the ward. A limited guardian of an incapacitated person shall have the powers and duties enumerated by the court in the adjudication order or any later modifying order.

**3.** The general powers and duties of a guardian of an incapacitated person shall be to take charge of the person of the ward and to provide for the ward's care, treatment, habilitation, education, support and maintenance; and the powers and duties shall include, but not be limited to, the following:

- (1) Assure that the ward resides in the best and least restrictive setting reasonably available;
- (2) Assure that the ward receives medical care and other services that are needed;
- (3) Promote and protect the care, comfort, safety, health, and welfare of the ward;
- (4) Provide required consents on behalf of the ward;
- (5) To exercise all powers and discharge all duties necessary or proper to implement the provisions of this section.

**4.** A guardian of an adult or minor ward is not obligated by virtue of such guardian's appointment to use the guardian's own financial resources for the support of the ward. If the ward's estate and available public benefits are inadequate for the proper care of the ward, the guardian or conservator may apply to the county commission pursuant to section 475.370.

**5.** No guardian of the person shall have authority to seek admission of the guardian's ward to a mental health or intellectual disability facility for more than thirty days for any purpose without court order except as otherwise provided by law.

**6.** Only the director or chief administrative officer of a social service agency serving as guardian of an incapacitated person, or such person's designee, is legally authorized to act on behalf of the ward.

**7.** A social service agency serving as guardian of an incapacitated person shall notify the court within fifteen days after any change in the identity of the professional individual who has primary responsibility for providing guardianship services to the incapacitated person.

**8.** Any social service agency serving as guardian may not provide other services to the ward.

**9.** In the absence of any written direction from the ward to the contrary, a guardian may execute a preneed contract for the ward's funeral services, including cremation, or an irrevocable life insurance policy to pay for the ward's funeral services, including cremation, and authorize the payment of such services from the ward's resources. Nothing in this section shall interfere with the rights of next-of-kin to direct the disposition of the body of the ward upon death under section 194.119. If a preneed arrangement such as that authorized by this subsection is in place and no next-of-kin exercises the right of sepulcher within ten days of the death of the ward, the guardian may sign consents for the disposition of the body, including cremation, without any liability

therefor. A guardian who exercises the authority granted in this subsection shall not be personally financially responsible for the payment of services.

**10. Except as otherwise limited by the court, a guardian shall make decisions regarding the adult ward's support, care, education, health, and welfare. A guardian shall exercise authority only as necessitated by the adult ward's limitations and, to the extent possible, shall encourage the adult ward to participate in decisions, act on the adult ward's own behalf, and develop or regain the capacity to manage the adult ward's personal affairs.**

**475.125. SUPPORT AND EDUCATION OF PROTECTEE AND DEPENDENTS.** — 1. The court may make orders for the management of the estate of the protectee for the care, education, treatment, habilitation, respite, support and maintenance of the protectee and for the **support and maintenance of [his or her] the protectee's family and education of [his or her] the protectee's spouse and children**, according to [his or her] **the protectee's** means and obligation, if any, out of the proceeds of [his or her] **the protectee's** estate, and may direct that payments for such purposes shall be made weekly, monthly, quarterly, semiannually or annually. The payments ordered under this section may be decreased or increased from time to time as ordered by the court.

2. **In setting the amount of the support allowance for the protectee or any other persons entitled to such support, the court shall consider the previous standard of living of the spouse or other family members, the composition of the estate, the income and other assets available to the protectee and the other persons, and the expenses of the protectee or the other persons entitled to support.**

3. Appropriations for any such purposes, expenses of administration and allowed claims shall be paid from the property or income of the estate. The court may authorize the conservator to borrow money and obligate the estate for the payment thereof if the court finds that funds of the estate for the payment of such obligation will be available within a reasonable time and that the loan is necessary. If payments are made to another under the order of the court, the conservator of the estate is not bound to see to the application thereof.

[3.] 4. In acting under this section the court shall take into account any duty imposed by law or contract upon a parent or spouse of the protectee, a government agency, a trustee, or other person or corporation, to make payments for the benefit of or provide support, education, care, treatment, habilitation, respite, maintenance or safekeeping of the protectee and [his or her] **the protectee's** dependents. The guardian of the person and the conservator of the estate shall endeavor to enforce any such duty.

**475.130. GENERAL DUTIES AND POWERS OF CONSERVATOR OF ESTATE.** — 1. The conservator of the estate of a minor or disabled person shall, under supervision of the court, protect, preserve, and manage the estate, apply it as provided in this code, account for it faithfully, perform all other duties required of the conservator by law, and at the termination of the conservatorship deliver the assets of the protectee to the persons entitled thereto. In protecting, preserving, and managing the estate, the conservator of the estate is under a duty to use the degree of care, skill, and prudence [which] **that** an ordinarily prudent person uses in managing the property of, and conducting transactions on behalf of, others. If a conservator of the estate has special skills or is appointed on the basis of representations of special skills or expertise, the conservator is under a duty to use those skills in the conduct of the protectee's affairs. A conservator of the estate is under a duty to act in the interest of the protectee and to avoid conflicts of interest which impair the conservator's ability so to act.

2. The conservator of the estate shall take possession of all of the protectee's real and personal property, and of rents, income, issue, and profits therefrom, whether accruing before or after the conservator's appointment, and of the proceeds arising from the sale, mortgage, lease, or exchange thereof. Subject to such possession, the title to all such estate, and to the increment and proceeds thereof, is in the protectee and not in the conservator. Upon a showing that funds available or payable for the benefit of the protectee by any federal agency are being applied for the benefit of the protectee, or that such federal agency has refused to recognize the authority of the conservator to administer such funds, the court may waive, by order, the duty of the conservator to account therefor.

3. **In managing, investing, and distributing the estate of a protectee, the conservator shall use reasonable efforts to:**

- (1) **Ascertain the income, assets, and liabilities of the protectee;**
- (2) **Ascertain the needs and preferences of the protectee;**
- (3) **Coordinate with the guardian and consult with others close to the protectee;**
- (4) **Prepare a plan for the management of the protectee's income and assets; and**
- (5) **Provide oversight to any income and assets of the protectee under the control of the protectee.**

4. The court has full authority under the rules of civil procedure to enjoin any person from interfering with the right of the conservator to possession of the assets of the protectee, including benefits payable from any source.

[4.] 5. The conservator of the estate shall prosecute and defend all actions instituted in behalf of or against the protectee[;], collect all debts due or becoming due to the protectee, and give acquittances and discharges therefor, and adjust, settle, and pay all claims due or becoming due from the protectee so far as [his or her] **the protectee's** estate and effects will extend, except as provided in sections 507.150 and 507.188.

[5.] 6. A conservator of the estate has power, without authorization or approval of the court, to:

(1) Settle or compromise a claim against the protectee or the estate agreeing to pay or paying not more than [one] **five** thousand dollars;

(2) Settle, abandon, or compromise a claim in favor of the estate [which] **that** does not exceed [one] **five** thousand dollars;

(3) **Receive additions to the estate;**

(4) Sell, or agree to sell, chattels and choses in action reasonably worth not more than [one] **five** thousand dollars for cash or upon terms involving a reasonable extension of credit;

[(4)] (5) Exchange, or agree to exchange, chattels and choses in action for other such property of equivalent value, not in excess of [one] **five** thousand dollars;

[(5)] (6) Insure or contract for insurance of property of the estate against fire, theft and other hazards;

[(6)] (7) Insure or contract for insurance protecting the protectee against any liability likely to be incurred, including medical and hospital expenses, and protecting the conservator against liability to third parties arising from acts or omissions connected with possession or management of the estate;

[(7)] (8) Contract for needed repairs and maintenance of property of the estate;

[(8)] (9) Lease land and buildings for terms not exceeding one year, reserving reasonable rent, and renew any such lease for a like term;

[(9)] (10) Vote corporate stock in person or by general or limited proxy;

[(10)] (11) Contract for the provision of board, lodging, education, medical care, or necessities of the protectee for periods not exceeding one year, and renew any such contract for a like period;

(12) **Deposit funds in a bank;**

(13) Pay taxes, assessments, and other expenses incurred in the collection, care, administration, and protection of the estate;

(14) Prosecute or defend actions, claims, or proceedings in any jurisdiction for the protection of estate assets;

(15) Execute and deliver all instruments that will accomplish or facilitate the exercise of the powers vested in the conservator; and

[(11)] (16) On or after August 28, 2009, invest the estate in accordance with the provisions of section 475.190.

[6.] 7. If, in exercising any power conferred by subsection [5] 6 of this section, a conservator breaches any of the duties enumerated in subsection 1 of this section, the conservator may be surcharged for losses to the estate caused by the breach but persons who dealt with the conservator in good faith, without knowledge of or reason to suspect the breach of duty, may enforce and retain the benefits of any transaction with the conservator which the conservator has power under subsection [5] 6 of this section to conduct.

**475.145. INVENTORY AND APPRAISEMENT.** — When a conservator of the estate has been appointed, an inventory and appraisal of the estate of the protectee shall be made in the same manner and within the same time and subject to the same requirements as are provided in sections 473.233 to 473.243 for the inventory and appraisal of a decedent's estate. The inventory shall include property as to which the protectee is a joint tenant or tenant by the entirety and all policies of life insurance owned by the protectee, whether or not payable to a named beneficiary, together with a statement of all income and benefits to which the protectee is or will be entitled to receive. **The inventory shall also disclose any nonprobate transferees designated to receive nonprobate transfers after the protectee's death.**

**475.230. SALES OF REAL ESTATE, HOW MADE — NOTICE REQUIRED.** — 1. Sales of real estate of protectees shall be conducted in the same manner and the same proceedings shall be had with reference thereto as in cases of sale of real estate of decedents for payment of claims[, except that there shall be no notice to parties in interest before the making of the order].

2. **Unless waived by the court for cause, the protectee shall have ten days' prior notice of a required court hearing on the petition for the sale of the protectee's real or tangible personal property. The protectee is not entitled to notice of a hearing on the petition for the sale of the protectee's intangible personal property.**

**475.270. ANNUAL SETTLEMENTS REQUIRED, WHEN, EXCEPTION — INFORMATION REQUIRED.** — 1. Every conservator shall file with the court **annually, or more often if required by the court**, a settlement of [his] **the conservator's** accounts [once a year or oftener] if required by the court **detailing the current status of the estate under conservatorship.** The annual settlement shall be made at a time fixed by the court within [thirty] **sixty** days after the anniversary of the appointment of such conservator [and on the corresponding date of each year thereafter until the final settlement].

2. Each settlement of a conservator shall conform to the requirements of section 473.543 as to settlements in decedents' estates.

3. If the conservatorship estate meets the indigency standards prescribed by chapter 208, **is under the control of another fiduciary, including a Social Security representative payee or Veterans Affairs fiduciary**, or if the assets of a protectee have been placed in restricted custody, the court may waive the requirements [of subsection 2 of this] **that the settlement comply with**

the requirements of section 473.543 and require the conservator to report, in a form prescribed by the court, the following information:

- (1) A statement of any money or property received during the preceding year including the date, source and amount or value;
- (2) A statement of disbursements made and the purpose thereof;
- (3) The total amount of money or property on hand;
- (4) The name and address of any depository where estate funds are deposited and the amounts thereof.

4. **Except when a public administrator is serving as conservator, in addition to the information required under subsection 3 of this section, the settlement shall include:**

- (1) **The present address of the protectee;**
- (2) **The present address of the conservator;**
- (3) **The services being provided to the protected person;**
- (4) **The significant actions taken by the conservator during the reporting period;**
- (5) **An opinion of the conservator as to the continued need for conservatorship and any recommended changes in the scope of the conservatorship;**
- (6) **The compensation requested and the reasonable and necessary expenses incurred by the conservator;**
- (7) **A plan for the coming year; and**
- (8) **Any other information requested by the court or useful in the opinion of the conservator.**

**475.276. ORDER WAIVING SETTLEMENT, WHEN.** — 1. If the assets of the protectee are under the control of another fiduciary, including a Social Security representative payee or Veterans Affairs fiduciary, or if the value of the assets of the estate of a protectee does not exceed the value prescribed by chapter 208 for [welfare] public benefit eligibility and whether or not such protectee receives other [old age, disability or dependency] public benefits from the federal government or the state of Missouri, the court may, upon satisfactory proof that adequate provision has been made for the care and maintenance of the protectee, waive or modify the requirements of sections 475.270 and 475.275.

2. If the estate of a protectee consists solely of cash or its equivalent which has been placed in restricted custody so that no withdrawals may be made except on order of the court as prescribed by section 473.160, the court may waive or modify the requirements of sections 475.270 and 475.275.

3. Any order entered pursuant to subsection 1 or 2 of this section shall specify the events or circumstances which shall cause the same to terminate. The order may also provide that the estate shall not be liable for court costs or other expenses of administration so long as the order remains in effect and may direct any state agency or require the conservator of the estate to request a federal agency to pay benefits directly to the custodial facility in which the protectee resides.

**475.290. FINAL SETTLEMENT REQUIRED, WHEN — NOTICE.** — 1. Conservators shall make final settlement of their conservatorship at a time fixed by the court, either by rule or otherwise, within [sixty] ninety days after termination of their authority, **except for those cases where the court has ordered that no letters of administration be granted under section 475.320.** For the purpose of settlement, the conservator shall make a just and true exhibit of the account between himself or herself and [his] the protectee, and file the same in the court having jurisdiction thereof, and cause a copy of the account, together with a written notice stating the day on which and the court in which [he] the conservator will make settlement, to be delivered to [his] the protectee or, in case of revocation or resignation, to the succeeding conservator or in case of death of [his] the

protectee to [his] **the executor or administrator of the protectee's estate** or other person designated by the court, at least twenty days before the date set for settlement.

2. If, for any cause, a copy of the account and written notice cannot be delivered to the protectee or other person entitled thereto, the court may order notice of the filing of the account, and of the time and place at which final settlement is to be made, to be given by publication once a week for four weeks next before the date set for settlement in accordance with section 472.100.

3. At the time specified in the notice, the court, upon satisfactory proof of the delivery of a copy of the account and written notice of the settlement to the protectee or person entitled thereto, or [his] **the protectee's** written waiver thereof, or in case the court has ordered notice to be given by publication, then upon proof of compliance with such order, shall proceed to examine the accounts of the conservator, correct all errors therein, if any there be, and make a final settlement with the conservator; or the court may, for good cause, continue the settlement and proceed therein at any time agreed upon by the parties or fixed by the court.

**475.320. DEATH OF PROTECTEE, DISTRIBUTION OF ESTATE — ADMINISTRATION, WHEN.**

— 1. Except in cases mentioned in subsection 2, the court, upon the death of any protectee, may order that no letters of administration shall be granted upon his estate, but the funeral and burial expenses and estate taxes for which the estate of the deceased protectee is liable, and obligations of the protectee incurred by the conservator, as well as expenses of administration, may be paid out of the estate by the conservator on order of the court and after the final settlement of the conservator is approved, and upon a showing that all obligations of the estate which have been authorized by the court have been paid, the court shall order the conservator to make distribution to the heirs in the same manner and with the same effect as in the case of an administrator. In such case the conservator is subject in all respects and to the same extent to the liabilities of an administrator and liability on the conservator's bond continues and applies to the complete administration of the estate of the deceased protectee, **including settlements as required by section 473.540.**

2. Whenever a protectee dies leaving debts, other than those payable by the conservator under subsection 1 hereof, for which his estate would be liable in an action, or whenever a protectee dies, leaving a will valid under the law respecting wills, letters testamentary or of administration shall be granted on the estate of the deceased protectee, in the manner provided by law, as in case of other testators or intestates.

**475.341. VOIDABLE TRANSACTIONS, EXCEPTIONS. — 1. Except when a public administrator is serving as conservator, a sale, encumbrance, or other transaction involving the management of the conservatorship entered into by the conservator for the conservator's own personal gain or which is otherwise affected by a conflict between the conservator's fiduciary and personal interests is voidable unless the transaction:**

**(1) Was approved by the court;**

**(2) Involves a contract entered into or claim acquired by the conservator before the person became or contemplated becoming conservator;**

**(3) Involves a deposit of estate moneys to a bank operated by the conservator; or**

**(4) Involves an advance by the conservator of moneys for the protection of the estate.**

**2. When a public administrator is serving as conservator, the public administrator shall not enter into a transaction for his or her own personal gain.**

**475.342. ESTATE PROPERTY, CONSERVATOR'S DUTIES. — The conservator shall:**

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

- (1) Keep estate property separate from the conservator's own property; and
- (2) Cause the estate's property to be designated so that any ownership interest of the estate, to the extent feasible, appears in records maintained by a financial institution or party other than the conservator or protectee.

**475.343. PERSONAL FINANCIAL RESOURCES, GUARDIAN NOT OBLIGATED TO USE — COURT ORDER FOR WARD'S ADMISSION TO MENTAL HEALTH FACILITY — AUTHORIZED ACTS OF SOCIAL SERVICE AGENCIES. — 1.** A guardian of an adult or minor ward is not obligated by virtue of such guardian's appointment to use the guardian's own financial resources for the support of the ward. If the ward's estate and available public benefits are inadequate for the proper care of the ward, the guardian or conservator may apply to the county commission under section 475.370.

2. No guardian shall have authority to seek admission of the guardian's ward to a mental health facility or an intellectual disability facility for more than thirty days for any purpose without court order except as otherwise provided by law.

3. Only the director or chief administrative officer of a social service agency serving as guardian of an incapacitated person, or such person's designee, is legally authorized to act on behalf of such person.

4. A social service agency serving as guardian of an incapacitated person shall notify the court within fifteen days after any change in the identity of the professional individual who has primary responsibility for providing guardianship services to the incapacitated person.

5. Any social service agency serving as guardian shall not provide other services to the ward.

**475.355. TEMPORARY EMERGENCY DETENTION. — 1.** If, upon the filing of a petition for the adjudication of incapacity or disability it appears that the respondent, by reason of a mental disorder or intellectual disability or developmental disability, presents a likelihood of serious physical harm to [himself] **the respondent** or others, [he] **the respondent** may be detained in accordance with the provisions of chapter 632 if suffering from a mental disorder, or chapter 633 if the [person] **respondent** has an intellectual or developmental disability, pending a hearing on the petition for adjudication.

2. As used in this section, the terms "mental disorder" and "intellectual disability" or "developmental disability" shall be as defined in chapter 630 and the term "likelihood of serious physical harm to [himself] **the respondent** or others" shall be as the term "likelihood of serious harm" is defined in chapter 632.

3. The procedure for obtaining an order of temporary emergency detention shall be as prescribed by chapter 632, relating to prehearing detention of mentally disordered persons.

**475.357. CHILD CUSTODY AND VISITATION, PROBATE COURTS TO HAVE JURISDICTION, WHEN. —** The probate divisions of the courts of this state have jurisdiction over issues of the adjudication of incapacity, partial incapacity, disability, or partial disability and the appointment of a guardian, limited guardian, conservator, or limited conservator of an adult eighteen years of age or older whose parents have a pending matter under chapter 210 or chapter 452 for child custody or visitation of that child. The court that has jurisdiction under chapter 210 or chapter 452 shall have the authority to enter orders only as to child support after such adjudication and appointment of a guardian by the probate division.

**475.361. WARDS, RIGHTS OF. — 1.** The provisions of section 475.078 notwithstanding to **the contrary, in every guardianship, the ward has the right to:**

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

- (1) A guardian who acts in the best interests of the ward;
  - (2) A guardian who is reasonably accessible to the ward;
  - (3) Communicate freely and privately with family, friends, and other persons other than the guardian; except that, such right may be limited by the guardian for good cause but only as necessary to ensure the ward's condition, safety, habilitation, or sound therapeutic treatment;
  - (4) Individually or through the ward's representative or legal counsel, bring an action relating to the guardianship, including the right to file a petition alleging that the ward is being unjustly denied a right or privilege granted by this chapter, including the right to bring an action to modify or terminate the guardianship under the provisions of section 475.083;
  - (5) The least restrictive form of guardianship assistance, taking into consideration the ward's functional limitations, personal needs, and preferences;
  - (6) Be restored to capacity at the earliest possible time;
  - (7) Receive information from the court that describes the ward's rights, including rights the ward may seek by petitioning the court; and
  - (8) Participate in any health care decision-making process.
2. An adult ward may petition the court to grant the ward the right to:
- (1) Contract to marry or to petition for dissolution of marriage;
  - (2) Make, modify, or terminate other contracts or ratify contracts made by the ward;
  - (3) Consent to medical treatment;
  - (4) Establish a residence or dwelling place;
  - (5) Change domicile;
  - (6) Bring or defend any action at law or equity, except an action relating to the guardianship; or
  - (7) Drive a motor vehicle if the ward can pass the required driving test.
3. The appointment of a guardian shall revoke the powers of an agent who was previously appointed by the ward to act as an agent under a durable power of attorney for health care, unless the court so orders.
4. The appointment of a guardian is not a determination that the ward lacks testamentary capacity.

**630.005. DEFINITIONS.** — As used in this chapter and chapters 631, 632, and 633, unless the context clearly requires otherwise, the following terms shall mean:

- (1) "Administrative entity", a provider of specialized services other than transportation to clients of the department on behalf of a division of the department;
- (2) "Alcohol abuse", the use of any alcoholic beverage, which use results in intoxication or in a psychological or physiological dependency from continued use, which dependency induces a mental, emotional or physical impairment and which causes socially dysfunctional behavior;
- (3) "Chemical restraint", medication administered with the primary intent of restraining a patient who presents a likelihood of serious physical injury to himself or others, and not prescribed to treat a person's medical condition;
- (4) "Client", any person who is placed by the department in a facility or program licensed and funded by the department or who is a recipient of services from a regional center, as defined in section 633.005;
- (5) "Commission", the state mental health commission;
- (6) "Consumer", a person:
  - (a) Who qualifies to receive department services; or
  - (b) Who is a parent, child or sibling of a person who receives department services; or

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(c) Who has a personal interest in services provided by the department.

A person who provides services to persons affected by intellectual disabilities, developmental disabilities, mental disorders, mental illness, or alcohol or drug abuse shall not be considered a consumer;

(7) "Day program", a place conducted or maintained by any person who advertises or holds himself out as providing prevention, evaluation, treatment, habilitation or rehabilitation for persons affected by mental disorders, mental illness, intellectual disabilities, developmental disabilities or alcohol or drug abuse for less than the full twenty-four hours comprising each daily period;

(8) "Department", the department of mental health of the state of Missouri;

(9) "Developmental disability", a disability:

(a) Which is attributable to:

a. Intellectual disability, cerebral palsy, epilepsy, head injury or autism, or a learning disability related to a brain dysfunction; or

b. Any other mental or physical impairment or combination of mental or physical impairments; and

(b) Is manifested before the person attains age twenty-two; and

(c) Is likely to continue indefinitely; and

(d) Results in substantial functional limitations in two or more of the following areas of major life activities:

a. Self-care;

b. Receptive and expressive language development and use;

c. Learning;

d. Self-direction;

e. Capacity for independent living or economic self-sufficiency;

f. Mobility; and

(e) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, habilitation or other services which may be of lifelong or extended duration and are individually planned and coordinated;

(10) "Director", the director of the department of mental health, or his designee;

(11) "Domiciled in Missouri", a permanent connection between an individual and the state of Missouri, which is more than mere residence in the state; it may be established by the individual being physically present in Missouri with the intention to abandon his previous domicile and to remain in Missouri permanently or indefinitely;

(12) "Drug abuse", the use of any drug without compelling medical reason, which use results in a temporary mental, emotional or physical impairment and causes socially dysfunctional behavior, or in psychological or physiological dependency resulting from continued use, which dependency induces a mental, emotional or physical impairment and causes socially dysfunctional behavior;

(13) "Habilitation", a process of treatment, training, care or specialized attention [which] **that** seeks to enhance and maximize a person with an intellectual disability or a developmental disability to cope with the environment and to live as [normally] **determined by the person as much as possible, as is appropriate for the person considering his or her physical and mental condition and financial means;**

(14) "Habilitation center", a residential facility operated by the department and serving only persons who are developmentally disabled;

(15) "Head of the facility", the chief administrative officer, or his designee, of any residential facility;

(16) "Head of the program", the chief administrative officer, or his designee, of any day program;

(17) "Individualized habilitation plan", a document which sets forth habilitation goals and objectives for residents and clients with an intellectual disability or a developmental disability, and which details the habilitation program as required by law, rules and funding sources;

(18) "Individualized rehabilitation plan", a document which sets forth the care, treatment and rehabilitation goals and objectives for patients and clients affected by alcohol or drug abuse, and which details the rehabilitation program as required by law, rules and funding sources;

(19) "Individualized treatment plan", a document which sets forth the care, treatment and rehabilitation goals and objectives for patients and clients with mental disorders or mental illness, and which details the treatment program as required by law, rules and funding sources;

(20) "Intellectual disability", significantly subaverage general intellectual functioning which:

(a) Originates before age eighteen; and

(b) Is associated with a significant impairment in adaptive behavior;

(21) "Investigator", an employee or contract agent of the department of mental health who is performing an investigation regarding an allegation of abuse or neglect or an investigation at the request of the director of the department of mental health or his designee;

(22) "Least restrictive environment", a reasonably available setting or mental health program where care, treatment, habilitation or rehabilitation is particularly suited to the level and quality of services necessary to implement a person's individualized treatment, habilitation or rehabilitation plan and to enable the person to maximize his or her functioning potential to participate as freely as feasible in normal living activities, giving due consideration to potentially harmful effects on the person and the safety of other facility or program clients and public safety. For some persons with mental disorders, intellectual disabilities, or developmental disabilities, the least restrictive environment may be a facility operated by the department, a private facility, a supported community living situation, or an alternative community program designed for persons who are civilly detained for outpatient treatment or who are conditionally released pursuant to chapter 632;

(23) "Mental disorder", any organic, mental or emotional impairment which has substantial adverse effects on a person's cognitive, volitional or emotional function and which constitutes a substantial impairment in a person's ability to participate in activities of normal living;

(24) "Mental illness", a state of impaired mental processes, which impairment results in a distortion of a person's capacity to recognize reality due to hallucinations, delusions, faulty perceptions or alterations of mood, and interferes with an individual's ability to reason, understand or exercise conscious control over his actions. The term "mental illness" does not include the following conditions unless they are accompanied by a mental illness as otherwise defined in this subdivision:

(a) Intellectual disability, developmental disability or narcolepsy;

(b) Simple intoxication caused by substances such as alcohol or drugs;

(c) Dependence upon or addiction to any substances such as alcohol or drugs;

(d) Any other disorders such as senility, which are not of an actively psychotic nature;

(25) "Minor", any person under the age of eighteen years;

(26) "Patient", an individual under observation, care, treatment or rehabilitation by any hospital or other mental health facility or mental health program pursuant to the provisions of chapter 632;

(27) "Psychosurgery":

(a) Surgery on the normal brain tissue of an individual not suffering from physical disease for the purpose of changing or controlling behavior; or

(b) Surgery on diseased brain tissue of an individual if the sole object of the surgery is to control, change or affect behavioral disturbances, except seizure disorders;

(28) "Rehabilitation", a process of restoration of a person's ability to attain or maintain normal or optimum health or constructive activity through care, treatment, training, counseling or specialized attention;

(29) "Residence", the place where the patient has last generally lodged prior to admission or, in case of a minor, where his family has so lodged; except, that admission or detention in any facility of the department shall not be deemed an absence from the place of residence and shall not constitute a change in residence;

(30) "Resident", a person receiving residential services from a facility, other than mental health facility, operated, funded or licensed by the department;

(31) "Residential facility", any premises where residential prevention, evaluation, care, treatment, habilitation or rehabilitation is provided for persons affected by mental disorders, mental illness, intellectual disability, developmental disabilities or alcohol or drug abuse; except the person's dwelling;

(32) "Specialized service", an entity which provides prevention, evaluation, transportation, care, treatment, habilitation or rehabilitation services to persons affected by mental disorders, mental illness, intellectual disabilities, developmental disabilities or alcohol or drug abuse;

(33) "Vendor", a person or entity under contract with the department, other than as a department employee, who provides services to patients, residents or clients;

(34) "Vulnerable person", any person in the custody, care, or control of the department that is receiving services from an operated, funded, licensed, or certified program.

Approved June 1, 2018

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CCS HCS SCS SB 807 & 577

**Enacts provisions relating to higher education.**

AN ACT to repeal sections 34.010, 160.545, 162.441, 163.191, 172.280, 173.005, 173.260, 173.1003, 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof twenty-two new sections relating to higher education, with penalty provisions.

SECTION

A. Enacting clause.

34.010 Definitions.

160.545 A+ school program established — purpose — rules — variable fund match requirement — waiver of rules and regulations, requirement — reimbursement for higher education costs for students — evaluation — reimbursement for two-year schools.

162.441 Annexation — procedure, alternative — form of ballot.

163.191 State aid to community colleges — definitions — distribution to be based on resource allocation model, adjustment annually, factors involved — report on effectiveness of model, due when.

170.013 Missouri higher education civics achievement examination, required when — question requirements.

172.280 Authority to confer degrees — only public research university and exclusive grantor of certain degrees.

173.005 Department of higher education created — agencies, divisions, transferred to department — coordinating board, appointment qualifications, terms, compensation, duties, advisory committee, members.

173.260 Public service officers and employees disabled or killed in the line of duty, survivor's and disabled employee's educational grant program, requirements, limitations.

173.1003 Change in tuition rate to be reported to board — permissible percentage change, exceptions — definitions.

173.1101 Citation of law — references to program.

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

- 173.1102 Definitions.
- 173.1104 Eligibility criteria for assistance — disqualification, when — allocation of assistance.
- 173.1105 Award amounts, minimums and maximums — adjustment in awards, when.
- 173.1107 Transfer of recipient, effect of.
- 173.1450 Citation of law — regional accreditation, lack of, required disclosure — form — exemption.
- 173.2530 Report on compliance with standards for mental health services provided on campus.
- 174.160 Authority to confer degrees.
- 174.225 No state college or university to seek land grant designation or research designation held by other institutions.
- 174.231 Missouri Southern State University, mission statement — discontinuance of associate degree program.
- 174.251 Missouri Western State University, mission statement.
- 174.500 West Plains campus of Missouri State University established — mission implementation plan — limitation on offers for baccalaureate degrees.
- 178.636 State Technical College of Missouri, purpose and mission — certificates, diplomas and applied science associate degrees, limitations — baccalaureate degrees, limitations.
- 174.324 Master's degrees in accounting authorized for Missouri Western University and Missouri Southern State University, requirements — limitations on new master's degree programs.

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

**SECTION A. ENACTING CLAUSE.** — Sections 34.010, 160.545, 162.441, 163.191, 172.280, 173.005, 173.260, 173.1003, 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 34.010, 160.545, 162.441, 163.191, 170.013, 172.280, 173.005, 173.260, 173.1003, 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, 173.1450, 173.2530, 174.160, 174.225, 174.231, 174.251, 174.500, and 178.636, to read as follows:

**34.010. DEFINITIONS.** — 1. The term "department" as used in this chapter shall be deemed to mean department, office, board, commission, bureau, institution, or any other agency of the state, except the legislative and judicial departments. **The term "department" shall not include public institutions of higher education.**

2. The term "lowest and best" in determining the lowest and best award, cost, and other factors are to be considered in the evaluation process. Factors may include, but are not limited to, value, performance, and quality of a product.

3. The term "Missouri product" refers to goods or commodities which are manufactured, mined, produced, or grown by companies in Missouri, or services provided by such companies.

4. The term "negotiation" as used in this chapter means the process of selecting a contractor by the competitive methods described in this chapter, whereby the commissioner of administration can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.

5. The term "purchase" as used in this chapter shall include the rental or leasing of any equipment, articles or things.

6. The term "supplies" used in this chapter shall be deemed to mean supplies, materials, equipment, contractual services and any and all articles or things, except for utility services regulated under chapter 393 or as in this chapter otherwise provided.

7. The term "value" includes but is not limited to price, performance, and quality. In assessing value, the state purchaser may consider the economic impact to the state of Missouri for Missouri products versus the economic impact of products generated from out of state. This economic impact may include the revenues returned to the state through tax revenue obligations.

**160.545. A+ SCHOOL PROGRAM ESTABLISHED — PURPOSE — RULES — VARIABLE FUND MATCH REQUIREMENT — WAIVER OF RULES AND REGULATIONS, REQUIREMENT — REIMBURSEMENT FOR HIGHER EDUCATION COSTS FOR STUDENTS — EVALUATION — REIMBURSEMENT FOR TWO-YEAR SCHOOLS. — 1.**

There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

- (1) All students be graduated from school;
- (2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and
- (3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

- (1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and
- (2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and
- (3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. Any nonpublic school in this state may apply to the state board of education for certification that it meets the requirements of this section subject to the same criteria as public high schools. Every nonpublic school that applies and has met the requirements of this section shall have its students eligible for reimbursement of postsecondary education under subsection 8 of this section on an equal basis to students who graduate from public schools that meet the requirements of this section. Any nonpublic school that applies shall not be eligible for any grants under this section. Students of certified nonpublic schools shall be eligible for reimbursement of postsecondary education under subsection 8 of this section so long as they meet the other requirements of such subsection. For purposes of subdivision (5) of subsection 2 of this section, the nonpublic school shall be included in the partnership plan developed by the public school district in which the nonpublic school is located. For purposes of subdivision (1) of subsection 2 of this section, the

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Matter in bold-face type is proposed language.

nonpublic school shall establish measurable performance standards for the goals of the program for every school and grade level over which the nonpublic school maintains control.

4. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.

5. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

6. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

7. For any school year, grants authorized by subsections 1, 2, and 5 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 8 of this section.

8. The department of higher education shall, by rule, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the limits established in subsection 10 of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a high school in the state for at least three years [immediately] prior to graduation that meets the requirements of subsection 2 of this section **and who has graduated from such school**; except that, students who are active duty military dependents, and students who are dependants of retired military who relocate to Missouri within one year of the date of the parent's retirement from active duty, who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the department of higher education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of the department; and

(4) Who is a citizen or permanent resident of the United States.

9. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

10. For a two-year private vocational or technical school to obtain reimbursements under subsection 8 of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution.

**162.441. ANNEXATION — PROCEDURE, ALTERNATIVE — FORM OF BALLOT. — 1.** If any school district desires to be attached **to a community college district organized under sections 178.770 to 178.890** or to one or more adjacent seven-director school districts for school purposes, upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district to attach the district to one or more adjacent seven-director districts and call [for] an election upon the question of such plan.

3. **As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school district at the election called for that purpose. The community college district shall be responsible for the costs associated with the election.**

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

[4.] 5. The question shall be submitted in substantially the following form:

Shall the \_\_\_\_\_ school district be annexed to the \_\_\_\_\_ school districts effective the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_?

[5.] 6. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

[6.] 7. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.

**163.191. STATE AID TO COMMUNITY COLLEGES — DEFINITIONS — DISTRIBUTION TO BE BASED ON RESOURCE ALLOCATION MODEL, ADJUSTMENT ANNUALLY, FACTORS INVOLVED — REPORT ON EFFECTIVENESS OF MODEL, DUE WHEN.** — 1. As used in this section, the following terms shall mean:

(1) "Community college", an institution of higher education deriving financial resources from local, state, and federal sources, and providing postsecondary education primarily for persons above the twelfth grade age level, including courses in:

- (a) Liberal arts and sciences, including general education;
- (b) Occupational, vocational-technical; and
- (c) A variety of educational community services.

Community college course offerings **shall generally** lead to the granting of certificates, diplomas, or associate degrees, [but do not] **and may** include baccalaureate [or higher] degrees **only when authorized by the coordinating board for higher education in circumstances where the level of education required in a field for accreditation or licensure increases to the baccalaureate degree level or, in the case of applied bachelor's degrees, the level of education required for employment in a field increases to that level, and when doing so would not unnecessarily duplicate an existing program, collaboration with a university is not feasible or the approach is not a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high quality manner. Quality for such baccalaureate degree programs shall be evaluated at least in part by the delivery of upper-level coursework or competencies, and defined by accreditation or compliance with the Higher Learning Commission standards for bachelor's degrees;**

(2) "Operating costs", all costs attributable to current operations, including all direct costs of instruction, instructors' and counselors' compensation, administrative costs, all normal operating costs and all similar noncapital expenditures during any year, excluding costs of construction of facilities and the purchase of equipment, furniture, and other capital items authorized and funded in accordance with subsection 6 of this section. Operating costs shall be computed in accordance with accounting methods and procedures to be specified by the department of higher education;

(3) "Year", from July first to June thirtieth of the following year.

2. Each year public community colleges in the aggregate shall be eligible to receive from state funds, if state funds are available and appropriated, an amount up to but not more than fifty percent

of the state community colleges' planned operating costs as determined by the department of higher education. The department of higher education shall review all institutional budget requests and prepare appropriation recommendations annually for the community colleges under the supervision of the department. The department's budget request shall include a recommended level of funding.

3. (1) Except as provided in subdivision (2) of this subsection, distribution of appropriated funds to community college districts shall be in accordance with the community college resource allocation model. This model shall be developed and revised as appropriate cooperatively by the community colleges and the department of higher education. The department of higher education shall recommend the model to the coordinating board for higher education for their approval. The core funding level for each community college shall initially be established at an amount agreed upon by the community colleges and the department of higher education. This amount will be adjusted annually for inflation, limited growth, and program improvements in accordance with the resource allocation model starting with fiscal year 1993.

(2) Unless the general assembly chooses to otherwise appropriate state funding, beginning in fiscal year 2016, at least ninety percent of any increase in core funding over the appropriated amount for the previous fiscal year shall be distributed in accordance with the achievement of performance-funding measures under section 173.1006.

4. The department of higher education shall be responsible for evaluating the effectiveness of the resource allocation model and shall submit a report to the governor, the joint committee on education, the speaker of the house of representatives and president pro tempore of the senate by October 31, 2019, and every four years thereafter.

5. The department of higher education shall request new and separate state aid funds for any new community college district for its first six years of operation. The request for the new district shall be based upon the same level of funding being provided to the existing districts, and should be sufficient to provide for the growth required to reach a mature enrollment level.

6. In addition to state funds received for operating purposes, each community college district shall be eligible to receive an annual appropriation, exclusive of any capital appropriations, for the cost of maintenance and repair of facilities and grounds, including surface parking areas, and purchases of equipment and furniture. Such funds shall not exceed in any year an amount equal to ten percent of the state appropriations, exclusive of any capital appropriations, to community college districts for operating purposes during the most recently completed fiscal year. The department of higher education may include in its annual appropriations request the necessary funds to implement the provisions of this subsection and when appropriated shall distribute the funds to each community college district as appropriated. The department of higher education appropriations request shall be for specific maintenance, repair, and equipment projects at specific community college districts, shall be in an amount of fifty percent of the cost of a given project as determined by the coordinating board and shall be only for projects which have been approved by the coordinating board through a process of application, evaluation, and approval as established by the coordinating board. The coordinating board, as part of its process of application, evaluation, and approval, shall require the community college district to provide proof that the fifty-percent share of funding to be defrayed by the district is either on hand or committed for maintenance, repair, and equipment projects. Only salaries or portions of salaries paid which are directly related to approved projects may be used as a part of the fifty-percent share of funding.

7. School districts offering two-year college courses pursuant to section 178.370 on October 31, 1961, shall receive state aid pursuant to subsection 2, subdivision (1) of subsection 3, and

subsection 6 of this section if all scholastic standards established pursuant to sections 178.770 to 178.890 are met.

8. In order to make postsecondary educational opportunities available to Missouri residents who do not reside in an existing community college district, community colleges organized pursuant to section 178.370 or sections 178.770 to 178.890 shall be authorized pursuant to the funding provisions of this section to offer courses and programs outside the community college district with prior approval by the coordinating board for higher education. The classes conducted outside the district shall be self-sustaining except that the coordinating board shall promulgate rules to reimburse selected out-of-district instruction only where prior need has been established in geographical areas designated by the coordinating board for higher education. Funding for such off-campus instruction shall be included in the appropriation recommendations, shall be determined by the general assembly and shall continue, within the amounts appropriated therefor, unless the general assembly disapproves the action by concurrent resolution.

9. When distributing state aid authorized for community colleges, the state treasurer may, in any year if requested by a community college, disregard the provision in section 30.180 requiring the state treasurer to convert the warrant requesting payment into a check or draft and wire transfer the amount to be distributed to the community college directly to the community college's designated deposit for credit to the community college's account.

**170.013. MISSOURI HIGHER EDUCATION CIVICS ACHIEVEMENT EXAMINATION, REQUIRED WHEN — QUESTION REQUIREMENTS. — 1. Any student entering a public institution of higher education for the first time after July 2019 who is pursuing an associate's or bachelor's degree from such institution shall successfully pass an examination on the provisions and principles of American civics with a score of seventy percent or greater as a condition of graduation from such institution. The examination shall be known as the "Missouri Higher Education Civics Achievement Examination".**

**2. The examination required under this section shall consist of at least fifty questions, but shall not exceed one hundred questions, and shall be similar to the one hundred questions administered to applicants for United States citizenship by the United States Citizenship and Immigration Services division of the Department of Homeland Security. Subject matter on the examination shall include the United States Constitution, the United States Bill of Rights, governmental institutions, historical manifestations of federalism, and history of constitutional interpretation and amendments.**

**3. The examination required under this section may be included within any other examination that is administered on the provisions and principles of the Constitution of the United States and the Constitution of the state of Missouri, and on American history and American institutions, as required in subsection 3 of section 170.011.**

**4. Institutions of higher education may use online testing to comply with the provisions of this section.**

**172.280. AUTHORITY TO CONFER DEGREES — ONLY PUBLIC RESEARCH UNIVERSITY AND EXCLUSIVE GRANTOR OF CERTAIN DEGREES. —** The curators shall have the authority to confer, by diploma, under their common seal, on any person whom they may judge worthy thereof, such degrees as are known to and usually granted by any college or university. **The University of Missouri is the state's only public research university and the exclusive grantor of research doctorates. As such, except as provided in section 175.040, the University of Missouri shall be the only state college or university that may offer doctor of philosophy degrees or first-**

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professional degrees, including dentistry, law, medicine, optometry, pharmacy, and veterinary medicine.

**173.005. DEPARTMENT OF HIGHER EDUCATION CREATED — AGENCIES, DIVISIONS, TRANSFERRED TO DEPARTMENT — COORDINATING BOARD, APPOINTMENT QUALIFICATIONS, TERMS, COMPENSATION, DUTIES, ADVISORY COMMITTEE, MEMBERS.** — 1. There is hereby created a "Department of Higher Education", and the division of higher education of the department of education is abolished and all its powers, duties, functions, personnel and property are transferred as provided by the Reorganization Act of 1974, Appendix B, RSMo.

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the "Coordinating Board for Higher Education", which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator with a public or private institution of higher education at the time appointed or during his term. Moreover, no person shall be appointed to the coordinating board who shall not be a citizen of the United States, and who shall not have been a resident of the state of Missouri two years next prior to appointment, and at least one but not more than two persons shall be appointed to said board from each congressional district. The term of service of a member of the coordinating board shall be six years and said members, while attending the meetings of the board, shall be reimbursed for their actual expenses. Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term. The coordinating board may, in order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and research personnel as may be necessary to assist it in performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent employees regardless of the source of funding. In addition to all other powers, duties and functions transferred to it, the coordinating board for higher education shall have the following duties and responsibilities:

(1) The coordinating board for higher education [shall have approval of] **may approve, not approve, or provisionally approve** proposed new degree programs to be offered by the state institutions of higher education. **The coordinating board may authorize a degree program outside an institution's coordinating board-approved mission only when the coordinating board has received clear evidence that the institution proposing to offer the program:**

- (a) **Made a good faith effort to explore the feasibility of offering the program in collaboration with an institution the mission of which includes offering the program;**
- (b) **Is contributing substantially to the goals in the coordinating board's coordinated plan for higher education;**
- (c) **Has the existing capacity to ensure the program is delivered in a high quality manner;**
- (d) **Has demonstrated that the proposed program is needed;**
- (e) **Has a clear plan to meet the articulated workforce need; and**
- (f) **Such other factors deemed relevant by the coordinating board;**

(2) **The governing board of each public institution of higher education in the state shall have the power and authority to confer degrees in chiropractic, osteopathic medicine, and podiatry only in collaboration with the University of Missouri, provided that such collaborative agreements are approved by the governing board of each institution and that**

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**in these instances the University of Missouri will be the degree granting institution. Should the University of Missouri decline to collaborate in the offering of such programs, any of these institutions may seek approval of the program through the coordinating board for higher education's comprehensive review process when doing so would not unnecessarily duplicate an existing program, collaboration is not feasible or a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high quality manner;**

[(2)] (3) The coordinating board for higher education may promote and encourage the development of cooperative agreements between Missouri public four-year institutions of higher education which do not offer graduate degrees and Missouri public four-year institutions of higher education which do offer graduate degrees for the purpose of offering graduate degree programs on campuses of those public four-year institutions of higher education which do not otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of the parties, including assignment of administrative responsibility. Any diploma awarded for graduate degrees under such a cooperative agreement shall include the names of both institutions inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no further approval from the coordinating board for higher education. Any costs incurred with respect to the administrative provisions of this subdivision may be paid from state funds allocated to the institution assigned the administrative authority for the program. The provisions of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this subsection;

[(3)] (4) In consultation with the heads of the institutions of higher education affected and against a background of carefully collected data on enrollment, physical facilities, manpower needs, **and** institutional missions, the coordinating board for higher education shall establish guidelines for appropriation requests by those institutions of higher education; however, other provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated by the general assembly to the governing board of each public four-year institution of higher education which shall prepare expenditure budgets for the institution;

[(4)] (5) No new state-supported senior colleges or residence centers shall be established except as provided by law and with approval of the coordinating board for higher education;

[(5)] (6) The coordinating board for higher education shall establish admission guidelines consistent with institutional missions;

[(6)] (7) The coordinating board for higher education shall require all public two-year and four-year higher education institutions to replicate best practices in remediation identified by the coordinating board and institutions from research undertaken by regional educational laboratories, higher education research organizations, and similar organizations with expertise in the subject, and identify and reduce methods that have been found to be ineffective in preparing or retaining students or that delay students from enrollment in college-level courses;

[(7)] (8) The coordinating board shall establish policies and procedures for institutional decisions relating to the residence status of students;

[(8)] (9) The coordinating board shall establish guidelines to promote and facilitate the transfer of students between institutions of higher education within the state and, with the assistance of the committee on transfer and articulation, shall require all public two-year and four-year higher education institutions to create by July 1, 2014, a statewide core transfer library of at least twenty-five lower division courses across all institutions that are transferable among all public higher education institutions. The coordinating board shall establish policies and procedures to ensure such courses are accepted in transfer among public institutions and treated as equivalent to similar courses at the receiving institutions. The coordinating board shall develop a policy to foster reverse

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transfer for any student who has accumulated enough hours in combination with at least one public higher education institution in Missouri that offers an associate degree and one public four-year higher education institution in the prescribed courses sufficient to meet the public higher education institution's requirements to be awarded an associate degree. The department of elementary and secondary education shall maintain the alignment of the assessments found in section 160.518 and successor assessments with the competencies previously established under this subdivision for entry-level collegiate courses in English, mathematics, foreign language, sciences, and social sciences associated with an institution's general education core;

~~[(9)]~~ **(10)** The coordinating board shall collect the necessary information and develop comparable data for all institutions of higher education in the state. The coordinating board shall use this information to delineate the areas of competence of each of these institutions and for any other purposes deemed appropriate by the coordinating board;

~~[(10)]~~ **(11)** Compliance with requests from the coordinating board for institutional information and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall be a prerequisite to the receipt of any funds which the coordinating board is responsible for administering;

~~[(11)]~~ **(12)** If any institution of higher education in this state, public or private, willfully fails or refuses to follow any lawful guideline, policy or procedure established or prescribed by the coordinating board, or knowingly deviates from any such guideline, or knowingly acts without coordinating board approval where such approval is required, or willfully fails to comply with any other lawful order of the coordinating board, the coordinating board may, after a public hearing, withhold or direct to be withheld from that institution any funds the disbursement of which is subject to the control of the coordinating board, or may remove the approval of the institution as an approved institution within the meaning of section 173.1102. If any such public institution willfully disregards board policy, the commissioner of higher education may order such institution to remit a fine in an amount not to exceed one percent of the institution's current fiscal year state operating appropriation to the board. The board shall hold such funds until such time that the institution, as determined by the commissioner of higher education, corrects the violation, at which time the board shall refund such amount to the institution. If the commissioner determines that the institution has not redressed the violation within one year, the fine amount shall be deposited into the general revenue fund, unless the institution appeals such decision to the full coordinating board, which shall have the authority to make a binding and final decision, by means of a majority vote, regarding the matter. However, nothing in this section shall prevent any institution of higher education in this state from presenting additional budget requests or from explaining or further clarifying its budget requests to the governor or the general assembly;

~~[(12)]~~ **(13)** In recognition of institutions that meet the requirements of subdivision (2), (3), or (4) of subsection 1 of section 173.616, are established by name as an educational institution in Missouri, and are authorized to operate programs beyond secondary education for purposes of authorization under 34 CFR 600.9, the coordinating board for higher education shall maintain and publish on its website a list of such postsecondary educational institutions; and

~~[(13)]~~ **(14)** (a) As used in this subdivision, the term "out-of-state public institution of higher education" shall mean an education institution located outside of Missouri that:

a. Is controlled or administered directly by a public agency or political subdivision or is classified as a public institution by the state;

b. Receives appropriations for operating expenses directly or indirectly from a state other than Missouri;

- c. Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;
- d. Meets the standards for accreditation by an accrediting body recognized by the United States Department of Education or any successor agency; and
- e. Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source.

(b) No later than July 1, 2008, the coordinating board shall promulgate rules regarding:

a. The board's approval process of proposed new degree programs and course offerings by any out-of-state public institution of higher education seeking to offer degree programs or course work within the state of Missouri; and

b. The board's approval process of degree programs and courses offered by any out-of-state public institutions of higher education that, prior to July 1, 2008, were approved by the board to operate a school in compliance with the provisions of sections 173.600 to 173.618. The rules shall ensure that, as of July 1, 2008, all out-of-state public institutions seeking to offer degrees and courses within the state of Missouri are evaluated in a manner similar to Missouri public higher education institutions. Such out-of-state public institutions shall be held to standards no lower than the standards established by the coordinating board for program approval and the policy guidelines of the coordinating board for data collection, cooperation, and resolution of disputes between Missouri institutions of higher education under this section. Any such out-of-state public institutions of higher education wishing to continue operating within this state must be approved by the board under the rules promulgated under this subdivision. The coordinating board may charge and collect fees from out-of-state public institutions to cover the costs of reviewing and assuring the quality of programs offered by out-of-state public institutions. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

(c) Nothing in this subdivision or in section 173.616 shall be construed or interpreted so that students attending an out-of-state public institution are considered to be attending a Missouri public institution of higher education for purposes of obtaining student financial assistance.

3. The coordinating board shall meet at least four times annually with an advisory committee who shall be notified in advance of such meetings. The coordinating board shall have exclusive voting privileges. The advisory committee shall consist of thirty-two members, who shall be the president or other chief administrative officer of the University of Missouri; the chancellor of each campus of the University of Missouri; the president of each state-supported four-year college or university, including Harris-Stowe State University, Missouri Southern State University, Missouri Western State University, and Lincoln University; the president of State Technical College of Missouri; the president or chancellor of each public community college district; and representatives of each of five accredited private institutions selected biennially, under the supervision of the coordinating board, by the presidents of all of the state's privately supported institutions; but always to include at least one representative from one privately supported community college, one privately supported four-year college, and one privately supported university. The conferences shall enable the committee to advise the coordinating board of the views of the institutions on matters within the purview of the coordinating board.

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4. The University of Missouri, Lincoln University, and all other state-governed colleges and universities, chapters 172, 174, 175, and others, are transferred by type III transfers to the department of higher education subject to the provisions of subsection 2 of this section.

5. The state historical society, chapter 183, is transferred by type III transfer to the University of Missouri.

6. The state anatomical board, chapter 194, is transferred by type II transfer to the department of higher education.

7. All the powers, duties and functions vested in the division of public schools and state board of education relating to community college state aid and the supervision, formation of districts and all matters otherwise related to the state's relations with community college districts and matters pertaining to community colleges in public school districts, chapters 163, 178, and others, are transferred to the coordinating board for higher education by type I transfer. Provided, however, that all responsibility for administering the federal-state programs of vocational-technical education, except for the 1202a postsecondary educational amendments of 1972 program, shall remain with the department of elementary and secondary education. The department of elementary and secondary education and the coordinating board for higher education shall cooperate in developing the various plans for vocational-technical education; however, the ultimate responsibility will remain with the state board of education.

8. All the powers, duties, functions, and properties of the state poultry experiment station, chapter 262, are transferred by type I transfer to the University of Missouri, and the state poultry association and state poultry board are abolished. In the event the University of Missouri shall cease to use the real estate of the poultry experiment station for the purposes of research or shall declare the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be disposed of without legislative approval.

**173.260. PUBLIC SERVICE OFFICERS AND EMPLOYEES DISABLED OR KILLED IN THE LINE OF DUTY, SURVIVOR'S AND DISABLED EMPLOYEE'S EDUCATIONAL GRANT PROGRAM, REQUIREMENTS, LIMITATIONS.** — 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) **"Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;**

(2) **"Air ambulance registered professional nurse", a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;**

(3) **"Air ambulance registered respiratory therapist", a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;**

(4) **"Board", the coordinating board for higher education;**

(2) (5) **"Eligible child", the natural, adopted or stepchild of a public safety officer or employee, as defined in this section, who is less than twenty-four years of age and who is a**

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dependent of a public safety officer or employee or was a dependent at the time of death or permanent and total disability of a public safety officer or employee;

**(6) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;**

[(3)] **(7) "Employee", any full-time employee of the department of transportation engaged in the construction or maintenance of the state's highways, roads and bridges;**

**(8) "Flight crew member", an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;**

[(4)] **(9) "Grant", the public safety officer or employee survivor grant as established by this section;**

[(5)] **(10) "Institution of postsecondary education", any approved public or private institution as defined in section 173.205;**

[(6)] **(11) "Line of duty", any action of a public safety officer, whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or obligated by law, rule, regulation or condition of employment or service to perform;**

[(7)] **(12) "Public safety officer", any firefighter, **uniformed employee of the office of the state fire marshal**, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed or permanently and totally disabled in the line of duty **or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed or permanently and totally disabled in the line of duty;****

[(8)] **(13) "Permanent and total disability", a disability which renders a person unable to engage in any gainful work;**

[(9)] **(14) "Spouse", the husband, wife, widow or widower of a public safety officer or employee at the time of death or permanent and total disability of such public safety officer;**

[(10)] **(15) "Tuition", any tuition or incidental fee or both charged by an institution of postsecondary education, as defined in this section, for attendance at that institution by a student as a resident of this state.**

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall provide, as defined in this section, a grant for either of the following to attend an institution of postsecondary education:

(1) An eligible child of a public safety officer or employee killed or permanently and totally disabled in the line of duty; or

(2) A spouse of a public safety officer killed or permanently and totally disabled in the line of duty.

3. An eligible child or spouse may receive a grant under this section only so long as the child or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a child or spouse receive a grant beyond the completion of the first baccalaureate degree or, in the case of a child, age twenty-four years, except that the child may receive a grant through the completion of the semester or similar grading period in which the child reaches his twenty-fourth year. No child or spouse shall receive more than one hundred percent of tuition when combined with similar funds made available to such child or spouse.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section;

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(2) Determine minimum standards of performance in order for a child or spouse to remain eligible to receive a grant under this program;

(3) Make available on behalf of an eligible child or spouse an amount toward the child's or spouse's tuition which is equal to the grant to which the child or spouse is entitled under the provisions of this section;

(4) Provide the forms and determine the procedures necessary for an eligible child or spouse to apply for and receive a grant under this program.

5. An eligible child or spouse who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education shall receive a grant in an amount not to exceed the least of the following:

(1) The actual tuition, as defined in this section, charged at an approved institution where the child or spouse is enrolled or accepted for enrollment; or

(2) The amount of tuition charged a Missouri resident at the University of Missouri for attendance as a full-time student, as defined in section 173.205.

6. An eligible child or spouse who is a recipient of a grant may transfer from one approved public or private institution of postsecondary education to another without losing his entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at anytime withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the portion of the refund to which he is entitled attributable to the grant for that semester or similar grading period to the board.

7. If an eligible child or spouse is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible child or spouse.

8. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

9. A public safety officer who is permanently and totally disabled shall be eligible for a grant pursuant to the provisions of this section.

10. An eligible child of a public safety officer or employee, spouse of a public safety officer or public safety officer shall cease to be eligible for a grant pursuant to this section when such public safety officer or employee is no longer permanently and totally disabled.

**173.1003. CHANGE IN TUITION RATE TO BE REPORTED TO BOARD — PERMISSIBLE PERCENTAGE CHANGE, EXCEPTIONS — DEFINITIONS.** — 1. Beginning with the 2008-09 academic year, each approved public institution, as such term is defined in section 173.1102, shall submit its percentage change in the amount of tuition from the current academic year compared to the upcoming academic year to the coordinating board for higher education by July first preceding such academic year.

2. For institutions whose tuition is greater than the average tuition, the percentage change in tuition shall not exceed the percentage change of the consumer price index [or zero, whichever is greater] **plus a percentage of not more than five percent that would produce an increase in net tuition revenue no greater than the dollar amount by which the state operating support was reduced for the prior fiscal year, if applicable.**

3. For institutions whose tuition is less than the average tuition, the dollar increase in tuition shall not exceed the product of [zero or] the percentage change of the consumer price index],

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whichever is greater.] times the average tuition, **plus a percentage of not more than five percent that would produce an increase in net tuition revenue no greater than the dollar amount by which the state operating support was reduced for the prior fiscal year, if applicable.**

4. If a tuition increase exceeds the limits set forth in subsections 2 or 3 of this section, then the institution shall be subject to the provisions of subsection 5 of this section.

5. Any institution that exceeds the limits set forth in subsections 2 or 3 of this section shall remit to the board an amount equal to five percent of its current year state operating [appropriation] **support** amount which shall be deposited into the general revenue fund unless the institution appeals, within thirty days of such notice, to the commissioner of higher education for a waiver of this provision. The commissioner, after meeting with appropriate representatives of the institution, shall determine whether the institution's waiver request is sufficiently warranted, in which case no fund remission shall occur. In making this determination, the factors considered by the commissioner shall include but not be limited to the relationship between state appropriations and the consumer price index and any extraordinary circumstances. If the commissioner determines that an institution's tuition percent increase is not sufficiently warranted and declines the waiver request, the commissioner shall recommend to the full coordinating board that the institution shall remit an amount up to five percent of its current year state operating appropriation to the board, which shall deposit the amount into the general revenue fund. The coordinating board shall have the authority to make a binding and final decision, by means of a majority vote, regarding the matter.

6. The provisions of subsections 2 to 5 of this section shall not apply to any community college unless any such community college's tuition for any Missouri resident is greater than or equal to the average tuition. If the provisions of subsections 2 to 5 of this section apply to a community college, subsections 2 to 5 of this section shall only apply to out-of-district Missouri resident tuition.

7. For purposes of this section, the term "average tuition" shall be the sum of the tuition amounts for the previous academic year for each approved public institution that is not excluded under subsection 6 of this section, divided by the number of such institutions. The term "consumer price index" shall mean the Consumer Price Index for All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, from January first of the current year compared to January first of the preceding year. The term "state appropriation" shall mean the state operating appropriation for the prior year per full-time equivalent student for the prior year compared to state operating appropriation for the current year per full-time equivalent student for the prior year. The term "tuition" shall mean the amount of tuition and required fees, excluding any fee established by the student body of the institution, charged to a Missouri resident undergraduate enrolled in fifteen credit hours at the institution. **The term "state operating support" shall mean the funding actually disbursed from state operating appropriations to approved public institutions and shall not include appropriations or disbursement for special initiatives or specific program additions or expansions. The term "net tuition revenue" shall mean the net amount of resident undergraduate tuition and required fees reduced by institutional aid only. "Institutional aid" includes all aid awarded to the student by the student's institution of higher education only from such institutions's funds. "Institutional aid" does not include the following: Pell Grants; state awards such as the Missouri higher education academic scholarship program, the A+ schools program, and the access Missouri financial aid program; foundation scholarships; third party scholarships; employee and dependent fee waivers; and student loans.**

8. Nothing in this section shall be construed to usurp or preclude the ability of the governing board of an institution of higher education to establish tuition or required fee rates.

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

Matter in bold-face type is proposed language.

**173.1101. CITATION OF LAW — REFERENCES TO PROGRAM.** — The financial assistance program established under sections 173.1101 to 173.1107 shall be hereafter known as the "Access Missouri Financial Assistance Program". The coordinating board and all approved private, [and] public, **and virtual** institutions in this state shall refer to the financial assistance program established under sections 173.1101 to 173.1107 as the access Missouri student financial assistance program in their scholarship literature, provided that no institution shall be required to revise or amend any such literature to comply with this section prior to the date such literature would otherwise be revised, amended, reprinted or replaced in the ordinary course of such institution's business.

**173.1102. DEFINITIONS. — 1.** As used in sections 173.1101 to 173.1107, unless the context requires otherwise, the following terms mean:

(1) "Academic year", the period from July first of any year through June thirtieth of the following year;

(2) "Approved private institution", a nonprofit institution, dedicated to educational purposes, located in Missouri which:

(a) Is operated privately under the control of an independent board and not directly controlled or administered by any public agency or political subdivision;

(b) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a certificate or degree;

(c) Meets the standards for accreditation as determined by either the Higher Learning Commission or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to nondegree-granting institutions as established by the coordinating board for higher education;

(d) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto. Sex discrimination as used herein shall not apply to admission practices of institutions offering the enrollment limited to one sex;

(e) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;

(3) "Approved public institution", an educational institution located in Missouri which:

(a) Is directly controlled or administered by a public agency or political subdivision;

(b) Receives appropriations directly or indirectly from the general assembly for operating expenses;

(c) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;

(d) Meets the standards for accreditation as determined by either the Higher Learning Commission, or if a public community college created under the provisions of sections 178.370 to 178.400 meets the standards established by the coordinating board for higher education for such public community colleges, or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to the institution as established by the coordinating board for higher education;

(e) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto;

(f) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;

(4) **"Approved virtual institution", an educational institution that meets all of the following requirements:**

(a) **Is recognized as a qualifying institution by gubernatorial executive order, unless such order is rescinded;**

(b) **Is recognized as a qualifying institution through a memorandum of understanding between the state of Missouri and the approved virtual institution;**

(c) **Is accredited by a regional accrediting agency recognized by the United States Department of Education;**

(d) **Has established and continuously maintains a physical campus or location of operation within the state of Missouri;**

(e) **Maintains at least twenty-five full-time Missouri employees, at least one-half of which shall be faculty or administrators engaged in operations;**

(f) **Enrolls at least one thousand Missouri residents as degree or certificate seeking students;**

(g) **Maintains a governing body or advisory board based in Missouri with oversight of Missouri operations;**

(h) **Is organized as a nonprofit institution; and**

(i) **Utilizes an exclusively competency-based education model;**

(5) **"Coordinating board", the coordinating board for higher education;**

[(5)] (6) **"Expected family contribution", the amount of money a student and family should pay toward the cost of postsecondary education as calculated by the United States Department of Education and reported on the student aid report or the institutional student information record;**

[(6)] (7) **"Financial assistance", an amount of money paid by the state of Missouri to a qualified applicant under sections 173.1101 to 173.1107;**

[(7)] (8) **"Full-time student", an individual who is enrolled in and is carrying a sufficient number of credit hours or their equivalent at an approved private, [or] public, or virtual institution to secure the degree or certificate toward which he or she is working in no more than the number of semesters or their equivalent normally required by that institution in the program in which the individual is enrolled. This definition shall be construed as the successor to subdivision (7) of section 173.205 for purposes of eligibility requirements of other financial assistance programs that refer to section 173.205.**

**2. The failure of an approved virtual institution to continuously maintain all of the requirements in subdivision (4) of subsection 1 of this section shall preclude such institution's students or applicants from being eligible for assistance under sections 173.1104 and 173.1105.**

**173.1104. ELIGIBILITY CRITERIA FOR ASSISTANCE — DISQUALIFICATION, WHEN — ALLOCATION OF ASSISTANCE.** — 1. An applicant shall be eligible for initial or renewed financial assistance only if, at the time of application and throughout the period during which the applicant is receiving such assistance, the applicant:

(1) Is a citizen or a permanent resident of the United States;

(2) Is a resident of the state of Missouri, as determined by reference to standards promulgated by the coordinating board;

(3) Is enrolled, or has been accepted for enrollment, as a full-time undergraduate student in an approved private, [or] public, or virtual institution; and

(4) Is not enrolled or does not intend to use the award to enroll in a course of study leading to a degree in theology or divinity.

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2. If an applicant is found guilty of or pleads guilty to any criminal offense during the period of time in which the applicant is receiving financial assistance, such applicant shall not be eligible for renewal of such assistance, provided such offense would disqualify the applicant from receiving federal student aid under Title IV of the Higher Education Act of 1965, as amended.

3. Financial assistance shall be allotted for one academic year, but a recipient shall be eligible for renewed assistance until he or she has obtained a baccalaureate degree, provided such financial assistance shall not exceed a total of ten semesters or fifteen quarters or their equivalent. Standards of eligibility for renewed assistance shall be the same as for an initial award of financial assistance, except that for renewal, an applicant shall demonstrate a grade-point average of two and five-tenths on a four-point scale, or the equivalent on another scale. This subsection shall be construed as the successor to section 173.215 for purposes of eligibility requirements of other financial assistance programs that refer to section 173.215.

**173.1105. AWARD AMOUNTS, MINIMUMS AND MAXIMUMS — ADJUSTMENT IN AWARDS, WHEN.** — 1. An applicant who is an undergraduate postsecondary student at an approved private, [or] public, **or virtual** institution and who meets the other eligibility criteria shall be eligible for financial assistance, with a minimum and maximum award amount as follows:

(1) For academic years 2010-11, 2011-12, 2012-13, and 2013-14:

(a) One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector;

(b) Two thousand one hundred fifty dollars maximum and one thousand dollars minimum for students attending institutions classified as part of the public four-year sector, including State Technical College of Missouri; and

(c) Four thousand six hundred dollars maximum and two thousand dollars minimum for students attending approved private institutions;

(2) For the 2014-15 academic year and subsequent years:

(a) One thousand three hundred dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector; and

(b) Two thousand eight hundred fifty dollars maximum and one thousand five hundred dollars minimum for students attending institutions classified as part of the public four-year sector, including State Technical College of Missouri, [or] approved private institutions, **or approved virtual institutions**.

2. All students with an expected family contribution of twelve thousand dollars or less shall receive at least the minimum award amount for his or her institution. Maximum award amounts for an eligible student with an expected family contribution above seven thousand dollars shall be reduced by ten percent of the maximum expected family contribution for his or her increment group. Any award amount shall be reduced by the amount of a student's payment from the A+ schools program or any successor program to it. For purposes of this subsection, the term "increment group" shall mean a group organized by expected family contribution in five hundred dollar increments into which all eligible students shall be placed.

3. If appropriated funds are insufficient to fund the program as described, the maximum award shall be reduced across all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used to increase the number of recipients by raising the cutoff for the expected family contribution rather than by increasing the size of the award.

4. Every three years, beginning with academic year 2009-10, the award amount may be adjusted to increase no more than the Consumer Price Index for All Urban Consumers (CPI-U),

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1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, for the previous academic year. The coordinating board shall prepare a report prior to the legislative session for use of the general assembly and the governor in determining budget requests which shall include the amount of funds necessary to maintain full funding of the program based on the baseline established for the program upon the effective date of sections 173.1101 to 173.1107. Any increase in the award amount shall not become effective unless an increase in the amount of money appropriated to the program necessary to cover the increase in award amount is passed by the general assembly.

**173.1107. TRANSFER OF RECIPIENT, EFFECT OF.** — A recipient of financial assistance may transfer from one approved public [or], private, **or virtual** institution to another without losing eligibility for assistance under sections 173.1101 to 173.1107, but the coordinating board shall make any necessary adjustments in the amount of the award. If a recipient of financial assistance at any time is entitled to a refund of any tuition, fees, or other charges under the rules and regulations of the institution in which he or she is enrolled, the institution shall pay the portion of the refund which may be attributed to the state grant to the coordinating board. The coordinating board will use these refunds to make additional awards under the provisions of sections 173.1101 to 173.1107.

**173.1450. CITATION OF LAW — REGIONAL ACCREDITATION, LACK OF, REQUIRED DISCLOSURE — FORM — EXEMPTION.** — **1.** The provisions of this section shall be known and cited as the "College Credit Disclosure Act".

**2.** Except as provided in subsection 4 of this section, institutions of higher education located within the state that grant college-level credit but are not accredited by a regional accrediting body recognized by the United States Department of Education shall disclose during the admission application process, in writing, that the institution has not achieved regional accreditation recognized by the department.

**3.** The disclosure required in subsection 2 of this section shall be provided to an enrolling student prior to registering for any class granting credit, and the student shall sign the disclosure, either in writing or electronically, acknowledging receipt of such disclosure. The disclosure provided shall contain the following wording, in no less than fourteen-point font:

"College level credits earned at (Institution name) may not be transferrable to other higher learning/postsecondary learning institutions, including, but not limited to, universities, colleges, junior colleges, community colleges, or trade schools accredited by a regional accrediting body recognized by the United States Department of Higher Education.

Contact the institution receiving the transferred credit(s) for more information."

**4.** Notwithstanding any provision of this section or any other law, institutions of higher education affiliated with religious organizations that are accredited by a national faith-related accrediting organization recognized by the United States Department of Education shall be exempt from the disclosure requirements of this section.

**173.2530. REPORT ON COMPLIANCE WITH STANDARDS FOR MENTAL HEALTH SERVICES PROVIDED ON CAMPUS.** — Beginning in the 2020-21 school year, and continuing on an annual basis thereafter, each public institution of higher education shall publish a report measuring compliance with the standards promulgated by the International Association of Counseling

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Services, Inc. relating to mental health services provided on college campuses. The report shall include a measure of the institution's ability to adequately meet student mental health needs. All reports required by this section shall be made available to the public.

**174.160. AUTHORITY TO CONFER DEGREES.** — The board of regents of each state college and each state teachers college shall have power and authority to confer upon students, by diploma under the common seal, such degrees as are usually granted by such colleges, **and additional degrees only when authorized by the coordinating board for higher education in circumstances in which offering such degree would not unnecessarily duplicate an existing program, collaboration is not feasible or a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high quality manner.** In the case of nonresearch doctoral degrees in allied health professions, an institution may be authorized to offer such degree independently if offering it in collaboration with another institution would not increase the quality of the program or allow it to be delivered more efficiently. Such boards shall have the power and authority to confer degrees in engineering only in collaboration with the University of Missouri, provided that such collaborative agreements are approved by the governing board of each institution and that in these instances the University of Missouri will be the degree granting institution. Should the University of Missouri decline to collaborate in the offering of such programs, one of these institutions may seek approval of the program through the coordinating board for higher education's comprehensive review process when doing so would not unnecessarily duplicate an existing program, collaboration is not feasible or a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high quality manner.

**174.225. NO STATE COLLEGE OR UNIVERSITY TO SEEK LAND GRANT DESIGNATION OR RESEARCH DESIGNATION HELD BY OTHER INSTITUTIONS.** — [Missouri State University] **No state college or university** shall [not] seek the land grant designation held by Lincoln University and the University of Missouri [nor shall Missouri State University seek] **or** the research designation currently held by the University of Missouri. [Missouri State University shall offer engineering programs and doctoral programs only in cooperation with the University of Missouri; provided that such cooperative agreements are approved by the governing boards of each institution and that in these instances the University of Missouri shall be the degree-granting institution. Should the University of Missouri decline to cooperate in the offering of such programs within one year of the formal approval of the coordinating board, Missouri State University may cooperate with another educational institution, or directly offer the degree. In all cases, the offering of such degree programs shall be subject to the approval of the coordinating board for higher education, or any other higher education governing authority that may replace it. Missouri State University may offer doctoral programs in audiology and physical therapy. Missouri State University shall neither offer nor duplicate the professional programs at the University of Missouri including, without limitation, those that train medical doctors, pharmacists, dentists, veterinarians, optometrists, lawyers, and architects. The alteration of the name of Southwest Missouri State University to Missouri State University shall not entitle Missouri State University to any additional state funding.]

**174.231. MISSOURI SOUTHERN STATE UNIVERSITY, MISSION STATEMENT — DISCONTINUANCE OF ASSOCIATE DEGREE PROGRAM.** — 1. On and after August 28, 2005, the

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institution formerly known as Missouri Southern State College located in Joplin, Jasper County, shall be known as "Missouri Southern State University". Missouri Southern State University is hereby designated and shall hereafter be operated as a statewide institution of international or global education. The Missouri Southern State University is hereby designated a moderately selective institution which shall provide associate degree programs except as provided in subsection 2 of this section, baccalaureate degree programs, and graduate degree programs pursuant to subdivisions (1) and [(2)] (3) of subsection 2 of section 173.005. The institution shall develop such academic support programs and public service activities it deems necessary and appropriate to establish international or global education as a distinctive theme of its mission. [Consistent with the provisions of section 174.324, Missouri Southern State University is authorized to offer master's level degree programs in accountancy, subject to the approval of the coordinating board for higher education as provided in subdivision (1) of subsection 2 of section 173.005.]

2. As of July 1, 2008, Missouri Southern State University shall discontinue any and all associate degree programs unless the continuation of such associate degree programs is approved by the coordinating board for higher education pursuant to subdivision (1) of subsection 2 of section 173.005.

**174.251. MISSOURI WESTERN STATE UNIVERSITY, MISSION STATEMENT.** — 1. On and after August 28, 2005, the institution formerly known as Missouri Western State College at St. Joseph, Buchanan County, shall hereafter be known as the "Missouri Western State University". Missouri Western State University is hereby designated and shall hereafter be operated as a statewide institution of applied learning. The Missouri Western State University is hereby designated an open enrollment institution which shall provide associate degree programs except as provided in subsection 2 of this section, baccalaureate degree programs, and graduate degree programs pursuant to [subdivisions (1) and (2) of] subsection 2 of section 173.005. The institution shall develop such academic support programs as it deems necessary and appropriate to an open enrollment institution with a statewide mission of applied learning. [Consistent with the provisions of section 174.324, Missouri Western State University is authorized to offer master's level degree programs in accountancy, subject to the approval of the coordinating board for higher education as provided in subdivision (1) of subsection 2 of section 173.005.]

2. As of July 1, 2010, Missouri Western State University shall discontinue any and all associate degree programs unless the continuation of such associate degree program is approved by the coordinating board for higher education pursuant to [subdivision] **subsection 2** of section 173.005.

**174.500. WEST PLAINS CAMPUS OF MISSOURI STATE UNIVERSITY ESTABLISHED — MISSION IMPLEMENTATION PLAN — LIMITATION ON OFFERS FOR BACCALAUREATE DEGREES.** — 1. The board of governors of Missouri State University is authorized to continue the program of higher education at West Plains, Missouri, which was begun in 1963 and which shall be known as the "West Plains Campus of Missouri State University". Missouri State University may include an appropriation request for the branch facility at West Plains in its operating budget.

2. The coordinating board for higher education in cooperation with the board of governors shall develop a mission implementation plan for the campus at West Plains, Howell County, which is known as the "West Plains Campus of Missouri State University", and which shall be a teaching institution, offering one-year certificates, two-year associate degrees and credit and noncredit courses to both traditional and nontraditional students to meet the ongoing and emerging employer and educational needs of the citizens of the area served. **The West Plains campus of Missouri State University may offer baccalaureate degrees only when authorized by the coordinating**

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board for higher education in circumstances where the level of education required in a field for accreditation or licensure increases to the baccalaureate degree level or, in the case of applied bachelor's degrees, the level of education required for employment in a field increases to that level, and when doing so would not unnecessarily duplicate an existing program, collaboration with a university is not feasible or the approach is not a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high quality manner. Quality for such baccalaureate degree programs shall be evaluated at least in part by delivery of upper-level coursework or competencies, and defined by accreditation or compliance with the Higher Learning Commission standards for bachelor's degrees.

**178.636. STATE TECHNICAL COLLEGE OF MISSOURI, PURPOSE AND MISSION — CERTIFICATES, DIPLOMAS AND APPLIED SCIENCE ASSOCIATE DEGREES, LIMITATIONS — BACCALAUREATE DEGREES, LIMITATIONS.** — 1. State Technical College of Missouri shall be a special purpose institution that shall make available to students from all areas of the state exceptional educational opportunities through highly specialized and advanced technical education and training at the certificate and associate degree level in both emerging and traditional technologies with particular emphasis on technical and vocational programs not commonly offered by community colleges or area vocational technical schools. Primary consideration shall be placed on the industrial and technological manpower needs of the state. In addition, State Technical College of Missouri is authorized to assist the state in economic development initiatives and to facilitate the transfer of technology to Missouri business and industry directly through the graduation of technicians in advanced and emerging disciplines and through technical assistance provided to business and industry. State Technical College of Missouri is authorized to provide technical assistance to area vocational technical schools and community colleges through supplemental on-site instruction and distance learning as such area vocational technical schools and community colleges deem appropriate.

2. Consistent with the mission statement provided in subsection 1 of this section, State Technical College of Missouri shall offer vocational and technical programs leading to the granting of certificates, diplomas, and applied science associate degrees, or a combination thereof[, but not including]. **State Technical College of Missouri may offer associate of arts or baccalaureate [or higher] degrees only when authorized by the coordinating board for higher education in circumstances where the level of education required in a field for accreditation or licensure increases to the baccalaureate degree level or, in the case of applied bachelor's degrees, the level of education required for employment in a field increases to that level, and when doing so would not unnecessarily duplicate an existing program, collaboration with a university is not feasible or the approach is not a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high quality manner. Quality for such baccalaureate degree programs shall be evaluated at least in part by delivery of upper-level coursework or competencies, and defined by accreditation or compliance with the Higher Learning Commission standards for bachelor's degrees.** State Technical College of Missouri shall also continue its role as a recognized area vocational technical school as provided by policies and procedures of the state board of education.

**[174.324. MASTER'S DEGREES IN ACCOUNTING AUTHORIZED FOR MISSOURI WESTERN UNIVERSITY AND MISSOURI SOUTHERN STATE UNIVERSITY, REQUIREMENTS —**

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**LIMITATIONS ON NEW MASTER'S DEGREE PROGRAMS.** — 1. Notwithstanding any law to the contrary, Missouri Western State University and Missouri Southern State University may offer master's degrees in accounting, subject to any terms and conditions of the Missouri state board of accountancy applicable to any other institution of higher education in this state which offers such degrees, and subject to approval of the coordinating board for higher education.

2. Any new master's degree program offered at Missouri Southern State University, Missouri Western State University, or any other public institution of higher education in this state must be approved by the coordinating board for higher education pursuant to the provisions of subdivision (1) or (2) of subsection 2 of section 173.005.]

Approved July 6, 2018

SCS SB 814

**Enacts provisions relating to driver's licenses for persons who are deaf or hard of hearing.**

AN ACT to repeal section 302.174, RSMo, and to enact in lieu thereof one new section relating to driver's licenses for persons who are deaf or hard of hearing.

SECTION

A. Enacting clause.

302.174 Deaf or hard of hearing, driver's license special notation, definitions — ASL informational video — rulemaking authority.

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

**SECTION A. ENACTING CLAUSE.**— Section 302.174, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.174, to read as follows:

**302.174. DEAF OR HARD OF HEARING, DRIVER'S LICENSE SPECIAL NOTATION, DEFINITIONS — ASL INFORMATIONAL VIDEO — RULEMAKING AUTHORITY.** — 1. As used in this section, the following terms mean:

(1) "Deaf person", any person who, because of hearing loss, is not able to discriminate speech when spoken in a normal conversation tone regardless of the use of amplification devices;

(2) ["Hearing-impaired person", any person who, because of hearing loss, has a diminished capacity to discriminate speech when spoken in a normal conversational tone;

(3) "J88" **"DHH"**, a notation on a driver's license that indicates the person is a deaf or [hearing-impaired] **hard of hearing** person who uses alternative communication;

(3) **"Hard of hearing person", any person who, because of hearing loss, has a diminished capacity to discriminate speech when spoken in a normal conversational tone.**

2. Any resident of this state who is a deaf or [hearing-impaired] **hard of hearing** person may apply to the department of revenue to have the notation "[J88] **DHH**" placed on the person's driver's license. The department of revenue, by rule, may establish the cost and criteria for placement of the "[J88] **DHH**" notation, such as requiring an applicant to submit certain medical proof of deafness or hearing [impairment] loss. **The department may also, by rule, elect to use the phrase "deaf or hard of hearing" in lieu of the notation "DHH" on a driver's license.**

3. **The Missouri commission for the deaf and hard of hearing shall make an informational video in American Sign Language explaining what a "DHH" notation means**

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Matter in bold-face type is proposed language.

**on a driver's license and informing Missourians of their right to receive a license with the "DHH" notation under this section. This video shall also be captioned in English and converted to QR-Code which shall be posted in a conspicuous place at every driver's license office in Missouri.**

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

Approved June 1, 2018

CCS SB 819

**Enacts provisions relating to the protection of children.**

AN ACT to repeal sections 191.737, 191.739, 193.265, 210.003, 210.101, 210.102, 210.103, 210.110, 210.112, 210.115, 210.145, 210.152, 210.487, 210.498, 211.447, 431.056, 453.015, 453.030, 453.080, 453.121, 475.024, 556.036, 556.037, and 610.021, RSMo, and to enact in lieu thereof twenty-six new sections relating to the protection of children.

SECTION

- A. Enacting clause.
- 37.940 Program established, executive director — definitions — areas of critical state concern — grant teams, duties — demonstration projects — rulemaking authority — sunset provision.
- 191.737 Children exposed to substance abuse, referral by physician to children's division — services to be initiated within seventy-two hours — physician making referral immune from civil liability — confidentiality of report.
- 191.739 Protective and preventive services to be provided by department of social services, duties.
- 193.265 Fees for certification and other services — distribution — services free, when.
- 210.003 Immunizations of children required, when, exceptions — duties of administrator, report — notification of parents, when.
- 210.102 Coordinating board for early childhood established, members, powers — fund created.
- 210.110 Definitions.
- 210.112 Children's services providers and agencies, contracting with, requirements — task force created — reports to general assembly — rulemaking authority.
- 210.115 Reports of abuse, neglect, and under age eighteen deaths — persons required to report — supervisors and administrators not to impede reporting — deaths required to be reported to the division or child fatality review panel, when — report made to another state, when.
- 210.145 Telephone hotline for reports on child abuse — division duties, protocols, law enforcement contacted immediately, investigation conducted, when, exception — chief investigator named — family support team meetings, who may attend — reporter's right to receive information — admissibility of reports in custody cases.
- 210.152 Reports of abuse or neglect — division to retain or remove certain information — confidential, released only to authorized persons — report removal, when — notice of agency's determination to retain or remove, sent when — case reopened, when — administrative review of determination — de novo judicial review.
- 210.487 Background checks for foster families, requirements — costs, paid by whom — rulemaking authority.

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

- 210.498 Access to records on the suspension or revocation of a foster home license — procedure for release of information — disclosure permitted, when.
- 210.1030 Task force created, members, duties — termination date.
- 211.447 Juvenile officer preliminary inquiry, when — petition to terminate parental rights filed, when — juvenile court may terminate parental rights, when — investigation to be made — grounds for termination.
- 431.056 Minor's ability to contract for certain purposes — conditions.
- 453.015 Definitions.
- 453.030 Approval of court required — how obtained, consent of child and parent required, when — validity of consent — forms, developed by department, contents — court appointment of attorney, when.
- 453.080 Hearing — decree — contact or exchange of identifying information between adopted person and birth or adoptive parent not to be denied, when — post adoption contact agreement — contact preference form.
- 453.121 Adoption records, disclosure procedure — registry of biological parents and adopted adults — disclosure of papers, records and information.
- 475.600 Citation of law.
- 475.602 Delegation to attorney-in-fact, powers — revocation or withdrawal — requirements of delegation.
- 475.604 Delegation form, contents.
- 556.036 Time limitations.
- 556.037 Time limitations for prosecutions for sexual offenses involving a person under eighteen.
- 610.021 Closed meetings and closed records authorized when, exceptions.
- 210.101 Children's services commission established, members, qualifications — meetings open to public, notice — rules — staff — ex officio members.
- 210.103 Children's services commission fund created, purpose — investment — not subject to general revenue transfer.
- 475.024 Temporary delegation of powers by parent — exceptions.

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

**SECTION A. ENACTING CLAUSE.** — Sections 191.737, 191.739, 193.265, 210.003, 210.101, 210.102, 210.103, 210.110, 210.112, 210.115, 210.145, 210.152, 210.487, 210.498, 211.447, 431.056, 453.015, 453.030, 453.080, 453.121, 475.024, 556.036, 556.037, and 610.021, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 37.940, 191.737, 191.739, 193.265, 210.003, 210.102, 210.110, 210.112, 210.115, 210.145, 210.152, 210.487, 210.498, 210.1030, 211.447, 431.056, 453.015, 453.030, 453.080, 453.121, 475.600, 475.602, 475.604, 556.036, 556.037, and 610.021, to read as follows:

**37.940. PROGRAM ESTABLISHED, EXECUTIVE DIRECTOR — DEFINITIONS — AREAS OF CRITICAL STATE CONCERN — GRANT TEAMS, DUTIES — DEMONSTRATION PROJECTS — RULEMAKING AUTHORITY — SUNSET PROVISION.** — **1.** **There is hereby established within the office of administration the "Social Innovation Grant Program". The governor shall designate an individual to serve as the executive director of the social innovation grant program, who shall establish and oversee the program. For purposes of this section, the following terms mean:**

(1) "Critical state concern", instances or circumstances in which the state of Missouri is currently, and will likely be in the future, responsible for the costs associated with a particular act of the state through annual appropriations. The programs for which the costs are associated may not be optimal for reducing the overall scope of the problem to the greatest extent while limiting the exposure of the state budget;

(2) "Demonstration project", a project selected by the social innovation grant team in response to the grant team's request for proposals process;

(3) "Social innovation grant", a grant awarded to a nonprofit organization with **experience in the area of critical state concern to design a short-term demonstration project**

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based on evidence and best practices that can be replicated to optimize state funding and services for populations and programs identified as areas of critical state concern.

2. Areas of critical state concern include, but are not limited to:

- (1) Families in generational child welfare;
- (2) Opioid-addicted pregnant women; and
- (3) Children in residential treatment with behavioral issues where the children were not removed from the family due to abuse or neglect.

The office of administration or the general assembly may identify additional critical state concerns that could potentially be addressed through the social innovation grant program.

3. For any critical state concern for which a social innovation grant is being utilized, the executive director shall establish a "Social Innovation Grant Team" to be comprised of:

- (1) Individuals working in governmental agencies responsible for the oversight of programs related to the critical state concern;
- (2) Persons working in the nonprofit sector with practical field experience related to the critical state concern; and
- (3) Academic leaders in research and study related to the critical state concern.

4. The social innovation grant team shall be charged with:

- (1) Formulating a request for proposals for social innovation grants;
- (2) Evaluating responsive proposals and selecting those bids for demonstration projects that provide the greatest opportunity for addressing the critical state concern in a cost-effective and replicable way; and
- (3) Monitoring demonstration projects and evaluating them based on the objectives outlined in the request for proposals, the program's outline, the project's impact on the critical state concern, and the project's ability to be replicated on a cost-effective basis.

5. Demonstration projects shall be operated over a period of time sufficient to impact the population served by the project based on the parameters and objectives outlined in the request for proposals. Grantees, at a minimum, shall be nonprofit organizations with experience working with the population identified as a critical state concern.

6. Upon the conclusion of a demonstration project, the social innovation grant team shall compile all relevant data and submit a report to the general assembly:

- (1) Evaluating the project's effectiveness in impacting the critical state concern;
- (2) Assessing, based on the actual experience of the project, the likely ease of statewide deployment in a methodology consistent with the execution of the project and identifying possible barriers to deployment;
- (3) Analyzing the likely cost of statewide deployment; and
- (4) Identifying funding strategies for statewide deployment, which may include scaling based on savings reinvestment or outside capital investments.

7. The social innovation grant team shall identify methods to fund the social innovation grant program, including state partnerships with nonprofit organizations and foundations. The executive director of the social innovation grant program shall identify sustainability models for deploying successful demonstration projects.

8. All social innovation grants shall be subject to appropriation.

9. The office of administration may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,

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section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

10. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

**191.737. CHILDREN EXPOSED TO SUBSTANCE ABUSE, REFERRAL BY PHYSICIAN TO CHILDREN'S DIVISION — SERVICES TO BE INITIATED WITHIN SEVENTY-TWO HOURS — PHYSICIAN MAKING REFERRAL IMMUNE FROM CIVIL LIABILITY — CONFIDENTIALITY OF REPORT.** — 1. Notwithstanding the physician-patient privilege, any physician or health care provider may refer to the [department of health and senior services] **children's division** families in which children may have been exposed to a controlled substance listed in section 195.017, schedules I, II and III, or alcohol as evidenced by:

(1) Medical documentation of signs and symptoms consistent with controlled substances or alcohol exposure in the child at birth; or

(2) Results of a confirmed toxicology test for controlled substances performed at birth on the mother or the child; and

(3) A written assessment made or approved by a physician, health care provider, or by the children's division which documents the child as being at risk of abuse or neglect.

2. Nothing in this section shall preclude a physician or other mandated reporter from reporting abuse or neglect of a child as required pursuant to the provisions of section 210.115.

3. [Upon notification pursuant to subsection 1 of this section, the department of health and senior services shall offer service coordination services to the family. The department of health and senior services shall coordinate social services, health care, mental health services, and needed education and rehabilitation services. Service coordination services shall be initiated within seventy-two hours of notification. The department of health and senior services shall notify the department of social services and the department of mental health within seventy-two hours of initial notification.

4.] Any physician or health care provider complying with the provisions of this section, in good faith, shall have immunity from any civil liability that might otherwise result by reason of such actions.

[5.] **4.** Referral and associated documentation provided for in this section shall be confidential and shall not be used in any criminal prosecution.

**191.739. PROTECTIVE AND PREVENTIVE SERVICES TO BE PROVIDED BY DEPARTMENT OF SOCIAL SERVICES, DUTIES.** — 1. The department of social services shall provide protective services for children that meet the criteria established in section 191.737. In addition the

department of social services may provide preventive services for children that meet the criteria established in section 191.737.

2. No department shall cease providing services for any child exposed to substances as set forth in section 191.737 wherein a physician or health care provider has made or approved a written assessment which documents the child as being at risk of abuse or neglect until [such] a physician or health care provider[, or his designee,] authorizes such file to be closed.

**193.265. FEES FOR CERTIFICATION AND OTHER SERVICES — DISTRIBUTION — SERVICES FREE, WHEN.** — 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. **No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031.** All fees shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services health fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or

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birth certificate is provided, with such donations collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency. A certified copy of a death record by the local registrar can only be issued within twenty-four hours of receipt of the record by the local registrar. Computer-generated certifications of death records may be issued by the local registrar after twenty-four hours of receipt of the records. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes.

**210.003. IMMUNIZATIONS OF CHILDREN REQUIRED, WHEN, EXCEPTIONS — DUTIES OF ADMINISTRATOR, REPORT — NOTIFICATION OF PARENTS, WHEN. —** 1. No child shall be permitted to enroll in or attend any public, private or parochial day care center, preschool or nursery school caring for ten or more children unless such child has been adequately immunized against vaccine-preventable childhood illnesses specified by the department of health and senior services in accordance with recommendations of the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP). The parent or guardian of such child shall provide satisfactory evidence of the required immunizations.

2. A child who has not completed all immunizations appropriate for his **or her** age may enroll, if:

(1) Satisfactory evidence is produced that such child has begun the process of immunization. The child may continue to attend as long as the immunization process is being accomplished according to the ACIP/Missouri department of health and senior services recommended schedule; [or]

(2) The parent or guardian has signed and placed on file with the day care administrator a statement of exemption which may be either of the following:

(a) A medical exemption, by which a child shall be exempted from the requirements of this section upon certification by a licensed physician that such immunization would seriously endanger the child's health or life; or

(b) A parent or guardian exemption, by which a child shall be exempted from the requirements of this section if one parent or guardian files a written objection to immunization with the day care administrator; **or**

**(3) The child is homeless or in the custody of the children's division and cannot provide satisfactory evidence of the required immunizations. Satisfactory evidence shall be presented within thirty days of enrollment and shall confirm either that the child has completed all immunizations appropriate for his or her age or has begun the process of immunization. If the child has begun the process of immunization, he or she may continue to attend as long as the process is being accomplished according to the schedule recommended by the department of health and senior services.**

Exemptions shall be accepted by the day care administrator when the necessary information as determined by the department of health and senior services is filed with the day care administrator by the parent or guardian. Exemption forms shall be provided by the department of health and senior services.

3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease within a particular facility, the administrator of the facility shall follow the control measures instituted by the

local health authority or the department of health and senior services or both the local health authority and the department of health and senior services, as established in Rule 19 CSR 20-20.040, "Measures for the Control of Communicable, **Environmental and Occupational** Diseases".

4. The administrator of each public, private or parochial day care center, preschool or nursery school shall cause to be prepared a record of immunization of every child enrolled in or attending a facility under his **or her** jurisdiction. An annual summary report shall be made by January fifteenth showing the immunization status of each child enrolled, using forms provided for this purpose by the department of health and senior services. The immunization records shall be available for review by department of health and senior services personnel upon request.

5. For purposes of this section, satisfactory evidence of immunization means a statement, certificate or record from a physician or other recognized health facility or personnel, stating that the required immunizations have been given to the child and verifying the type of vaccine and the month, day and year of administration.

6. Nothing in this section shall preclude any political subdivision from adopting more stringent rules regarding the immunization of preschool children.

7. All public, private, and parochial day care centers, preschools, and nursery schools shall notify the parent or guardian of each child at the time of initial enrollment in or attendance at the facility that the parent or guardian may request notice of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed. Beginning December 1, 2015, all public, private, and parochial day care centers, preschools, and nursery schools shall notify the parent or guardian of each child currently enrolled in or attending the facility that the parent or guardian may request notice of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed. Any public, private, or parochial day care center, preschool, or nursery school shall notify the parent or guardian of a child enrolled in or attending the facility, upon request, of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed.

**210.102. COORDINATING BOARD FOR EARLY CHILDHOOD ESTABLISHED, MEMBERS, POWERS — FUND CREATED. — 1.** [It shall be the duty of the Missouri children's services commission to:

(1) Make recommendations which will encourage greater interagency coordination, cooperation, more effective utilization of existing resources and less duplication of effort in activities of state agencies which affect the legal rights and well-being of children in Missouri;

(2) Develop an integrated state plan for the care provided to children in this state through state programs;

(3) Develop a plan to improve the quality of children's programs statewide. Such plan shall include, but not be limited to:

(a) Methods for promoting geographic availability and financial accessibility for all children and families in need of such services;

(b) Program recommendations for children's services which include child development, education, supervision, health and social services;

(4) Design and implement evaluation of the activities of the commission in fulfilling the duties as set out in this section;

(5) Report annually to the governor with five copies each to the house of representatives and senate about its activities including, but not limited to the following:

(a) A general description of the activities pertaining to children of each state agency having a member on the commission;

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(b) A general description of the plans and goals, as they affect children, of each state agency having a member on the commission;

(c) Recommendations for statutory and appropriation initiatives to implement the integrated state plan;

(d) A report from the commission regarding the state of children in Missouri.

2.] There is hereby established within the [children's services commission] **department of social services** the "Coordinating Board for Early Childhood", which shall constitute a body corporate and politic, and shall include but not be limited to the following members:

(1) A representative from the governor's office;

(2) A representative from each of the following departments: health and senior services, mental health, social services, and elementary and secondary education;

(3) A representative of the judiciary;

(4) A representative of the family and community trust board (FACT);

(5) A representative from the head start program;

(6) Nine members appointed by the governor with the advice and consent of the senate who are representatives of the groups, such as business, philanthropy, civic groups, faith-based organizations, parent groups, advocacy organizations, early childhood service providers, and other stakeholders.

The coordinating board may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The coordinating board shall elect from amongst its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the board shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the board.

[3.] **2.** The coordinating board for early childhood shall have the power to:

(1) Develop a comprehensive statewide long-range strategic plan for a cohesive early childhood system;

(2) Confer with public and private entities for the purpose of promoting and improving the development of children from birth through age five of this state;

(3) Identify legislative recommendations to improve services for children from birth through age five;

(4) Promote coordination of existing services and programs across public and private entities;

(5) Promote research-based approaches to services and ongoing program evaluation;

(6) Identify service gaps and advise public and private entities on methods to close such gaps;

(7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the coordinating board for early childhood fund from any source, public or private, and enter into contracts or other transactions with any federal or state agency, any private organizations, or any other source in furtherance of the purpose of [subsections 2 and 3] **subsection 1** of this section **and this subsection**, and take any and all actions necessary to avail itself of such aid and cooperation;

(8) Direct disbursements from the coordinating board for early childhood fund as provided in this section;

(9) Administer the coordinating board for early childhood fund and invest any portion of the moneys not required for immediate disbursement in obligations of the United States or any agency or instrumentality of the United States, in obligations of the state of Missouri and its political subdivisions, in certificates of deposit and time deposits, or other obligations of banks and savings and loan associations, or in such other obligations as may be prescribed by the board;

(10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal property or any interests therein, wherever situated;

(11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its property or any interest therein, wherever situated;

(12) Employ and fix the compensation of an executive director and such other agents or employees as it considers necessary;

(13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the manner in which its business may be transacted;

(14) Adopt and use an official seal;

(15) Assess or charge fees as the board determines to be reasonable to carry out its purposes;

(16) Make all expenditures which are incident and necessary to carry out its purposes;

(17) Sue and be sued in its official name;

(18) Take such action, enter into such agreements, and exercise all functions necessary or appropriate to carry out the duties and purposes set forth in this section.

[4.] **3.** There is hereby created the "Coordinating Board for Early Childhood Fund" which shall consist of the following:

(1) Any moneys appropriated by the general assembly for use by the board in carrying out the powers set out in subsections [2 and 3] **1 and 2** of this section;

(2) Any moneys received from grants or which are given, donated, or contributed to the fund from any source;

(3) Any moneys received as fees authorized under subsections [2 and 3] **1 and 2** of this section;

(4) Any moneys received as interest on deposits or as income on approved investments of the fund;

(5) Any moneys obtained from any other available source.

Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the coordinating board for early childhood fund at the end of the biennium shall not revert to the credit of the general revenue fund

**210.110. DEFINITIONS.** — As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

(2) "Assessment and treatment services for children [under ten years old]", an approach to be developed by the children's division which will recognize and treat the specific needs of at-risk and abused or neglected children [under the age of ten]. The developmental and medical assessment may be a broad physical, developmental, and mental health screening to be completed within thirty days of a child's entry into custody and [every six months] **in accordance with the periodicity schedule set forth by the American Academy of Pediatrics** thereafter as long as the child remains in care. Screenings may be offered at a centralized location and include, at a minimum, the following:

(a) Complete physical to be performed by a pediatrician familiar with the effects of abuse and neglect on young children;

(b) Developmental, behavioral, and emotional screening in addition to early periodic screening, diagnosis, and treatment services, including a core set of standardized and recognized instruments as well as interviews with the child and appropriate caregivers. The screening battery may be performed by a licensed mental health professional familiar with the effects of abuse and neglect on young children, who will then serve as the liaison between all service providers in ensuring that needed services are provided. Such treatment services may include in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family counseling, parenting training and other best practices.

Children whose screenings indicate an area of concern may complete a comprehensive, in-depth health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

(3) "Central registry", a registry of persons where the division has found probable cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim is a child less than eighteen years of age, or any other crime pursuant to chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such crimes. Any persons placed on the registry prior to August 28, 2004, shall remain on the registry for the duration of time required by section 210.152;

(4) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

(5) "Children's services providers and agencies", any public, quasi-public, or private entity with the appropriate and relevant training and expertise in delivering services to children and their families as determined by the children's division, and capable of providing direct services and other family services for children in the custody of the children's division or any such entities or agencies that are receiving state moneys for such services;

(6) "Director", the director of the Missouri children's division within the department of social services;

(7) "Division", the Missouri children's division within the department of social services;

(8) "Family assessment and services", an approach to be developed by the children's division which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of that child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;

(9) "Family support team meeting" or "team meeting", a meeting convened by the division or children's services provider in behalf of the family and/or child for the purpose of determining service and treatment needs, determining the need for placement and developing a plan for reunification or other permanency options, determining the appropriate placement of the child, evaluating case progress, and establishing and revising the case plan;

(10) "Investigation", the collection of physical and verbal evidence to determine if a child has been abused or neglected;

(11) "Jail or detention center personnel", employees and volunteers working in any premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons who are being held under custody of the law;

(12) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical,

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surgical, or any other care necessary for the child's well-being. Victims of neglect shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

(13) "Preponderance of the evidence", that degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proved to be more probable than not;

(14) "Probable cause", available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;

(15) "Report", the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115;

(16) "Those responsible for the care, custody, and control of the child", includes, but is not limited to:

- (a) The parents or legal guardians of a child;
- (b) Other members of the child's household;
- (c) Those exercising supervision over a child for any part of a twenty-four-hour day;
- (d) Any person who has access to the child based on relationship to the parents of the child or members of the child's household or the family; or
- (e) Any person who takes control of the child by deception, force, or coercion.

**210.112. CHILDREN'S SERVICES PROVIDERS AND AGENCIES, CONTRACTING WITH, REQUIREMENTS — TASK FORCE CREATED — REPORTS TO GENERAL ASSEMBLY — RULEMAKING AUTHORITY.** — 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

- (1) The safety and welfare of children is paramount;
- (2) Providers of direct services to children and their families will be evaluated in a uniform and consistent basis;
- (3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes; and
- (4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004.

2. On or before July 1, 2005, and subject to appropriations, the children's division and any other state agency deemed necessary by the division shall, in consultation with the community and providers of services, enter into and implement contracts with qualified children's services providers and agencies to provide a comprehensive and deliberate system of service delivery for children and their families. Contracts shall be awarded through a competitive process and provided by children's services providers and agencies currently contracting with the state to provide such services and by public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:

- (1) A proven record of providing child welfare services within the state of Missouri which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004; and
- (2) The ability to provide a range of child welfare services, which may include case management services, family-centered services, foster and adoptive parent recruitment and

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retention, residential care, in-home services, foster care services, adoption services, relative care case management, planned permanent living services, and family reunification services.

No contracts shall be issued for services related to the child abuse and neglect hotline, investigations of alleged abuse and neglect, and initial family assessments. Any contracts entered into by the division shall be in accordance with all federal laws and regulations, and shall not result in the loss of federal funding. Such children's services providers and agencies under contract with the division shall be subject to all federal, state, and local laws and regulations relating to the provision of such services, and shall be subject to oversight and inspection by appropriate state agencies to assure compliance with standards which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004.

3. In entering into and implementing contracts under subsection 2 of this section, the division shall consider and direct their efforts towards geographic areas of the state, including Greene County, where eligible direct children's services providers and agencies are currently available and capable of providing a broad range of services, including case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, family preservation services, foster care services, adoption services, relative care case management, other planned living arrangements, and family reunification services consistent with federal guidelines. Nothing in this subsection shall prohibit the division from contracting on an as-needed basis for any individual child welfare service listed above.

4. The contracts entered into under this section shall assure that:

(1) Child welfare services shall be delivered to a child and the child's family by professionals who have substantial and relevant training, education, or competencies otherwise demonstrated in the area of children and family services;

(2) Children's services providers and agencies shall be evaluated by the division based on objective, consistent, and performance-based criteria;

(3) Any case management services provided shall be subject to a case management plan established under subsection 5 of this section which is consistent with all relevant federal guidelines. The case management plan shall focus on attaining permanency in children's living conditions to the greatest extent possible and shall include concurrent planning and independent living where appropriate in accordance with the best interests of each child served and considering relevant factors applicable to each individual case as provided by law, including:

(a) The interaction and interrelationship of a child with the child's foster parents, biological or adoptive parents, siblings, and any other person who may significantly affect the child's best interests;

(b) A child's adjustment to his or her foster home, school, and community;

(c) The mental and physical health of all individuals involved, including any history of abuse of or by any individuals involved;

(d) The needs of the child for a continuing relationship with the child's biological or adoptive parents and the ability and willingness of the child's biological or adoptive parents to actively perform their functions as parents with regard to the needs of the child; and

(e) For any child [under ten years old], treatment services may be available as defined in section 210.110. Assessments, as defined in section 210.110, may occur to determine which treatment services best meet the child's psychological and social needs. When the assessment indicates that a child's needs can be best resolved by intensive twenty-four-hour treatment services, the division will locate, contract, and place the child with the appropriate organizations. This placement will be viewed as the least restrictive for the child based on the assessment;

(4) The delivery system shall have sufficient flexibility to take into account children and families on a case-by-case basis;

(5) The delivery system shall provide a mechanism for the assessment of strategies to work with children and families immediately upon entry into the system to maximize permanency and successful outcome in the shortest time possible and shall include concurrent planning. Outcome measures for private and public agencies shall be equal for each program; and

(6) Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Contracts shall provide incentives in addition to the costs of services provided in recognition of accomplishment of the case goals and the corresponding cost savings to the state. The division shall promulgate rules to implement the provisions of this subdivision.

5. Contracts entered into under this section shall require that a case management plan consistent with all relevant federal guidelines shall be developed for each child at the earliest time after the initial investigation, but in no event longer than [fourteen] **thirty** days after the initial investigation or referral to the contractor by the division. Such case management plan shall be presented to the court and be the foundation of service delivery to the child and family. The case management plan shall, at a minimum, include:

(1) An outcome target based on the child and family situation achieving permanency or independent living, where appropriate;

(2) Services authorized and necessary to facilitate the outcome target;

(3) Time frames in which services will be delivered; and

(4) Necessary evaluations and reporting.

In addition to any visits and assessments required under case management, services to be provided by a public or private children's services provider under the specific case management plan may include family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case services, planned permanent living services, and family reunification services. In all cases, an appropriate level of services shall be provided to the child and family after permanency is achieved to assure a continued successful outcome.

6. **By December 1, 2018**, the division shall convene a task force to review the recruitment, licensing and retention of foster and adoptive parents statewide. In addition to representatives of the division and department, the task force shall include representatives of the private sector and faith-based community which provide recruitment and licensure services. The purpose of the task force shall and will be to study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness of the system statewide. The task force shall develop a report of its findings with recommendations by December 1, [2011] **2019**, and provide copies of the report to the general assembly, **to the joint committee on child abuse and neglect under section 21.771**, and to the governor.

7. On or before July 15, 2006, and each July fifteenth thereafter that the project is in operation, the division shall submit a report to the general assembly which shall include:

(1) Details about the specifics of the contracts, including the number of children and families served, the cost to the state for contracting such services, the current status of the children and families served, an assessment of the quality of services provided and outcomes achieved, and an overall evaluation of the project; and

(2) Any recommendations regarding the continuation or possible statewide implementation of such project; and

(3) Any information or recommendations directly related to the provision of direct services for children and their families that any of the contracting children's services providers and agencies request to have included in the report.

8. The division shall accept as prima facie evidence of completion of the requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities. The division shall not require any further evidence of qualification for licensure if such proof of voluntary accreditation is submitted.

9. By February 1, 2005, the children's division shall promulgate and have in effect rules to implement the provisions of this section and, pursuant to this section, shall define implementation plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

**210.115. REPORTS OF ABUSE, NEGLECT, AND UNDER AGE EIGHTEEN DEATHS — PERSONS REQUIRED TO REPORT — SUPERVISORS AND ADMINISTRATORS NOT TO IMPEDE REPORTING — DEATHS REQUIRED TO BE REPORTED TO THE DIVISION OR CHILD FATALITY REVIEW PANEL, WHEN — REPORT MADE TO ANOTHER STATE, WHEN. — 1.** When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, peace officer or law enforcement official, **volunteer or personnel of a community service program that offers support services for families in crisis to assist in the delegation of any powers regarding the care and custody of a child by a properly executed power of attorney pursuant to sections 475.600 to 475.604**, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report to the division in accordance with the provisions of sections 210.109 to 210.183. No internal investigation shall be initiated until such a report has been made. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. If two or more members of a medical institution who are required to report jointly have knowledge of a known or suspected instance of child abuse or neglect, a single report may be made by a designated member of that medical team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter immediately make the report. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. The reporting requirements under this section are individual, and no supervisor or administrator may impede or inhibit any reporting under this section. No person making a report under this section shall be subject to any sanction, including any adverse employment action, for

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making such report. Every employer shall ensure that any employee required to report pursuant to subsection 1 of this section has immediate and unrestricted access to communications technology necessary to make an immediate report and is temporarily relieved of other work duties for such time as is required to make any report required under subsection 1 of this section.

4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

5. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

6. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452 and shall report the findings to the child fatality review panel established pursuant to section 210.192.

7. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting to the division.

8. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri children's division, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the children's division.

**210.145. TELEPHONE HOTLINE FOR REPORTS ON CHILD ABUSE — DIVISION DUTIES, PROTOCOLS, LAW ENFORCEMENT CONTACTED IMMEDIATELY, INVESTIGATION CONDUCTED, WHEN, EXCEPTION — CHIEF INVESTIGATOR NAMED — FAMILY SUPPORT TEAM MEETINGS, WHO MAY ATTEND — REPORTER'S RIGHT TO RECEIVE INFORMATION — ADMISSIBILITY OF REPORTS IN CUSTODY CASES. — 1. The division shall develop protocols which give priority to:**

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse or neglect; and

(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

4. **The division may accept a report for investigation or family assessment if either the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident occurred in Missouri.**

5. **If the division receives a report in which neither the child nor the alleged perpetrator resides in Missouri or may be found in Missouri and the incident did not occur in Missouri, the division shall document the report and communicate it to the appropriate agency or agencies in the state where the child is believed to be located, along with any relevant information or records as may be contained in the division's information system.**

6. When the child abuse and neglect hotline receives three or more calls, within a seventy-two hour period, from one or more individuals concerning the same child, the division shall conduct a review to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.

[5.] 7. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

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[6.] **8.** The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

- (1) (a) No person is present in the home at the time of the home visit; and
- (b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;
- (2) The alleged perpetrator will be alerted regarding the attempted visit; or
- (3) The family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall provide written material to the alleged perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to **or** investigating the report is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, "child care facility" shall have the same meaning as such term is defined in section 210.201.

[7.] **9.** The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be

subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

[8.] **10.** The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

[9.] **11.** When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

[10.] **12.** Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

[11.] **13.** Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

[12.] **14.** For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

[13.] **15.** If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

[14.] **16.** If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are

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important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

[15.] **17.** (1) Within forty-five days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within forty-five days, unless good cause for the failure to complete the investigation is specifically documented in the information system. Good cause for failure to complete an investigation shall include, but not be limited to:

(a) The necessity to obtain relevant reports of medical providers, medical examiners, psychological testing, law enforcement agencies, forensic testing, and analysis of relevant evidence by third parties which has not been completed and provided to the division;

(b) The attorney general or the prosecuting or circuit attorney of the city or county in which a criminal investigation is pending certifies in writing to the division that there is a pending criminal investigation of the incident under investigation by the division and the issuing of a decision by the division will adversely impact the progress of the investigation; or

(c) The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames due to illness, injury, unavailability, mental capacity, age, developmental disability, or other cause.

The division shall document any such reasons for failure to complete the investigation.

(2) If a child fatality or near-fatality is involved in a report of abuse or neglect, the investigation shall remain open until the division's investigation surrounding such death or near-fatal injury is completed.

(3) If the investigation is not completed within forty-five days, the information system shall be updated at regular intervals and upon the completion of the investigation, which shall be completed no later than ninety days after receipt of a report of abuse or neglect, or one hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

[16.] **18.** A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the

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outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

[17.] **19.** The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

[18.] **20.** In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

**21. Nothing in this chapter shall be construed to prohibit the children's division from coinvestigating a report of child abuse or neglect or sharing records and information with child welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's division determines it is appropriate to do so under the standard set forth in subsection 4 of section 210.150 and if such receiving agency is exercising its authority under the law.**

[19.] **22.** In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

[20.] **23.** The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

[21.] **24.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

**210.152. REPORTS OF ABUSE OR NEGLECT — DIVISION TO RETAIN OR REMOVE CERTAIN INFORMATION — CONFIDENTIAL, RELEASED ONLY TO AUTHORIZED PERSONS — REPORT REMOVAL, WHEN — NOTICE OF AGENCY'S DETERMINATION TO RETAIN OR REMOVE, SENT WHEN — CASE REOPENED, WHEN — ADMINISTRATIVE REVIEW OF DETERMINATION — DE NOVO JUDICIAL REVIEW.** — 1. All [identifying] information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division [and] or removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, [identifying] **the report and all** information shall be retained by the division;

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment, or in retaliation for the filing of a report by a person required to report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(b) For investigation reports, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment, or in retaliation for the filing of a report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(c) For investigation reports initiated by a person required to report under section 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for **[five] ten** years from the conclusion of the investigation. For all other investigation reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for **[two] five** years from the conclusion of the investigation. Such reports shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such time period, the identifying information shall be removed from the records of the division and destroyed;

(d) For investigation reports where the identification of the specific perpetrator or perpetrators cannot be substantiated and the division has specific evidence to determine that a child was abused or neglected, the division shall retain the report and all **[identifying]** information but shall not place an unknown perpetrator on the central registry. The division shall retain all **[identifying]** information **[for the purpose of utilizing such information in subsequent investigations or family assessments of the same child, the child's family, or members of the child's household]**. The division shall retain and disclose information and findings in the same manner as the division retains and discloses family assessments. If the division made a finding of abuse or neglect against an unknown perpetrator prior to August 28, 2017, the division shall remove the unknown perpetrator from the central registry but shall retain and utilize all **[identifying]** information as otherwise provided in this section;

(3) For reports where the division uses the family assessment and services approach, **[identifying]** information shall be retained by the division;

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, **[identifying]** information shall be retained for **[ten] eighteen** years from the date of the report and then shall be removed from the records **[of] by** the division.

2. Within ninety days, or within one hundred twenty days in cases involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality, after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the division shall retain all **[identifying]** information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 4 of this section;

(2) That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists; or

(3) The division has been unable to determine the identity of the perpetrator of the abuse or neglect. The notice shall also inform the child's parents and legal guardian that the division shall retain, utilize, and disclose all information and findings as provided in family assessment and services cases.

3. The children's division may reopen a case for review if new, specific, and credible evidence is obtained.

4. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within sixty days from the court's final disposition or dismissal of the charges.

5. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

7. In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

**210.487. BACKGROUND CHECKS FOR FOSTER FAMILIES, REQUIREMENTS — COSTS, PAID BY WHOM — RULEMAKING AUTHORITY. — 1.** When conducting investigations of persons for the purpose of foster parent licensing, the division shall:

(1) Conduct a search for all persons over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime for evidence of full orders of protection. The office of state courts administrator shall allow access to the automated court information system by the division. The clerk of each court contacted by the division shall provide the division information within ten days of a request; [and]

(2) Obtain [three sets of] fingerprints for any person over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime in the

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same manner set forth in subsection 2 of section 210.482. [One set of fingerprints shall be used by the highway patrol to search the criminal history repository, one set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files, and one set shall be forwarded to and retained by the division.] The highway patrol shall assist the division and provide the criminal fingerprint background information, upon request, **in accordance with the provisions of section 43.540**; and

(3) Determine whether any person over the age of seventeen residing in the home and any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the applicant's home, the children's division shall inquire of the applicant whether any children less than seventeen years of age residing in the home have ever been certified as an adult and been convicted of or pled guilty or nolo contendere to any crime.

2. After the initial investigation is completed under subsection 1 of this section:

(1) No person who submits fingerprints under subsection 1 of this section or section 210.482 shall be required to submit additional fingerprints under this section or section 210.482 unless the original fingerprints retained by the division are lost or destroyed; [and]

(2) **The highway patrol shall provide ongoing electronic updates to criminal history background checks of those persons previously submitted as part of the licensing or approval process under subsection 1 of this section. Ongoing electronic updates for such persons and for those in their households shall terminate when such persons cease to be applicant or licensed foster parents; and**

(3) The children's division and the department of health and senior services may waive the requirement for a fingerprint background check for any subsequent recertification.

3. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

4. The division may make arrangements with other executive branch agencies to obtain any investigative background information.

5. The division may promulgate rules that are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

**210.498. ACCESS TO RECORDS ON THE SUSPENSION OR REVOCATION OF A FOSTER HOME LICENSE — PROCEDURE FOR RELEASE OF INFORMATION — DISCLOSURE PERMITTED, WHEN.**

— 1. Any parent or legal guardian **of a child in foster care** may have access to investigation records kept by the division regarding [a decision for] the denial [of or the], suspension, or revocation of [a] **the license** [to a specific person to operate or maintain] **of a foster home** [if such specific person does or may provide services or care to a child of the person requesting the information] **in which the child was placed**. The request for the release of such information shall be made to the division director or the director's designee, in writing, by the parent or legal guardian of the child and shall be accompanied [with] **by** a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall

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include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include only information pertaining to the nature and disposition of any denial, suspension, or revocation of a license to operate a foster home. This response shall not include any identifying information regarding any person other than the person to whom a foster home license was denied, suspended, or revoked. **The response shall not include financial, medical, or other personal information relating to the foster home provider or the foster home provider's family unless the division determines that the information is directly relevant to the disposition of the investigation and report.** The response shall be given within ten working days of the time it was received by the division.

2. **The division may disclose or utilize information and records relating to foster homes in its discretion and as needed for the administration of the foster care program including, but not limited to, the licensure of foster homes and for the protection, care, and safety of children who are or who may be placed in foster care.**

3. **Upon written request, the director of the department of social services shall authorize the disclosure of information and findings pertaining to foster homes in cases of child fatalities or near-fatalities to courts, juvenile officers, law enforcement agencies, and prosecuting and circuit attorneys that have a need for the information to conduct their duties under law. Nothing in this subsection shall otherwise preclude the disclosure of such information as provided for under subsection 5 of section 210.150.**

4. **The division may disclose information and records pertaining to foster homes to juvenile officers, courts, the office of child advocate, guardians ad litem, law enforcement agencies, child welfare agencies, child placement agencies, prosecuting attorneys, and other local, state, and federal government agencies that have a need for the information to conduct their duties under law.**

5. **Information and records pertaining to the licensure of foster homes and the care and treatment of children in foster homes shall be considered closed records under chapter 610 and may only be disclosed and utilized under this section.**

**210.1030. TASK FORCE CREATED, MEMBERS, DUTIES — TERMINATION DATE. — 1. There is hereby created the "Trauma-Informed Care for Children and Families Task Force". The mission of the task force shall be to promote the healthy development of children and their families living in Missouri communities by promoting comprehensive trauma-informed children and family support systems and interagency cooperation.**

**2. The task force shall consist of the following members:**

**(1) The directors, or their designees, of the departments of elementary and secondary education, health and senior services, mental health, social services, public safety, and corrections;**

**(2) The director, or his or her designee, of the office of child advocate;**

**(3) Six members from the private sector with knowledge of trauma-informed care methods, two of whom shall be appointed by the speaker of the house of representatives, one of whom shall be appointed by the minority leader of the house of representatives, two of whom shall be appointed by the president pro tempore of the senate, and one of whom shall be appointed by the minority leader of the senate;**

**(4) Two members of the house of representatives appointed by the speaker of the house of representatives and one member of the house of representatives appointed by the minority leader of the house of representatives;**

(5) Two members of the senate appointed by the president pro tempore of the senate and one member of the senate appointed by the minority leader of the senate; and

(6) The executive director, or his or her designee, of the Missouri Juvenile Justice Association.

3. The task force shall incorporate evidence-based and evidence-informed best practices including, but not limited to, the Missouri Model: A Developmental Framework for Trauma-Informed, with respect to:

(1) Early identification of children and youth and their families, as appropriate, who have experienced or are at risk of experiencing trauma;

(2) The expeditious referral of such children and youth and their families, as appropriate, who require specialized services to the appropriate trauma-informed support services, including treatment, in accordance with applicable privacy laws; and

(3) The implementation of trauma-informed approaches and interventions in child and youth-serving schools, organizations, homes, and other settings to foster safe, stable, and nurturing environments and relationships that prevent and mitigate the effects of trauma.

4. The department of social services shall provide such research, clerical, technical, and other services as the task force may require in the performance of its duties.

5. The task force, its members, and any staff assigned to the task force shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the task force or any subcommittee thereof.

6. The task force shall meet within two months of August 28, 2018.

7. The task force shall report a summary of its activities and any recommendations for legislation to the general assembly and to the joint committee on child abuse and neglect under section 21.771 by January 1, 2019.

8. The task force shall terminate on January 1, 2019.

**211.447. JUVENILE OFFICER PRELIMINARY INQUIRY, WHEN — PETITION TO TERMINATE PARENTAL RIGHTS FILED, WHEN — JUVENILE COURT MAY TERMINATE PARENTAL RIGHTS, WHEN — INVESTIGATION TO BE MADE — GROUNDS FOR TERMINATION.** — 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it appears that the information could justify the filing of a petition, the juvenile officer may take further action, including filing a petition. If it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(c) The parent has voluntarily relinquished a child under section 210.950; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent; or

**(4) The parent has been found guilty of or pled guilty to a felony violation of chapters 566 or 573 when the child or any child in the family was a victim, or a violation of sections 568.020 or 568.065 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent.**

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development.

Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) [The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5)] The child was conceived and born as a result of an act of forcible rape or rape in the first degree. When the biological father has pled guilty to, or is convicted of, the forcible rape or rape in the first degree of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

[[6]] **(5)** (a) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse including, but not limited to, specific conditions directly relating to the parent and child relationship which are determined by the court to be of a

duration or nature that renders the parent unable for the reasonably foreseeable future to care appropriately for the ongoing physical, mental, or emotional needs of the child.

(b) It is presumed that a parent is unfit to be a party to the parent and child relationship upon a showing that:

a. Within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivision (1), (2), **or** (3)], or (4)] of this subsection or similar laws of other states;

b. If the parent is the birth mother and within eight hours after the child's birth, the child's birth mother tested positive and over .08 blood alcohol content pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case;

c. If the parent is the birth mother and at the time of the child's birth or within eight hours after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case; or

d. Within a three-year period immediately prior to the termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent of at least one other child who was adjudicated an abused or neglected minor by such parent or such parent has previously failed to complete recommended treatment services by the children's division through a family-centered services case.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), **or** (3) [or (4)] of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

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Matter in bold-face type is proposed language.

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

**431.056. MINOR'S ABILITY TO CONTRACT FOR CERTAIN PURPOSES — CONDITIONS. — 1.**

A minor shall be qualified and competent to contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical care, establishing a bank account, admission to a shelter for victims of domestic violence, as [defined in section] **that phrase is used in sections 455.200 to 455.220, a rape crisis center, as defined in section 455.003**, or a homeless shelter, and receipt of services as a victim of domestic violence or sexual [abuse] **assault, as such terms are defined in section 455.010**, including but not limited to counseling, court advocacy, financial assistance, and other advocacy services, if:

(1) The minor is sixteen or seventeen years of age; and

(2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of domestic violence, as defined in section [455.200] **455.010**, unless the child is under the supervision of the children's division or the jurisdiction of the juvenile court; and

(3) The minor is self-supporting, such that the minor is without the physical or financial support of a parent or legal guardian; and

(4) The minor's parent or legal guardian has consented to the minor living independent of the parents' or guardians' control. Consent may be expressed or implied, such that:

(a) Expressed consent is any verbal or written statement made by the parents or guardian of the minor displaying approval or agreement that the minor may live independently of the parent's or guardian's control;

(b) Implied consent is any action made by the parent or guardian of the minor that indicates the parent or guardian is unwilling or unable to adequately care for the minor. Such actions may include, but are not limited to:

a. Barring the minor from the home or otherwise indicating that the minor is not welcome to stay;

b. Refusing to provide any or all financial support for the minor; or

c. Abusing or neglecting the minor, as defined in section 210.110 or committing an act or acts of domestic violence against the minor, as defined in section 455.010.

2. A minor who is sixteen years of age or older and who is in the legal custody of the children's division pursuant to an order of a court of competent jurisdiction shall be qualified and competent to contract for the purchase of automobile insurance with the consent of the children's division or the juvenile court. The minor shall be responsible for paying the costs of the insurance premiums

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and shall be liable for damages caused by his or her negligent operation of a motor vehicle. No state department, foster parent, or entity providing case management of children on behalf of a department shall be responsible for paying any insurance premiums nor liable for any damages of any kind as a result of the operation of a motor vehicle by the minor.

**3. A minor who is sixteen years of age or older and who is in the legal custody of the children's division pursuant to an order of a court of competent jurisdiction shall be qualified and competent to contract for the opening of a checking or savings bank account with the consent of the children's division or the juvenile court. The minor shall be responsible for paying all banking related costs associated with the checking or savings account and shall be liable for any and all penalties should he or she violate a banking agreement. No state department, foster parent, or entity providing case management of children on behalf of a department shall be responsible for paying any bank fees nor liable for any and all penalties related to violation of a banking agreement.**

**453.015. DEFINITIONS.** — As used in sections 453.010 to 453.400, the following terms mean:

(1) "Minor" or "child", any person who has not attained the age of eighteen years or any person in the custody of the children's division who has not attained the age of twenty-one;

(2) "Parent", a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;

(3) **"Post adoption contact agreement", a voluntary written agreement executed by one or both of a child's birth parents and each adoptive parent describing future contact between the parties to the agreement and the child; provided, that such agreement shall be approved by the court under subsection 4 of section 453.080;**

(4) "Putative father", the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087;

~~[(4)]~~ (5) "Stepparent", the spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated.

**453.030. APPROVAL OF COURT REQUIRED — HOW OBTAINED, CONSENT OF CHILD AND PARENT REQUIRED, WHEN — VALIDITY OF CONSENT — FORMS, DEVELOPED BY DEPARTMENT, CONTENTS — COURT APPOINTMENT OF ATTORNEY, WHEN.** — 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same. In a case involving a child under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings about his or her adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered by the court as a factor in determining if the adoption is in the child's best interests.

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

- (1) The mother of the child; [and]
- (2) [Only the] **Any** man who:
  - (a) Is presumed to be the father pursuant to [the] subdivision (1), (2), or (3) of subsection 1 of section 210.822; or
  - (b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child and has served a copy of the petition on the mother in accordance with section 506.100; or
  - (c) Filed with the putative father registry pursuant to section 192.016 a notice of intent to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after the child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child; [or] **and**
- (3) The child's current adoptive parents or other legally recognized mother and father.

Upon request by the petitioner and within one business day of such request, the clerk of the local court shall verify whether such written consents have been filed with the court.

4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be executed before or after **the birth of the child or before or after** the commencement of the adoption proceedings, and shall be executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting birth parent of the consequences of the consent. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding **other than the attorney representing the party signing the consent**. The notary public or witnesses shall verify the identity of the party signing the consent. **Notwithstanding any other provision of law to the contrary, a properly executed written consent under this subsection shall be considered irrevocable.**

5. The written consent required in subdivision (1) of subsection 3 of this section by the birth [parent] **mother** shall not be executed anytime before the child is forty-eight hours old. Such written consent shall be executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting party of the consequences of the consent. In lieu of [such] acknowledgment **before a notary public**, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding **other than the attorney representing the party signing the consent**. The notary public or witnesses shall verify the identity of the party signing the consent.

6. A consent is final when executed, unless the consenting party, prior to a final decree of adoption, alleges and proves by clear and convincing evidence that the consent was not freely and voluntarily given. The burden of proving the consent was not freely and voluntarily given shall rest with the consenting party. Consents in all cases shall have been executed not more than six months prior to the date the petition for adoption is filed.

7. A consent form shall be developed through rules and regulations promulgated by the department of social services. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter

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536. If a written consent is obtained after August 28, 1997, but prior to the development of a consent form by the department and the written consent complies with the provisions of subsection 8 of this section, such written consent shall be deemed valid.

8. However, the consent form must specify that:

(1) The birth parent understands the importance of identifying all possible fathers of the child and may provide the names of all such persons; and

(2) The birth parent understands that if he denies paternity, but consents to the adoption, he waives any future interest in the child.

9. The written consent to adoption required by subsection 3 and executed through procedures set forth in subsection 5 of this section shall be valid and effective even though the parent consenting was under eighteen years of age, if such parent was represented by a guardian ad litem, at the time of the execution thereof.

10. Where the person sought to be adopted is eighteen years of age or older, his or her written consent alone to his or her adoption shall be sufficient.

11. A birth parent, including a birth parent less than eighteen years of age, shall have the right to legal representation and payment of any reasonable legal fees incurred throughout the adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

(1) A birth parent requests representation;

(2) The court finds that hiring an attorney to represent such birth parent would cause a financial hardship for the birth parent; and

(3) The birth parent is not already represented by counsel.

12. Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the attorney fees incurred pursuant to subsection 11 of this section to be paid by the prospective adoptive parents or the child-placing agency.

**13. The court shall receive and acknowledge a written consent to adoption properly executed by a birth parent under this section when such consent is in the best interests of the child.**

**453.080. HEARING — DECREE — CONTACT OR EXCHANGE OF IDENTIFYING INFORMATION BETWEEN ADOPTED PERSON AND BIRTH OR ADOPTIVE PARENT NOT TO BE DENIED, WHEN — POST ADOPTION CONTACT AGREEMENT — CONTACT PREFERENCE FORM.**

— 1. The court shall conduct a hearing to determine whether the adoption shall be finalized. **If their attorney appears in person, out-of-state adoptive petitioners may appear by video conference.** During such hearing, the court shall ascertain whether:

(1) The person sought to be adopted, if a child, has been in the lawful and actual custody of the petitioner for a period of at least six months prior to entry of the adoption decree; except that the six-month period may be waived if the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt the child is the child's current foster parent. Lawful and actual custody shall include a transfer of custody pursuant to the laws of this state, another state, a territory of the United States, or another country;

(2) The court has received and reviewed a postplacement assessment on the monthly contacts with the adoptive family pursuant to section 453.077, except for good cause shown in the case of a child adopted from a foreign country;

(3) The court has received and reviewed an updated financial affidavit;

(4) The court has received the recommendations of the guardian ad litem and has received and reviewed the recommendations of the person placing the child, the person making the assessment and the person making the postplacement assessment;

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(5) [There is compliance with the uniform child custody jurisdiction act, sections 452.440 to 452.550;  
(6) There is compliance with the Indian Child Welfare Act, if applicable;  
[(7)] **(6)** There is compliance with the Interstate Compact on the Placement of Children pursuant to section 210.620; and

[(8)] **(7)** It is fit and proper that such adoption should be made.

2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of custody has occurred pursuant to section 453.110, the court may authorize the filing for finalization in another state if the adoptive parents are domiciled in that state.

3. If the court determines the adoption should be finalized, a decree shall be issued setting forth the facts and ordering that from the date of the decree the adoptee shall be for all legal intents and purposes the child of the petitioner or petitioners. The court may decree that the name of the person sought to be adopted be changed, according to the prayer of the petition.

4. Before the completion of an adoption, the exchange of information among the parties shall be at the discretion of the parties. **Prospective adoptive parents and birth parents may enter into a written post adoption contact agreement to allow contact, communication, and the exchange of photographs after the adoption between the adoptive parents and the birth parents. The court shall not order any party to enter into a post adoption contact agreement. The agreement shall be filed with and approved by the court at or before the finalization of the adoption. The court shall approve an agreement only if the agreement is in the best interests of the child. The court may enforce or modify an agreement made under this subsection unless such enforcement or modification is not in the best interests of the child. The agreement shall include:**

**(1) An acknowledgment by the birth parents that the adoption is irrevocable, even if the adoptive parents do not abide by the post adoption contact agreement;**

**(2) An acknowledgment by the adoptive parents that the agreement grants the birth parents the right to seek to enforce the provisions of the post adoption contact agreement. Remedies for a breach of the agreement shall include specific performance of the terms of the agreement; provided, that nothing in the agreement shall preclude a party seeking to enforce the agreement from utilizing child welfare mediation before, or in addition to, the commencement of a civil action for specific enforcement;**

**(3) An acknowledgment that the post adoption contact agreement shall be filed with and approved by the court in order to be enforceable; and**

**(4) An acknowledgment that the birth parents' consent to the adoption was not conditioned on the post adoption contact agreement and that acceptance of the agreement is fully voluntary.**

Upon completion of an adoption, further contact among the parties shall be at the discretion of the adoptive parents **or in accordance with a post adoption contact agreement executed under this subsection.** The court shall not have jurisdiction to deny [continuing contact between the adopted person and the birth parent, or an adoptive parent and a birth parent. Additionally, the court shall not have jurisdiction to deny] an exchange of identifying information between an adoptive parent and a birth parent.

5. Before the completion of an adoption, the court shall make available to the birth parent or parents a contact preference form developed by the state registrar pursuant to section 193.128 and provided to the court by the department of health and senior services. If a birth parent chooses to complete the form, the clerk of the court shall send the form with the certificate of decree of adoption

to the state registrar. Such form shall accompany the original birth certificate of the adopted person and may be updated by a birth parent at any time upon the request of the birth parent.

**453.121. ADOPTION RECORDS, DISCLOSURE PROCEDURE — REGISTRY OF BIOLOGICAL PARENTS AND ADOPTED ADULTS — DISCLOSURE OF PAPERS, RECORDS AND INFORMATION. —**

1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Adopted adult", any adopted person who is eighteen years of age or over;
- (2) "Adopted child", any adopted person who is less than eighteen years of age;
- (3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years of age or over;
- (4) "Biological parent", the natural and biological mother or father of the adopted child;
- (5) "Identifying information", information which includes the name, date of birth, place of birth and last known address of the biological parent;
- (6) "Lineal descendant", a legal descendant of a person as defined in section 472.010;
- (7) "Nonidentifying information", information concerning the physical description, nationality, religious background and medical history of the biological parent or sibling.

2. All papers, records, and information pertaining to an adoption whether part of any permanent record or file may be disclosed only in accordance with this section.

3. Nonidentifying information, if known, concerning undisclosed biological parents or siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive parents, legal guardians, adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased, upon written request therefor.

4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is deceased, may make a written request to the circuit court having original jurisdiction of such adoption to secure and disclose information identifying the adopted adult's biological parents. If the biological parents have consented to the release of identifying information under subsection 8 of this section, the court shall disclose such identifying information to the adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased. If the biological parents have not consented to the release of identifying information under subsection 8 of this section, the court shall, within ten days of receipt of the request, notify in writing the child-placing agency or juvenile court personnel having access to the information requested of the request by the adopted adult or the adopted adult's lineal descendants.

5. Within three months after receiving notice of the request of the adopted adult, or the adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall make reasonable efforts to notify the biological parents of the request of the adopted adult or the adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may charge actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of making such search. All communications under this subsection are confidential. For purposes of this subsection, "notify" means a personal and confidential contact with the biological parent of the adopted adult, which initial contact shall be made by an employee of the child-placing agency which processed the adoption, juvenile court personnel or some other licensed child-placing agency designated by the child-placing agency or juvenile court. Nothing in this section shall be construed to permit the disclosure of communications privileged pursuant to section 491.060. At the end of three months, the child-placing agency or juvenile court personnel shall file a report with the court stating that each biological parent that was located was given the following information:

- (1) The nature of the identifying information to which the agency has access;
- (2) The nature of any nonidentifying information requested;

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- (3) The date of the request of the adopted adult or the adopted adult's lineal descendants;
  - (4) The right of the biological parent to file an affidavit with the court stating that the identifying information should be disclosed;
  - (5) The effect of a failure of the biological parent to file an affidavit stating that the identifying information should be disclosed.
6. If the child-placing agency or juvenile court personnel reports to the court that it has been unable to notify the biological parent within three months, the identifying information shall not be disclosed to the adopted adult or the adopted adult's lineal descendants. Additional requests for the same or substantially the same information may not be made to the court within one year from the end of the three-month period during which the attempted notification was made, unless good cause is shown and leave of court is granted.
7. If, within three months, the child-placing agency or juvenile court personnel reports to the court that it has notified the biological parent pursuant to subsection 5 of this section, the court shall receive the identifying information from the child-placing agency. If an affidavit duly executed by a biological parent authorizing the release of information is filed with the court or if a biological parent is found to be deceased, the court shall disclose the identifying information as to that biological parent to the adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased, provided that the other biological parent either:
- (1) Is unknown;
  - (2) Is known but cannot be found and notified pursuant to [section 5 of this act] **subsection 5 of this section**;
  - (3) Is deceased; or
  - (4) Has filed with the court an affidavit authorizing release of identifying information.

If the biological parent fails or refuses to file an affidavit with the court authorizing the release of identifying information, then the identifying information shall not be released to the adopted adult. No additional request for the same or substantially the same information may be made within three years of the time the biological parent fails or refuses to file an affidavit authorizing the release of identifying information.

8. Any adopted adult whose adoption was finalized in this state or whose biological parents had their parental rights terminated in this state may request the court to secure and disclose identifying information concerning an adult sibling. Identifying information pertaining exclusively to the adult sibling, whether part of the permanent record of a file in the court or in an agency, shall be released only upon consent of that adult sibling.

9. The central office of the children's division within the department of social services shall maintain a registry by which biological parents, adult siblings, and adoptive adults may indicate their desire to be contacted by each other. The division may request such identification for the registry as a party may possess to assure positive identifications. At the time of registry, a biological parent or adult sibling may consent in writing to the release of identifying information to an adopted adult. If such a consent has not been executed and the division believes that a match has occurred on the registry between biological parents or adult siblings and an adopted adult, an employee of the division shall make the confidential contact provided in subsection 5 of this section with the biological parents or adult siblings and with the adopted adult. If the division believes that a match has occurred on the registry between one biological parent or adult sibling and an adopted adult, an employee of the division shall make the confidential contact provided by subsection 5 of this section with the biological parent or adult sibling. The division shall then attempt to make such confidential contact with the other biological parent, and shall proceed

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thereafter to make such confidential contact with the adopted adult only if the division determines that the other biological parent meets one of the conditions specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult may refuse to go forward with any further contact between the parties when contacted by the division.

10. The provisions of this section, except as provided in subsection 5 of this section governing the release of identifying and nonidentifying adoptive information apply to adoptions completed before and after August 13, 1986.

**11. All papers, records, and information known to or in the possession of an adoptive parent or adoptive child that pertain to an adoption, regardless of whether part of any permanent record or file, may be disclosed by the adoptive parent or adoptive child. The provisions of this subsection shall not be construed to create a right to have access to information not otherwise allowed under this section.**

**475.600. CITATION OF LAW.** — Sections 475.600, 475.602, and 475.604 shall be known and may be cited as the "Supporting and Strengthening Families Act".

**475.602. DELEGATION TO ATTORNEY-IN-FACT, POWERS — REVOCATION OR WITHDRAWAL — REQUIREMENTS OF DELEGATION.** — 1. A parent or legal custodian of a child may, by a properly executed power of attorney as provided under section 475.604, delegate to an attorney-in-fact for a period not to exceed one year, except as provided under subsection 7 of this section, any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A delegation of powers under this section shall not be construed to change or modify any parental or legal rights, obligations, or authority established by an existing court order or deprive the parent or legal custodian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of the child.

2. The parent or legal custodian of the child shall have the authority to revoke or withdraw the power of attorney authorized in subsection 1 of this section at any time. Except as provided in subsection 7 of this section, if the delegation of authority lasts longer than one year, the parent or legal custodian of the child shall execute a new power of attorney for each additional year that the delegation exists. If a parent withdraws or revokes the power of attorney, the child shall be returned to the custody of the parents as soon as reasonably possible.

3. Unless the authority is revoked or withdrawn by the parent or legal custodian, the attorney-in-fact shall exercise parental or legal authority on a continuous basis without compensation for the duration of the power of attorney authorized by subsection 1 of this section and shall not be subject to any statutes dealing with the licensing or regulation of foster care homes.

4. Except as otherwise provided by law, if a parent or legal custodian uses a community service program that offers support services for families in crisis to assist in the delegation of any powers regarding the care and custody of a child by a properly executed power of attorney, then the execution of a power of attorney by such parent or legal custodian as authorized in subsection 1 of this section shall not constitute abandonment as provided in sections 568.030 and 568.032, or abuse or neglect as provided in sections 210.110 and 568.060, unless the parent or legal guardian fails to take custody of the child or execute a new power of attorney after the one-year time limit has elapsed. It shall be a violation of section 453.110 for any parent or legal custodian to execute a power of attorney with the

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intention of permanently avoiding or divesting himself or herself of parental or legal responsibility for the care of the child.

5. Under a delegation of powers as authorized by subsection 1 of this section, the child or children subject to the power of attorney shall not be considered placed in foster care as otherwise defined in law and the parties shall not be subject to any of the requirements or licensing regulations for foster care or other regulations relating to community care for children.

6. If a parent or legal custodian uses a community service program that offers support services for families in crisis to assist in the delegation of any powers regarding the care and custody of a child by a properly executed power of attorney, then the community service program shall ensure that a background check is completed for the attorney-in-fact and any adult members of his or her household prior to the placement of the child. A community service program shall not place a child or children with an attorney-in-fact when he or she or any adult member of his or her household is found to be on the sex offender registry as established pursuant to sections 589.400 to 589.425, or the child abuse and neglect registry, as established pursuant to section 210.109, or has pled guilty or nolo contendere to or is found guilty of a felony offense under federal or state law. If a community service program has reasonable cause to suspect that a parent or legal custodian is executing a power of attorney under this section with the intention of permanently avoiding or divesting himself or herself of parental or legal responsibility for the care of the child, the community service program shall notify the Missouri children's division within the department of social services, and the division shall conduct an investigation of the parent or legal guardian to determine if there is a violation of section 453.110. A background check performed under this section shall include:

- (1) A national and state fingerprint-based criminal history check;
- (2) A sex offender registry, as established pursuant to sections 589.400 to 589.425, check; and
- (3) A child abuse and neglect registry, as established pursuant to section 210.109, check.

7. A parent or legal custodian who is a member of the Armed Forces of the United States including any reserve component thereof, the commissioned corps of the National Oceanic and Atmospheric Administration, the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Armed Forces of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the President of the United States or to serve on state active duty may delegate the powers designated in subsection 1 of this section for a period longer than one year if on active duty service. The term of delegation shall not exceed the term of active duty service plus thirty days.

8. Nothing in this section shall conflict or set aside the preexisting residency requirements under section 167.020. An attorney-in-fact to whom powers are delegated under a power of attorney authorized by this section shall make arrangements to ensure that the child attends classes at an appropriate school. If enrollment is at a public school, attendance shall be based upon residency or waiver of such residency requirements by the school.

9. If enrolled at any school, as soon as reasonably possible upon execution of a power of attorney for the temporary care of a child as authorized under this section, the child's school shall be notified of the existence of the power of attorney and be provided a copy of the power of attorney as well as the contact information for the attorney-in-fact. While the power of attorney is in force, the school shall communicate with both the attorney-in-fact and any parent or legal custodian with parental or legal rights, obligations, or authority regarding the custody, visitation, or support of the child. The school shall also be notified of the expiration, termination, or revocation of the power of attorney as soon as reasonably

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possible following such expiration, termination, or revocation and shall no longer communicate with the attorney-in-fact regarding the child upon the receipt of such notice.

10. No delegation of powers under this section shall operate to modify a child's eligibility for benefits the child is receiving at the time of the execution of the power of attorney including, but not limited to, eligibility for free or reduced lunch, health care costs, or other social services, except as may be inconsistent with federal or state law governing the relevant program or benefit.

**475.604. DELEGATION FORM, CONTENTS.** — Any form for the delegation of powers authorized under section 475.602 shall be witnessed by a notary public and contain the following information:

- (1) The full name of any child for whom parental and legal authority is being delegated;
- (2) The date of birth of any child for whom parental and legal authority is being delegated;
- (3) The full name and signature of the attorney-in-fact;
- (4) The address and telephone number of the attorney-in-fact;
- (5) The full name and signature of the parent or legal guardian;
- (6) One of the following statements:

(a) "I delegate to the attorney-in-fact all of my power and authority regarding the care, custody, and property of each minor child named above including, but not limited to, the right to enroll the child in school, inspect and obtain copies of education and other records concerning the child, the right to give or withhold any consent or waiver with respect to school activities, medical and dental treatment, and any other activity, function, or treatment that may concern the child. This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child."; or

(b) "I delegate to the attorney-in-fact the following specific powers and responsibilities (insert list). This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child."; and

(7) A description of the time for which the delegation is being made and an acknowledgment that the delegation may be revoked at any time.

**556.036. TIME LIMITATIONS.** — 1. A prosecution for murder, rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, attempted sodomy in the first degree, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

- (1) For any felony, three years, except as provided in subdivision (4) of this subsection;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months;
- (4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal

duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the person is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the person's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; [or]

(2) During any time when the accused is concealing himself **or herself** from justice either within or without this state; [or]

(3) During any time when a prosecution against the accused for the offense is pending in this state; [or]

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020; **or**

(5) **During any period of time after which a DNA profile is developed from evidence collected in relation to the commission of a crime and included in a published laboratory report until the date upon which the accused is identified by name based upon a match between that DNA evidence profile and the known DNA profile of the accused. For purposes of this section, the term "DNA profile" means the collective results of the DNA analysis of an evidence sample.**

**556.037. TIME LIMITATIONS FOR PROSECUTIONS FOR SEXUAL OFFENSES INVOLVING A PERSON UNDER EIGHTEEN. — 1.** Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under [must be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, kidnapping, kidnapping in the first degree, attempted sodomy in the first degree, or attempted forcible sodomy in which case such prosecutions] may be commenced at any time.

**2. For purposes of this section, "sexual offenses" include, but are not limited to, all offenses for which registration is required under sections 589.400 to 589.425.**

**610.021. CLOSED MEETINGS AND CLOSED RECORDS AUTHORIZED WHEN, EXCEPTIONS. —** Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

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(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such

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computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; [and]

(23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business; **and**

**(24) Records relating to foster home or kinship placements of children in foster care under section 210.498.**

**[210.101. CHILDREN'S SERVICES COMMISSION ESTABLISHED, MEMBERS, QUALIFICATIONS — MEETINGS OPEN TO PUBLIC, NOTICE — RULES — STAFF — EX OFFICIO MEMBERS. — 1. There is hereby established the "Missouri Children's Services Commission", which shall be composed of the following members:**

(1) The director or the director's designee of the following departments: corrections, elementary and secondary education, higher education, health and senior services, labor and industrial relations, mental health, public safety, and social services;

(2) One judge of a family or juvenile court, who shall be appointed by the chief justice of the supreme court;

(3) Two members, one from each political party, of the house of representatives, who shall be appointed by the speaker of the house of representatives;

(4) Two members, one from each political party, of the senate, who shall be appointed by the president pro tempore of the senate;

All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri children's services commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

2. All meetings of the Missouri children's services commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030. The Missouri children's services commission shall meet no less than once every two months. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.

3. The Missouri children's services commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.

4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter, and such other officers as it deems necessary.

5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.

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6. The officers of the commission may hire an executive director. Funding for the executive director may be provided from the Missouri children's services commission fund or other sources provided by law.

7. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.]

**[210.103. CHILDREN'S SERVICES COMMISSION FUND CREATED, PURPOSE — INVESTMENT — NOT SUBJECT TO GENERAL REVENUE TRANSFER. —** 1. There is established in the state treasury a special fund, to be known as the "Missouri Children's Services Commission Fund". The state treasurer shall credit to and deposit in the Missouri children's services commission fund all amounts which may be received from general revenue, grants, gifts, bequests, the federal government, or other sources granted or given for the purposes of sections 210.101 and 210.102.

2. The state treasurer shall invest moneys in the Missouri children's services commission fund in the same manner as surplus state funds are invested pursuant to section 30.260. All earnings resulting from the investment of moneys in the Missouri children's services commission fund shall be credited to the Missouri children's services commission fund.

3. The administration of the Missouri children's services commission fund, including, but not limited to, the disbursement of funds therefrom, shall be as prescribed by the Missouri children's services commission in its bylaws.

4. The provisions of section 33.080, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue of this state at the end of each biennium, shall not apply to the Missouri children's services commission fund.

5. Amounts received in the fund shall only be used by the commission for purposes authorized under sections 210.101 and 210.102.]

**[475.024. TEMPORARY DELEGATION OF POWERS BY PARENT — EXCEPTIONS. —** A parent of a minor, by a properly executed power of attorney, may delegate to another individual, for a period not exceeding one year, any of his or her powers regarding care or custody of the minor child, except his or her power to consent to marriage or adoption of the minor child.]

Approved June 1, 2018

CCS HCS SS SCS SB 826

**Enacts provisions relating to health care.**

AN ACT to repeal sections 191.227, 195.010, 195.070, 195.080, 210.070, 338.010, 338.056, 338.202, and 376.1237, RSMo, and to enact in lieu thereof thirteen new sections relating to health care, with an emergency clause for certain sections.

SECTION

- A. Enacting clause.  
 191.227 Medical records to be released to patient, when, exception — fee permitted, amount — liability of provider limited — annual handling fee adjustment — disclosure of deceased patient records, when.  
 195.010 Definitions.

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

- 195.070 Prescriptive authority.
- 195.080 Excepted substances — prescription or dispensing limitation on amount of supply, exception — may be increased by physician, procedure.
- 195.265 Disposal of unused controlled substances, permitted methods — awareness program.
- 208.183 Advisory council on rare diseases and personalized medicine, purpose, members, meetings — duties.
- 208.1070 LARC prescriptions, transfer of, when.
- 210.070 Prophylactic eyedrops at birth — objection to, when.
- 338.010 Practice of pharmacy defined — auxiliary personnel — written protocol required, when — nonprescription drugs — rulemaking authority — therapeutic plan requirements — veterinarian defined — additional requirements — report — ShowMeVax system, notice.
- 338.056 Generic substitutions may be made, when, requirements — violations, penalty.
- 338.202 Maintenance medications, pharmacist may exercise professional judgment on quantity dispensed, when.
- 376.387 Pharmacy benefits manager, limitations and restrictions — enforcement.
- 376.1237 Refills for prescription eye drops, required, when — definitions.
  - B. Emergency clause.

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

**SECTION A. ENACTING CLAUSE.** — Sections 191.227, 195.010, 195.070, 195.080, 210.070, 338.010, 338.056, 338.202, and 376.1237, RSMo, are repealed and thirteen sections enacted in lieu thereof, to be known as sections 191.227, 195.010, 195.070, 195.080, 195.265, 208.183, 208.1070, 210.070, 338.010, 338.056, 338.202, 376.387, and 376.1237, to read as follows:

**191.227. MEDICAL RECORDS TO BE RELEASED TO PATIENT, WHEN, EXCEPTION — FEE PERMITTED, AMOUNT — LIABILITY OF PROVIDER LIMITED — ANNUAL HANDLING FEE ADJUSTMENT — DISCLOSURE OF DECEASED PATIENT RECORDS, WHEN.** — 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) Search and retrieval, in an amount not more than twenty-four dollars and eighty-five cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six cents, as adjusted annually pursuant to subsection 5 of this section; or

(b) The records shall be furnished electronically upon payment of the search, retrieval, and copying fees set under this section at the time of the request or one hundred eight dollars and eighty-eight cents total, whichever is less, if such person:

a. Requests health records to be delivered electronically in a format of the health care provider's choice;

b. The health care provider stores such records completely in an electronic health record; and

c. The health care provider is capable of providing the requested records and affidavit, if requested, in an electronic format;

- (2) Postage, to include packaging and delivery cost;
- (3) Notary fee, not to exceed two dollars, if requested.

3. **For purposes of subsections 1 and 2 of this section, "a copy of his or her record of that patient's health history and treatment rendered" or "the patient's health care records" include a statement or record that no such health history or treatment record responsive to the request exists.**

4. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

[4.] 5. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

[5.] 6. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's internet website by February first of each year.

[6.] 7. A health care provider may disclose a deceased patient's health care records or payment records to the executor or administrator of the deceased person's estate, or pursuant to a valid, unrevoked power of attorney for health care that specifically directs that the deceased person's health care records be released to the agent after death. If an executor, administrator, or agent has not been appointed, the deceased prior to death did not specifically object to disclosure of his or her records in writing, and such disclosure is not inconsistent with any prior expressed preference of the deceased that is known to the health care provider, a deceased patient's health care records may be released upon written request of a person who is deemed as the personal representative of the deceased person under this subsection. Priority shall be given to the deceased patient's spouse and the records shall be released on the affidavit of the surviving spouse that he or she is the surviving spouse. If there is no surviving spouse, the health care records may be released to one of the following persons:

- (1) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient's spouse;
- (2) An adult child of the deceased patient on the affidavit of the adult child that he or she is the adult child of the deceased;
- (3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent of the deceased;
- (4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or sister that he or she is the adult brother or sister of the deceased;
- (5) A guardian or conservator of the deceased patient at the time of the patient's death on the affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased; or
- (6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he or she is the guardian ad litem of the minor child of the deceased.

**195.010. DEFINITIONS.** — The following words and phrases as used in this chapter and chapter 579, unless the context otherwise requires, mean:

(1) **"Acute pain", pain, whether resulting from disease, accidental or intentional trauma, or other causes, that the practitioner reasonably expects to last only a short period of time. "Acute pain" shall not include chronic pain, pain being treated as part of cancer care, hospice or other end of life care, or medication-assisted treatment for substance use disorders;**

(2) **"Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his or her addiction;**

[(2)] (3) **"Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:**

(a) A practitioner (or, in his or her presence, by his or her authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

[(3)] (4) **"Agent", an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the usual and lawful course of the carrier's or warehouseman's business;**

[(4)] (5) **"Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general authorized to investigate, commence and prosecute an action under this chapter;**

[(5)] (6) **"Controlled substance", a drug, substance, or immediate precursor in Schedules I through V listed in this chapter;**

[(6)] (7) **"Controlled substance analogue", a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:**

(a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(b) With respect to a particular individual, which that individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II. The term does not include a controlled substance; any substance for which there is an approved new drug application; any substance for which an exemption is in effect for investigational use, for a particular person, under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. Section 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human consumption before such an exemption takes effect with respect to the substance;

[(7)] (8) **"Counterfeit substance", a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;**

[(8)] (9) **"Deliver" or "delivery", the actual, constructive, or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale;**

[(9)] (10) **"Dentist", a person authorized by law to practice dentistry in this state;**

[(10)] (11) **"Depressant or stimulant substance":**

(a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or any derivative of barbituric acid which has been designated by the United States Secretary of Health and Human Services as habit forming under 21 U.S.C. Section 352(d);

(b) A drug containing any quantity of:

a. Amphetamine or any of its isomers;

b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

c. Any substance the United States Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system;

(c) Lysergic acid diethylamide; or

(d) Any drug containing any quantity of a substance that the United States Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect;

[(11)] **(12)** "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" means a practitioner who dispenses;

[(12)] **(13)** "Distribute", to deliver other than by administering or dispensing a controlled substance;

[(13)] **(14)** "Distributor", a person who distributes;

[(14)] **(15)** "Drug":

(a) Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(c) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in this subdivision. It does not include devices or their components, parts or accessories;

[(15)] **(16)** "Drug-dependent person", a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of such substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence;

[(16)] **(17)** "Drug enforcement agency", the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;

[(17)] **(18)** "Drug paraphernalia", all equipment, products, substances and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of this chapter or chapter 579. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bongs;

m. Ice pipes or chillers;

(m) Substances used, intended for use, or designed for use in the manufacture of a controlled substance;

In determining whether an object, product, substance or material is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

a. Statements by an owner or by anyone in control of the object concerning its use;

- b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;
- c. The proximity of the object, in time and space, to a direct violation of this chapter or chapter 579;
- d. The proximity of the object to controlled substances or imitation controlled substances;
- e. The existence of any residue of controlled substances or imitation controlled substances on the object;
- f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter or chapter 579; the innocence of an owner, or of anyone in control of the object, as to direct violation of this chapter or chapter 579 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- g. Instructions, oral or written, provided with the object concerning its use;
- h. Descriptive materials accompanying the object which explain or depict its use;
- i. National or local advertising concerning its use;
- j. The manner in which the object is displayed for sale;
- k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- m. The existence and scope of legitimate uses for the object in the community;
- n. Expert testimony concerning its use;
- o. The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material;

[(18)] **(19)** "Federal narcotic laws", the laws of the United States relating to controlled substances;

[(19)] **(20)** "Hospital", a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide, for not less than twenty-four consecutive hours in any week, medical or nursing care for three or more nonrelated individuals. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198;

[(20)] **(21)** "Immediate precursor", a substance which:

- (a) The state department of health and senior services has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;
- (b) Is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and
- (c) The control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance;

[(21)] **(22)** "Imitation controlled substance", a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an imitation controlled substance the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

(a) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information;

(b) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

(c) Whether the substance is packaged in a manner normally used for illicit controlled substances;

(d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;

(e) The proximity of the substances to controlled substances;

(f) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research;

**(23) "Initial prescription", a prescription issued to a patient who has never previously been issued a prescription for the drug or its pharmaceutical equivalent or who was previously issued a prescription for the drug or its pharmaceutical equivalent, but the date on which the current prescription is being issued is more than five months after the date the patient last used or was administered the drug or its equivalent;**

[(22)] **(24) "Laboratory", a laboratory approved by the department of health and senior services as proper to be entrusted with the custody of controlled substances but does not include a pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;**

[(23)] **(25) "Manufacture", the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:**

(a) By a practitioner as an incident to his or her administering or dispensing of a controlled substance or an imitation controlled substance in the course of his or her professional practice, or

(b) By a practitioner or his or her authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

[(24)] **(26) "Marijuana", all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;**

[(25)] **(27) "Methamphetamine precursor drug", any drug containing ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers;**

[(26)] **(28)** "Narcotic drug", any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical analysis:

(a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium;

(b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(c) Cocaine or any salt, isomer, or salt of isomer thereof;

(d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

(e) Any compound, mixture, or preparation containing any quantity of any substance referred to in paragraphs (a) to (d) of this subdivision;

[(27)] **(29)** "Official written order", an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the department of health and senior services;

[(28)] **(30)** "Opiate" or "**opiod**", any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

[(29)] **(31)** "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

[(30)] **(32)** "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug other than a controlled substance;

[(31)] **(33)** "Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity;

[(32)] **(34)** "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

[(33)] **(35)** "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

[(34)] **(36)** "Possessed" or "possessing a controlled substance", a person, with the knowledge of the presence and nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his or her person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one person alone has possession of a substance possession is sole. If two or more persons share possession of a substance, possession is joint;

[(35)] **(37)** "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this

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state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research;

[(36)] **(38)** "Production", includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance;

[(37)] **(39)** "Registry number", the number assigned to each person registered under the federal controlled substances laws;

[(38)] **(40)** "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

[(39)] **(41)** "State" when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America;

[(40)] **(42)** "Synthetic cannabinoid", includes unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist, including but not limited to any substance listed in paragraph (II) of subdivision (4) of subsection 2 of section 195.017 and any analogues; homologues; isomers, whether optical, positional, or geometric; esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it shall not include any approved pharmaceutical authorized by the United States Food and Drug Administration;

[(41)] **(43)** "Ultimate user", a person who lawfully possesses a controlled substance or an imitation controlled substance for his or her own use or for the use of a member of his or her household or immediate family, regardless of whether they live in the same household, or for administering to an animal owned by him or by a member of his or her household. For purposes of this section, the phrase "immediate family" means a husband, wife, parent, child, sibling, stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

[(42)] **(44)** "Wholesaler", a person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions.

**195.070. PRESCRIPTIVE AUTHORITY.** — 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled

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substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, **except as provided in section 195.265.**

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

**195.080. EXCEPTED SUBSTANCES — PRESCRIPTION OR DISPENSING LIMITATION ON AMOUNT OF SUPPLY, EXCEPTION — MAY BE INCREASED BY PHYSICIAN, PROCEDURE. — 1.** Except as otherwise provided in this chapter and chapter 579, this chapter and chapter 579 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that this chapter and chapter 579 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

**2. Unless otherwise provided in sections 334.037, 334.104, and 334.747, a practitioner, other than a veterinarian, shall not issue an initial prescription for more than a seven-day supply of any opioid controlled substance upon the initial consultation and treatment of a patient for acute pain. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new prescription in compliance with the general provisions of this chapter and chapter 579. Prior to issuing an initial prescription for an opioid controlled substance, a practitioner shall consult with the patient regarding the quantity of the opioid and the patient's option to fill the prescription in a lesser quantity and shall inform the patient of the risks associated with the opioid prescribed. If, in the professional medical judgment of the practitioner, more than a seven-day supply is required to treat the patient's acute pain, the practitioner may issue a prescription for the quantity needed to treat the patient; provided, that the practitioner shall document in the patient's medical record the condition triggering the necessity for more than a seven-day supply and that a nonopioid alternative was not appropriate to address the patient's condition. The provisions of this subsection shall not apply to prescriptions for opioid controlled substances for a patient who is currently undergoing treatment for cancer, is receiving hospice care from a hospice certified under chapter 197 or palliative care, is a resident of a long-term care facility licensed under chapter 198, or is receiving treatment for substance abuse or opioid dependence.**

**3. A pharmacist or pharmacy shall not be subject to disciplinary action or other civil or criminal liability for dispensing or refusing to dispense medication in good faith pursuant to an otherwise valid prescription that exceeds the prescribing limits established by subsection 2 of this section.**

**4. Unless otherwise provided in this section, the quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of this chapter and chapter 579. The supply limitations provided in this**

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subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. The supply limitations provided in this subsection shall not apply if:

(1) The prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States and dispensed to a patient located in another state; or

(2) The prescription is dispensed directly to a member of the United States Armed Forces serving outside the United States.

[3.] **5.** The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

**195.265. DISPOSAL OF UNUSED CONTROLLED SUBSTANCES, PERMITTED METHODS — AWARENESS PROGRAM. — 1. Unused controlled substances may be accepted from ultimate users, from hospice or home health care providers on behalf of ultimate users to the extent federal law allows, or from any person lawfully entitled to dispose of a decedent's property if the decedent was an ultimate user who died while in lawful possession of a controlled substance, through:**

**(1) Collection receptacles, drug disposal boxes, mail back packages, and other means by a Drug Enforcement Agency-authorized collector in accordance with federal regulations, even if the authorized collector did not originally dispense the drug; or**

**(2) Drug take back programs conducted by federal, state, tribal, or local law enforcement agencies in partnership with any person or entity.**

This subsection shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state, regarding the disposal of unused controlled substances. For the purposes of this section, the term "ultimate user" shall mean a person who has lawfully obtained and possesses a controlled substance for his or her own use or for the use of a member of his or her household or for an animal owned by him or her or a member of his or her household.

**2. By August 28, 2019, the department of health and senior services shall develop an education and awareness program regarding drug disposal, including controlled substances. The education and awareness program may include, but not be limited to:**

**(1) A web-based resource that:**

**(a) Describes available drug disposal options, including take back, take back events, mail back packages, in-home disposal options that render a product safe from misuse, or any other methods that comply with state and federal laws and regulations, may reduce the availability of unused controlled substances, and may minimize the potential environmental impact of drug disposal;**

**(b) Provides a list of drug disposal take back sites, which may be sorted and searched by name or location and is updated every six months by the department;**

**(c) Provides a list of take back events and mail back events in the state, including the date, time, and location information for each event and is updated every six months by the department; and**

**(d) Provides information for authorized collectors regarding state and federal requirements to comply with the provisions of subsection 1 of this section; and**

(2) Promotional activities designed to ensure consumer awareness of proper storage and disposal of prescription drugs, including controlled substances.

**208.183. ADVISORY COUNCIL ON RARE DISEASES AND PERSONALIZED MEDICINE, PURPOSE, MEMBERS, MEETINGS — DUTIES. — 1.** There shall be established an "Advisory Council on Rare Diseases and Personalized Medicine" within the MO HealthNet division. The advisory council shall serve as an expert advisory committee to the drug utilization review board, providing necessary consultation to the board when the board makes recommendations or determinations regarding beneficiary access to drugs or biological products for rare diseases, or when the board itself determines that it lacks the specific scientific, medical, or technical expertise necessary for the proper performance of its responsibilities and such necessary expertise can be provided by experts outside the board. "Beneficiary access", as used in this section, shall mean developing prior authorization and reauthorization criteria for a rare disease drug, including placement on a preferred drug list or a formulary, as well as payment, cost-sharing, drug utilization review, or medication therapy management.

2. The advisory council on rare diseases and personalized medicine shall be composed of the following health care professionals, who shall be appointed by the director of the department of social services:

(1) Two physicians affiliated with a public school of medicine who are licensed and practicing in this state with experience researching, diagnosing, or treating rare diseases;

(2) Two physicians affiliated with private schools of medicine headquartered in this state who are licensed and practicing in this state with experience researching, diagnosing, or treating rare diseases;

(3) A physician who holds a doctor of osteopathy degree, who is active in medical practice, and who is affiliated with a school of medicine in this state with experience researching, diagnosing, or treating rare diseases;

(4) Two medical researchers from either academic research institutions or medical research organizations in this state who have received federal or foundation grant funding for rare disease research;

(5) A registered nurse or advanced practice registered nurse licensed and practicing in this state with experience treating rare diseases;

(6) A pharmacist practicing in a hospital in this state which has a designated orphan disease center;

(7) A professor employed by a pharmacy program in this state that is fully accredited by the Accreditation Council for Pharmacy Education and who has advanced scientific or medical training in orphan and rare disease treatments;

(8) One individual representing the rare disease community or who is living with a rare disease;

(9) One member who represents a rare disease foundation;

(10) A representative from a rare disease center located within one of the state's comprehensive pediatric hospitals;

(11) The chairperson of the joint committee on the life sciences or the chairperson's designee; and

(12) The chairperson of the drug utilization review board, or the chairperson's designee, who shall serve as an ex officio, nonvoting member of the advisory council.

3. The director shall convene the first meeting of the advisory council on rare diseases and personalized medicine no later than February 28, 2019. Following the first meeting, the advisory council shall meet upon the call of the chairperson of the drug utilization review board or upon the request of a majority of the council members.

4. The drug utilization review board, when making recommendations or determinations regarding beneficiary access to drugs and biological products for rare diseases, as defined in the federal Orphan Drug Act of 1983, P.L. 97-414, and drugs and biological products that are approved by the U.S. Food and Drug Administration and within the emerging fields of personalized medicine and noninheritable gene editing therapeutics, shall request and consider information from the advisory council on rare diseases and personalized medicine.

5. The drug utilization review board shall seek the input of the advisory council on rare diseases and personalized medicine to address topics for consultation under this section including, but not limited to:

- (1) Rare diseases;
- (2) The severity of rare diseases;
- (3) The unmet medical need associated with rare diseases;
- (4) The impact of particular coverage, cost-sharing, tiering, utilization management, prior authorization, medication therapy management, or other Medicaid policies on access to rare disease therapies;
- (5) An assessment of the benefits and risks of therapies to treat rare diseases;
- (6) The impact of particular coverage, cost-sharing, tiering, utilization management, prior authorization, medication therapy management, or other Medicaid policies on patients' adherence to the treatment regimen prescribed or otherwise recommended by their physicians;
- (7) Whether beneficiaries who need treatment from or a consultation with a rare disease specialist have adequate access and, if not, what factors are causing the limited access; and
- (8) The demographics and the clinical description of patient populations.

6. Nothing in this section shall be construed to create a legal right for a consultation on any matter or to require the drug utilization review board to meet with any particular expert or stakeholder.

7. Recommendations of the advisory council on rare diseases and personalized medicine on an applicable treatment of a rare disease shall be explained in writing to members of the drug utilization review board during public hearings.

8. For purposes of this section, a "rare disease drug" shall mean a drug used to treat a rare medical condition, defined as any disease or condition that affects fewer than two hundred thousand persons in the United States, such as cystic fibrosis, hemophilia, and multiple myeloma.

9. All members of the advisory council on rare diseases and personalized medicine shall annually sign a conflict of interest statement revealing economic or other relationships with entities that could influence a member's decisions, and at least twenty percent of the advisory council members shall not have a conflict of interest with respect to any insurer, pharmaceutical benefits manager, or pharmaceutical manufacturer.

**208.1070. LARC PRESCRIPTIONS, TRANSFER OF, WHEN. — 1. For purposes of this section, the term "long-acting reversible contraceptive (LARC)" shall include, but not be limited to, intrauterine devices (IUDs) and birth control implants.**

2. Notwithstanding any other provision of law, any LARC that is prescribed to and obtained for a MO HealthNet participant may be transferred to another MO HealthNet participant if the LARC was not delivered to, implanted in, or used on the original MO HealthNet participant to whom the LARC was prescribed. In order to be transferred to another MO HealthNet participant under the provisions of this section, the LARC shall:

- (1) Be in the original, unopened package;
- (2) Have been in the possession of the health care provider for at least twelve weeks. The provisions of this subdivision may be waived upon the written consent of the original MO HealthNet participant to whom the LARC was prescribed;
- (3) Not have left the possession of the health care provider who originally prescribed the LARC; and
- (4) Be medically appropriate and not contraindicated for the MO HealthNet participant to whom the LARC is being transferred.

**210.070. PROPHYLACTIC EYEDROPS AT BIRTH — OBJECTION TO, WHEN.** — [Every] 1. A physician, midwife, or nurse who shall be in attendance upon a newborn infant or its mother[,] shall drop into the eyes of such infant [immediately after delivery,] a prophylactic [solution] **medication** approved by the state department of health and senior services[, and shall within forty-eight hours thereafter, report in writing to the board of health or county physician of the city, town or county where such birth occurs, his or her compliance with this section, stating the solution used by him or her].

2. Administration of such eye drops shall not be required if a parent or legal guardian of such infant objects to the treatment because it is against the religious beliefs of the parent or legal guardian.

**338.010. PRACTICE OF PHARMACY DEFINED — AUXILIARY PERSONNEL — WRITTEN PROTOCOL REQUIRED, WHEN — NONPRESCRIPTION DRUGS — RULEMAKING AUTHORITY — THERAPEUTIC PLAN REQUIREMENTS — VETERINARIAN DEFINED — ADDITIONAL REQUIREMENTS — REPORT — SHOWMEVAX SYSTEM, NOTICE.** — 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons [twelve] **at least seven** years of age or [older as authorized by rule] **the age recommended by the Centers for Disease Control and Prevention, whichever is higher**, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, [and] meningitis, **and viral influenza** vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless

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he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a supervision agreement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. **A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:**

(1) The identity of the patient;

(2) The identity of the vaccine or vaccines administered;

(3) The route of administration;

(4) The anatomic site of the administration;

(5) The dose administered; and

(6) The date of administration.

**338.056. GENERIC SUBSTITUTIONS MAY BE MADE, WHEN, REQUIREMENTS — VIOLATIONS, PENALTY.** — 1. Except as provided in subsection 2 of this section, the pharmacist filling prescription orders for drug products prescribed by trade or brand name may select another drug product with the same active chemical ingredients of the same strength, quantity and dosage form, and of the same generic drug or interchangeable biological product type, as determined by the United States Adopted Names and accepted by the Federal Food and Drug Administration. Selection pursuant to this section is within the discretion of the pharmacist, except as provided in subsection 2 of this section. The pharmacist who selects the drug or interchangeable biological product to be dispensed pursuant to this section shall assume the same responsibility for selecting the dispensed drug or biological product as would be incurred in filling a prescription for a drug or interchangeable biological product prescribed by generic or interchangeable biologic name. The

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pharmacist shall not select a drug or interchangeable biological product pursuant to this section unless the product selected costs the patient less than the prescribed product.

2. A pharmacist who receives a prescription for a brand name drug or biological product may[, unless requested otherwise by the purchaser,] select a less expensive generically equivalent or interchangeable biological product [under the following circumstances:

(1) If a written prescription is involved, the prescription form used shall have two signature lines at opposite ends at the bottom of the form. Under the line at the right side shall be clearly printed the words: "Dispense as Written". Under the line at the left side shall be clearly printed the words "Substitution Permitted". The prescriber shall communicate the instructions to the pharmacist by signing the appropriate line] **unless:**

**(1) The patient requests a brand name drug or biological product; or**

**(2) The prescribing practitioner indicates that substitution is prohibited or displays "brand medically necessary", "dispense as written", "do not substitute", "DAW", or words of similar import on the prescription.**

3. No prescription shall be valid without the signature of the prescriber [on one of these lines; (2)].

4. If an oral prescription is involved, the practitioner or the practitioner's agent, communicating the instructions to the pharmacist, shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug or interchangeable biological product may be substituted. The pharmacist shall note the instructions on the file copy of the prescription.

[3. All prescriptions written in the state of Missouri by practitioners authorized to write prescriptions shall be on forms which comply with subsection 2 hereof.

4.] **5.** Notwithstanding the provisions of subsection 2 of this section to the contrary, a pharmacist may fill a prescription for a brand name drug by substituting a generically equivalent drug or interchangeable biological product when substitution is allowed in accordance with the laws of the state where the prescribing practitioner is located.

[5.] **6.** Violations of this section are infractions.

**338.202. MAINTENANCE MEDICATIONS, PHARMACIST MAY EXERCISE PROFESSIONAL JUDGMENT ON QUANTITY DISPENSED, WHEN.** — 1. Notwithstanding any other provision of law to the contrary, unless the prescriber has specified on the prescription that dispensing a prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise his or her professional judgment to dispense varying quantities of maintenance medication per fill, up to the total number of dosage units as authorized by the prescriber on the original prescription, including any refills. Dispensing of the maintenance medication based on refills authorized by the physician or prescriber on the prescription shall be limited to no more than a ninety-day supply of the medication, and the maintenance medication shall have been previously prescribed to the patient for at least a three-month period. **The supply limitations provided in this subsection shall not apply if the prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States or dispensed to a patient who is a member of the United States Armed Forces serving outside the United States.**

2. For the purposes of this section, "maintenance medication" is and means a medication prescribed for chronic long-term conditions and that is taken on a regular, recurring basis; except that, it shall not include controlled substances, as defined in and under section 195.010.

**376.387. PHARMACY BENEFITS MANAGER, LIMITATIONS AND RESTRICTIONS — ENFORCEMENT. — 1. For purposes of this section, the following terms shall mean:**

- (1) "Covered person", the same meaning as such term is defined in section 376.1257;
- (2) "Health benefit plan", the same meaning as such term is defined in section 376.1350;
- (3) "Pharmacy benefits manager", the same meaning as such term is defined in section 376.388.

**2. No pharmacy benefits manager shall include a provision in a contract entered into or modified on or after August 28, 2018, with a pharmacy or pharmacist that requires a covered person to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:**

- (1) The copayment amount as required under the health benefit plan; or
- (2) The amount an individual would pay for a prescription if that individual paid with cash.

**3. A pharmacy or pharmacist shall have the right to provide to a covered person information regarding the amount of the covered person's cost share for a prescription drug, the covered person's cost of an alternative drug, and the covered person's cost of the drug without adjudicating the claim through the pharmacy benefits manager. Neither a pharmacy nor a pharmacist shall be proscribed by a pharmacy benefits manager from discussing any such information or from selling a more affordable alternative to the covered person.**

**4. No pharmacy benefits manager shall, directly or indirectly, charge or hold a pharmacist or pharmacy responsible for any fee amount related to a claim that is not known at the time of the claim's adjudication, unless the amount is a result of improperly paid claims or charges for administering a health benefit plan.**

**5. This section shall not apply with respect to claims under Medicare Part D, or any other plan administered or regulated solely under federal law, and to the extent this section may be preempted under the Employee Retirement Income Security Act of 1974 for self-funded employer sponsored health benefit plans.**

**6. The department of insurance, financial institutions and professional registration shall enforce this section.**

**376.1237. REFILLS FOR PRESCRIPTION EYE DROPS, REQUIRED, WHEN — DEFINITIONS. —**

**1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, and that provides coverage for prescription eye drops shall provide coverage for the refilling of an eye drop prescription prior to the last day of the prescribed dosage period without regard to a coverage restriction for early refill of prescription renewals as long as the prescribing health care provider authorizes such early refill, and the health carrier or the health benefit plan is notified.**

**2. For the purposes of this section, health carrier and health benefit plan shall have the same meaning as defined in section 376.1350.**

**3. The coverage required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.**

**4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.**

**[5. The provisions of this section shall terminate on January 1, 2020.]**

**SECTION B. EMERGENCY CLAUSE.** — Because immediate action is necessary to allow for the safe disposal of unused pharmaceuticals, the enactment of section 195.265 and the repeal and reenactment of section 195.070 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 195.265 and the repeal and reenactment of section 195.070 of this act shall be in full force and effect upon its passage and approval.

Approved July 6, 2018

SB 840

**Enacts provisions relating to professional registration.**

AN ACT to repeal sections 256.462, 256.468, 324.071, 324.200, 324.205, 324.210, 324.215, 324.421, 324.487, 324.920, 324.1110, 328.085, 329.085, 329.130, 330.030, 331.030, 333.041, 333.042, 333.051, 337.510, 337.520, 337.615, 337.627, 337.644, 337.665, 337.727, 339.521, 339.523, 344.030, 345.050, 346.055, 374.735, 374.785, 643.228, 700.662, 701.312, and 701.314, RSMo, and to enact in lieu thereof thirty-five new sections relating to professional registration, with existing penalty provisions.

**SECTION**

- A. Enacting clause.
- 256.462 Meetings of board — officers — rules — examinations, preparation of — certificates of registration, issuance of, code of professional conduct — suspension, revocation of certificate, when — specialty fields, board may recognize.
- 256.468 Application for certification, contents, requirements — examination required — geologist-registrant in-training, designation — board, powers and duties.
- 324.009 Licensure reciprocity — definitions — requirements.
- 324.071 Application for a license — certification, when.
- 324.200 Dietitian practice act — definitions.
- 324.205 Title of licensed dietitian, use permitted, when — penalty.
- 324.210 Qualifications of applicant for licensure — examination required, exception.
- 324.215 Issuance of license, when — reciprocity — reexamination, limitations.
- 324.421 Waiver of examination, when.
- 324.487 Qualifications for licensure.
- 324.920 Application requirements — grandfather provision — employee licensing requirements.
- 324.1110 Licensure requirements.
- 328.085 Reciprocity with other states — license without examination, when — fee.
- 329.085 Instructor license, qualifications, fees, exceptions.
- 329.130 Reciprocity with other states, fee.
- 330.030 Issuance of license — qualifications — examination — fees — reciprocity with other states.
- 331.030 Application for license, requirements, fees — reciprocity — rulemaking, procedure.
- 333.041 Qualifications of applicants — examinations — licenses — board may waive requirements in certain cases.
- 333.042 Application and examination fees for funeral directors, apprenticeship requirements — limited license only for cremation — exemptions from apprenticeship.
- 333.051 Reciprocity, test required.
- 337.510 Requirements for licensure — reciprocity — provisional professional counselor license issued, when, requirements — renewal license fee.
- 337.520 Rules and regulations, procedure.
- 337.615 Education, experience requirements — reciprocity — licenses issued, when.
- 337.627 Rules and regulations, procedure.

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

- 337.644 Application, contents — issuance of license, when.
- 337.665 Information required to be furnished committee — certificate to practice independently issued, when.
- 337.727 Rulemaking authority.
- 339.523 Nonresidents of state — requirements to be certified or licensed in Missouri — service of process provisions.
- 344.030 License, qualifications, fee, examination, term — emergency license.
- 345.050 Requirements to be met for license.
- 346.055 Requirements for licensure.
- 374.785 Apprehension of defendant, permitted where.
- 643.228 Training courses to be certified — evaluation by department of health and senior services, when — violation, effect — accreditation fee.
- 701.312 Program to train and license lead inspectors and others — rules — liability insurance required.
- 701.314 Program to train and license lead inspectors, supervisors, and workers — rules.
- 339.521 Reciprocity for certification and licensure in another state, requirements.
- 374.735 Examination not required, when — fee — reciprocal contracts — completion of educational requirements required.
- 700.662 Reciprocity of license requirements.

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

**SECTION A. ENACTING CLAUSE.** — Sections 256.462, 256.468, 324.071, 324.200, 324.205, 324.210, 324.215, 324.421, 324.487, 324.920, 324.1110, 328.085, 329.085, 329.130, 330.030, 331.030, 333.041, 333.042, 333.051, 337.510, 337.520, 337.615, 337.627, 337.644, 337.665, 337.727, 339.521, 339.523, 344.030, 345.050, 346.055, 374.735, 374.785, 643.228, 700.662, 701.312, and 701.314, RSMo, are repealed and thirty-five new sections enacted in lieu thereof, to be known as sections 256.462, 256.468, 324.009, 324.071, 324.200, 324.205, 324.210, 324.215, 324.421, 324.487, 324.920, 324.1110, 328.085, 329.085, 329.130, 330.030, 331.030, 333.041, 333.042, 333.051, 337.510, 337.520, 337.615, 337.627, 337.644, 337.665, 337.727, 339.523, 344.030, 345.050, 346.055, 374.785, 643.228, 701.312, and 701.314, to read as follows:

**256.462. MEETINGS OF BOARD — OFFICERS — RULES — EXAMINATIONS, PREPARATION OF — CERTIFICATES OF REGISTRATION, ISSUANCE OF, CODE OF PROFESSIONAL CONDUCT — SUSPENSION, REVOCATION OF CERTIFICATE, WHEN — SPECIALTY FIELDS, BOARD MAY RECOGNIZE.** — 1. The board shall meet within forty-five days after appointment of its initial members. The board shall hold at least four regular meetings each year. Special meetings shall be held at such times as the rules of the board may provide and in accordance with notice requirements thereof.

2. The board shall elect annually from its own membership a chair, vice chair, and secretary-treasurer, none of whom shall hold that office for more than two consecutive one-year terms, and the director of the division of professional registration shall be the executive secretary to assist the board in carrying out its duties and responsibilities.

3. The board shall promulgate rules pursuant to chapter 536 and section 256.640, necessary for the administration and enforcement of sections 256.450 to 256.483.

4. The board shall prepare, administer, and grade or supervise the preparation, administering, and grading of oral and written examinations as required to administer and enforce sections 256.450 to 256.483. The board may adopt or recognize, in part or in whole, examinations prepared, administered, or graded by other organizations, on a regional or national basis, which the board determines are appropriate to measure the qualifications of an applicant for registration as a geologist in Missouri, provided that the individual's examination records are available to the board.

5. The board shall issue certificates of registration and shall renew and reissue certificates as provided in sections 256.450 to 256.483. The board may upon reissuing and renewal require the applicant to provide evidence of continued competence in the practice of geology.

6. The board shall promulgate, by rule, and issue a code of professional conduct for registered geologists. The board may suspend, revoke or refuse issuance or renewal of registration for any registered geologist who is found in violation of the code of professional conduct.

7. The board may refuse issuance or renewal of or suspend or revoke any certificate, and impose sanctions including restrictions on the practice of any individual geologist registered in Missouri for violations of sections 256.450 to 256.483 or the rules promulgated thereunder.

8. The board shall seek cease and desist orders and injunctions against any person violating sections 256.450 to 256.483 or the rules promulgated thereunder.

9. The board shall recognize and authorize the official use of the designation "registered geologist" for geologists registered under the provisions of sections 256.450 to 256.483.

10. [The board may enter into agreements with licenser organizations of other states having official registration responsibilities for the purposes of developing uniform standards for registration of geologists including education, examinations, and other procedures for the purposes of developing and entering into registration reciprocity agreements. All such agreements shall be in accordance with the provisions of sections 256.450 to 256.483.

11.] The board may recognize and establish, by rule, specialty fields of geologic practice and establish qualifications, conduct examinations, and issue certificates of registration in such specialties to qualified applicants.

**256.468. APPLICATION FOR CERTIFICATION, CONTENTS, REQUIREMENTS — EXAMINATION REQUIRED — GEOLOGIST-REGISTRANT IN-TRAINING, DESIGNATION — BOARD, POWERS AND DUTIES.** — 1. An applicant for certification as a registered geologist shall complete and sign a personal data form, prescribed and furnished by the board, and shall provide the appropriate application fee. The personal data of an individual shall be considered confidential information.

2. The applicant shall have graduated from a course of study satisfactory to the board and which includes at least thirty semester or forty-five quarter hours of credit in geology.

3. The applicant shall provide to the board a detailed summary of actual geologic work, documenting that the applicant meets the minimum requirements for registration as a geologist, including a demonstration that the applicant has at least three years of postbaccalaureate experience in the practice of geology.

4. Except as provided in this section, no applicant shall be certified unless he or she shall have passed an examination covering the fundamentals, principles and practices of geology prescribed or accepted by the board.

5. Any person, upon application to the board and demonstration that the person meets the requirements of subsections 1 and 2 of this section and has passed that portion of the professional examination covering the fundamentals of geology, shall be awarded the geologist-registrant in-training certificate. The geologist then may use the title "geologist-registrant in-training" subject to the limitations of sections 256.450 to 256.483.

6. The board shall deny registration to an applicant who fails to satisfy the requirements of this section. The board shall not issue a certificate of registration pending the disposition in this or another state of any complaint alleging a violation of this chapter or the laws, rules, regulations and code of professional conduct applicable to registered geologists and regulated geologic work of which violation the board has notice. An applicant who is denied registration shall be notified in writing within thirty days of the board's decision and the notice shall state the reason for denial

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Matter in bold-face type is proposed language.

of registration. Any person aggrieved by a final decision of the board on an application for registration may appeal that decision to the administrative hearing commission in the manner provided in section 621.120.

7. The board shall issue an appropriate certificate evidencing the issuance of the certificate of registration upon payment of the applicable registration fee to any applicant who has satisfactorily met all the requirements of this section for registration as a geologist. Such certificate shall show the full name of the registrant, shall have a serial number, and shall be dated and signed by an appropriate officer of the board under the seal of the board.

8. The certificate seal shall be prima facie evidence that the person named therein is entitled to all rights and privileges of a registered geologist under sections 256.450 to 256.483 and to practice geology as an individual, firm or corporation while such certificate remains unrevoked or unexpired.

9. The board may issue a certificate of registration to any individual who has made application and provided proof of certification of registration from another [state nongovernmental or governmental organization, or] country, approved by the board, provided that the registration or licensing requirements are substantially similar to the requirements of this section and the necessary fees have been paid. The board may require, by examination or other procedures, demonstration of competency pertaining to geologic conditions in Missouri.

10. The board shall reissue the certificate of registration of any registrant who, before the expiration date of the certificate and within a period of time and procedures established by the board, submits the required renewal application and fee.

11. The board, by rule, may establish conditions and fees for the reissuing of certificates of registration which have lapsed, expired, or have been suspended or revoked.

12. Registered geologists may purchase from the board, or other approved sources, a seal bearing the registered geologist's name, registration number, and the legend "Registered Geologist".

**324.009. LICENSURE RECIPROCITY — DEFINITIONS — REQUIREMENTS. — 1. For purposes of this section, the following terms mean:**

(1) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation or profession in a particular jurisdiction; except that "license" shall not include a certificate of license to teach in public schools under section 168.021;

(2) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses; except, for the purposes of this section, oversight body shall not include the state board of registration for the healing arts, the state board of nursing, the board of pharmacy, the state committee of psychologists, the Missouri dental board, the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects, the state board of optometry, or the Missouri veterinary medical board.

2. Any resident of Missouri who holds a valid current license issued by another state, territory of the United States, or the District of Columbia may submit an application for a license in Missouri in the same occupation or profession for which he or she holds the current license, along with proof of current licensure in the other jurisdiction, to the relevant oversight body in this state.

3. The oversight body in this state shall, within six months of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that the licensing requirements in the jurisdiction that issued the applicant's license are substantially similar to or more stringent than the licensing requirements in Missouri for the same occupation or profession.

4. The oversight body shall not waive any examination, educational, or experience requirements for any applicant who is currently under disciplinary action with an oversight body outside the state or who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

5. The oversight body shall not waive any examination, educational, or experience requirements for any applicant if it determines that waiving the requirements for the applicant may endanger the public health, safety, or welfare.

6. Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018.

**324.071. APPLICATION FOR A LICENSE — CERTIFICATION, WHEN.** — 1. The applicant applying for a license to practice occupational therapy shall provide evidence of being initially certified by a certifying entity and has completed an application for licensure and all applicable fees have been paid.

2. The certification requirement shall be waived for those persons who hold a current registration by the board as an occupational therapist or occupational therapy assistant on August 28, 1997, provided that this application is made on or before October 31, 1997, and all applicable fees have been paid. All other requirements of sections 324.050 to 324.089 must be satisfied.

3. The person shall have no violations, suspensions, revocation or pending complaints for violation of regulations from a certifying entity or any governmental regulatory agency in the past five years.

[4. The board may negotiate reciprocal contracts with other states, the District of Columbia, or territories of the United States which require standards for licensure, registration or certification considered to be equivalent or more stringent than the requirements for licensure pursuant to sections 324.050 to 324.089.]

**324.200. DIETITIAN PRACTICE ACT — DEFINITIONS.** — 1. Sections 324.200 to 324.225 shall be known and may be cited as the "Dietitian Practice Act".

2. As used in sections 324.200 to 324.225, the following terms shall mean:

(1) "[Commission on Accreditation for Dietetics Education (CADE)", the American Dietetic Association's] **Accreditation Council for Education in Nutrition and Dietetics" or "ACEND", the Academy of Nutrition and Dietetics** accrediting agency for education programs preparing students for professions as registered dietitians;

(2) "Committee", the state committee of dietitians established in section 324.203;

(3) "Dietetics practice", the application of principles derived from integrating knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and social science to achieve and maintain the health of people by providing nutrition assessment and nutrition care services. The primary function of dietetic practice is the provision of nutrition care services that shall include, but not be limited to:

- (a) Assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;
  - (b) Establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources and constraints;
  - (c) Providing nutrition counseling or education in health and disease;
  - (d) Developing, implementing, and managing nutrition care systems;
  - (e) Evaluating, making changes in, and maintaining appropriate standards of quality and safety in food and in nutrition services;
  - (f) Engaged in medical nutritional therapy as defined in subdivision (8) of this section;
- (4) "Dietitian", one engaged in dietetic practice as defined in subdivision (3) of this section;
- (5) "Director", the director of the division of professional registration;
- (6) "Division", the division of professional registration;
- (7) "Licensed dietitian", a person who is licensed pursuant to the provisions of sections 324.200 to 324.225 to engage in the practice of dietetics or medical nutrition therapy;
- (8) "Medical nutrition therapy", nutritional diagnostic, therapy, and counseling services which are furnished by a registered dietitian **or registered dietitian nutritionist**;
- (9) "Registered dietitian" **or "registered dietitian nutritionist"**, a person who:
- (a) Has completed a minimum of a baccalaureate degree granted by a United States regionally accredited college or university or foreign equivalent;
  - (b) Completed the academic requirements of a didactic program in dietetics, as approved by [CADE] **ACEND**;
  - (c) Successfully completed the registration examination for dietitians; and
  - (d) Accrued seventy-five hours of approved continuing professional units every five years; as determined by the committee on dietetic registration.

**324.205. TITLE OF LICENSED DIETITIAN, USE PERMITTED, WHEN — PENALTY.** — 1. Any person who holds a license to practice dietetics in this state may use the title "Dietitian" or the abbreviation "L.D." **or "L.D.N."**. No other person may use the title "Dietitian" or the abbreviation "L.D." **or "L.D.N."**. No other person shall assume any title or use any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed dietitian.

2. No person shall practice or offer to practice dietetics in this state for compensation or use any title, sign, abbreviation, card, or device to indicate that such person is practicing dietetics unless he or she has been duly licensed pursuant to the provisions of sections 324.200 to 324.225.

3. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor.

**324.210. QUALIFICATIONS OF APPLICANT FOR LICENSURE — EXAMINATION REQUIRED, EXCEPTION.** — 1. An applicant for licensure as a dietitian shall be at least twenty-one years of age.

2. Each applicant shall furnish evidence to the committee that:

- (1) The applicant has completed a didactic program in dietetics which is approved or accredited by the [commission on accreditation for dietetics education] **Accreditation Council for Education in Nutrition and Dietetics** and a minimum of a baccalaureate degree from an

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acceptable educational institution accredited by a regional accrediting body or accredited by an accrediting body which has been approved by the United States Department of Education. Applicants who have obtained their education outside of the United States and its territories must have their academic degrees validated as equivalent to the baccalaureate or master's degree conferred by a regionally accredited college or university in the United States. Validation of a foreign degree does not eliminate the need for a verification statement of completion of a didactic program in dietetics;

(2) The applicant has completed a supervised practice requirement from an institution that is certified by a nationally recognized professional organization as having a dietetics specialty or who meets criteria for dietetics education established by the committee. The committee may specify those professional organization certifications which are to be recognized and may set standards for education training and experience required for those without such specialty certification to become dietitians.

3. The applicant shall successfully pass an examination as determined by the committee and possess a current registration with the Commission on Dietetic Registration. The committee may waive the examination requirement and grant licensure to an applicant for a license as a dietitian who presents satisfactory evidence to the committee of current registration as a dietitian with the commission on dietetic registration.

4. Prior to July 1, 2000, a person may apply for licensure without examination and shall be exempt from the academic requirements of this section if the committee is satisfied that the applicant has a bachelor's degree in a program approved by the committee and has work experience approved by the committee.

5. The committee may determine the type of documentation needed to verify that an applicant meets the qualifications provided in subsection 3 of this section.

**324.215. ISSUANCE OF LICENSE, WHEN — RECIPROCITY — REEXAMINATION, LIMITATIONS.**— 1. The committee shall issue a license to each candidate who files an application and pays the fee as required by the provisions of sections 324.200 to 324.225 and who furnishes evidence satisfactory to the committee that the candidate has complied with the provisions of section 324.210 or with the provisions of subsection 2 of this section.

2. The committee may issue a license to any dietitian who has a valid current license to practice dietetics or medical nutrition therapy in [any jurisdiction] **another country**, provided that such person is licensed in a [jurisdiction] **country** whose requirements for licensure are substantially equal to, or greater than, the requirements for licensure of dietitians in Missouri at the time the applicant applies for licensure.

3. The committee may not allow any person to sit for the examination for licensure as a dietitian in this state who has failed the examination as approved by the committee three times, until the applicant submits evidence of satisfactory completion of additional course work or experience and has been approved by the committee for reexamination.

**324.421. WAIVER OF EXAMINATION, WHEN.**— The council shall register without examination any interior designer certified, licensed or registered in [another state or territory of the United States or] **a foreign country** if the applicant has qualifications which are at least equivalent to the requirements for registration as a registered interior designer in this state and such applicant pays the required fees.

**324.487. QUALIFICATIONS FOR LICENSURE.**— 1. It is unlawful for any person to practice acupuncture in this state, unless such person:

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

- (1) Possesses a valid license issued by the board pursuant to sections 324.475 to 324.499; or
  - (2) Is engaged in a supervised course of study that has been authorized by the committee approved by the board, and is designated and identified by a title that clearly indicates status as a trainee, and is under the supervision of a licensed acupuncturist.
2. A person may be licensed to practice acupuncture in this state if the applicant:
- (1) Is twenty-one years of age or older and [meets one of the following requirements:
    - (a) is actively certified as a Diplomate in Acupuncture by the National Commission for the Certification of Acupuncture and Oriental Medicine]; or
    - (b) Is actively licensed, certified or registered in a state or jurisdiction of the United States which has eligibility and examination requirements that are at least equivalent to those of the National Commission for the Certification of Acupuncture and Oriental Medicine, as determined by the committee and approved by the board]; and
  - (2) Submits to the committee an application on a form prescribed by the committee; and
  - (3) Pays the appropriate fee.
3. The board shall issue a certificate of licensure to each individual who satisfies the requirements of subsection 2 of this section, certifying that the holder is authorized to practice acupuncture in this state. The holder shall have in his or her possession at all times while practicing acupuncture, the license issued pursuant to sections 324.475 to 324.499.

**324.920. APPLICATION REQUIREMENTS — GRANDFATHER PROVISION — EMPLOYEE LICENSING REQUIREMENTS.** — 1. The applicant for a statewide electrical contractor's license shall satisfy the following requirements:

- (1) Be at least twenty-one years of age;
- (2) Provide proof of liability insurance in the amount of five hundred thousand dollars, and post a bond with each political subdivision in which he or she will perform work, as required by that political subdivision;
- (3) Pass a standardized and nationally accredited electrical assessment examination that has been created and administered by a third party and that meets current national industry standards, as determined by the division;
- (4) Pay for the costs of such examination; and
- (5) Have completed one of the following:
  - (a) Twelve thousand verifiable practical hours installing equipment and associated wiring;
  - (b) Ten thousand verifiable practical hours installing equipment and associated wiring and have received an electrical journeyman certificate from a United States Department of Labor-approved electrical apprenticeship program;
  - (c) Eight thousand verifiable practical hours installing equipment and associated wiring and have received an associate's degree from a state-accredited program; or
  - (d) Four thousand verifiable practical hours supervising the installation of equipment and associated wiring and have received a four-year electrical engineering degree.

2. Electrical contractors who hold an electrical contractor license in good standing that was issued by any authority in this state that required prior to January 1, 2018, the passing of a standardized and nationally accredited written electrical assessment examination that is based upon the National Electrical Code and who have completed twelve thousand hours of verifiable practical experience shall be issued a statewide license. The provisions of this subsection shall apply only to electrical contractor licenses issued by a political subdivision with the legal authority to issue such licenses.

3. Each corporation, firm, institution, organization, company, or representative thereof engaging in electrical contracting shall have in its employ, at a supervisory level, at least one electrical contractor who possesses a statewide license in accordance with sections 324.900 to 324.945. A statewide licensed electrical contractor shall represent only one firm, company, corporation, institution, or organization at one time.

4. Any person operating as an electrical contractor in a political subdivision that does not require the contractor to hold a local license shall not be required to possess a statewide license under sections 324.900 to 324.945 to continue to operate as an electrical contractor in such political subdivision.

[5. The division may negotiate reciprocal agreements with other states, the District of Columbia, or territories of the United States which require standards for licensure, registration, or certification considered to be equivalent or more stringent than the requirements for licensure under sections 324.900 to 324.945.]

**324.1110. LICENSURE REQUIREMENTS.** — 1. (1) The board shall require as a condition of licensure as a private investigator that the applicant pass a written examination as evidence of knowledge of investigator rules and regulations.

(2) In the event requirements have been met so that testing has been waived, qualification shall be dependent on a showing of, for the two previous years:

- (a) Registration and good standing as a business in this state; and
- (b) Two hundred fifty thousand dollars in business general liability insurance.

[(3) The board may review applicants seeking reciprocity. An applicant seeking reciprocity shall have undergone a licensing procedure similar to that required by this state and shall meet this state's minimum insurance requirements.]

2. The board shall require as a condition of licensure as a private fire investigator that the applicant:

(1) Provide evidence of active certification as a fire investigator issued by the division of fire safety; and

(2) Provide proof of liability insurance with coverage of at least one million dollars.

3. The board shall conduct a complete investigation of the background of each applicant for licensure as a private investigator or private fire investigator to determine whether the applicant is qualified for licensure under sections 324.1100 to 324.1148. The board shall outline basic qualification requirements for licensing as a private investigator, private investigator agency, private fire investigator, and private fire investigator agency.

**328.085. RECIPROCITY WITH OTHER STATES — LICENSE WITHOUT EXAMINATION, WHEN — FEE.** — 1. The board shall grant without examination a license to practice barbering to any applicant [who holds a current barber's license which is issued by another state or territory whose requirements for licensure were equivalent to the licensing requirements in effect in Missouri at the time the applicant was licensed or] who has practiced the trade in another state for at least two consecutive years. An applicant under this section shall pay the appropriate application and licensure fees at the time of making application. A licensee who is currently under disciplinary action with another board of barbering shall not be licensed by reciprocity under the provisions of [this chapter] **section 324.009**.

2. Any person who has lawfully practiced or received training in another state who does not qualify for licensure without examination may apply to the board for licensure by examination. Upon application to the board, the board shall evaluate the applicant's experience and training to determine the extent to which the applicant's training and experience satisfies current Missouri

licensing requirements and shall notify the applicant regarding his **or her** deficiencies and inform the applicant of the action which he **or she** must take to qualify to take the examination.

3. The applicant for licensure under this section shall pay a fee equivalent to the barber examination fee.

**329.085. INSTRUCTOR LICENSE, QUALIFICATIONS, FEES, EXCEPTIONS.** — 1. Any person desiring an instructor license shall submit to the board a written application on a form supplied by the board showing that the applicant has met the requirements set forth in section 329.080 **or 324.009**. An applicant who has met all requirements as determined by the board shall be allowed to take the instructor examination, including any person who has been licensed three or more years as a cosmetologist, manicurist or esthetician. If the applicant passes the examination to the satisfaction of the board, the board shall issue to the applicant an instructor license.

2. The instructor examination fee and the instructor license fee for an instructor license shall be nonrefundable.

3. The instructor license renewal fee shall be in addition to the regular cosmetologist, esthetician or manicurist license renewal fee. For each renewal the instructor shall submit proof of having attended a teacher training seminar or workshop at least once every two years, sponsored by any university, or Missouri vocational association, or bona fide state cosmetology association specifically approved by the board to satisfy the requirement for continued training of this subsection. Renewal fees shall be due and payable on or before the renewal date and, if the fee remains unpaid thereafter in such license period, there shall be a late fee in addition to the regular fee.

4. Instructors duly licensed as physicians or attorneys or lecturers on subjects not directly pertaining to the practice pursuant to this chapter need not be holders of licenses provided for in this chapter.

5. [The board shall grant instructor licensure upon application and payment of a fee equivalent to the sum of the instructor examination fee and the instructor license fee, provided the applicant establishes compliance with the cosmetology instructor requirements of another state, territory of the United States, or District of Columbia wherein the requirements are substantially equal or superior to those in force in Missouri at the time the application for licensure is filed and the applicant holds a current instructor license in the other jurisdiction at the time of making application.

6.] Any person licensed as a cosmetology instructor prior to the training requirements which became effective January 1, 1979, may continue to be licensed as such, provided such license is maintained and the licensee complies with the continued training requirements as provided in subsection 3 of this section. Any person with an expired instructor license that is not restored to current status within two years of the date of expiration shall be required to meet the training and examination requirements as provided in this section and section 329.080.

**329.130. RECIPROCITY WITH OTHER STATES, FEE.** — 1. The board shall grant without examination a license to practice cosmetology to any applicant [who holds a current license that is issued by another state, territory of the United States, or the District of Columbia whose requirements for licensure are substantially equal to the licensing requirements in Missouri at the time the application is filed or] who has practiced cosmetology for at least two consecutive years in another state, territory of the United States, or the District of Columbia. The applicant under this subsection shall pay the appropriate application and licensure fees at the time of making application. A licensee who is currently under disciplinary action with another board of cosmetology shall not be licensed by reciprocity under the provisions of [this chapter] **section 324.009**.

2. Any person who lawfully practiced or received training in another state who does not qualify for licensure without examination may apply to the board for licensure by examination. Upon application to the board, the board shall evaluate the applicant's experience and training to determine the extent to which the applicant's training and experience satisfies current Missouri licensing requirements and shall notify the applicant regarding his or her deficiencies and inform the applicant of the action that he or she must take to qualify to take the examination. The applicant for licensure under this subsection shall pay the appropriate examination and licensure fees.

**330.030. ISSUANCE OF LICENSE — QUALIFICATIONS — EXAMINATION — FEES — RECIPROCITY WITH OTHER STATES.** — Any person desiring to practice podiatric medicine in this state shall furnish the board with satisfactory proof, including a statement under oath or affirmation that all representations are true and correct to the best knowledge and belief of the person submitting and signing same, subject to the penalties of making a false affidavit or declaration, that he or she is twenty-one years of age or over, and of good moral character, and that he or she has received at least four years of high school training, or the equivalent thereof, and has received a diploma or certificate of graduation from an approved college of podiatric medicine, recognized and approved by the board, having a minimum requirement of two years in an accredited college and four years in a recognized college of podiatric medicine. Upon payment of the examination fee, and making satisfactory proof as aforesaid, the applicant shall be examined by the board, or a committee thereof, under such rules and regulations as said board may determine, and if found qualified, shall be licensed, upon payment of the license fee, to practice podiatric medicine as licensed; provided, that the board shall, under regulations established by the board, admit without examination legally qualified practitioners of podiatric medicine who hold licenses to practice podiatric medicine in [any state or territory of the United States or the District of Columbia or] any foreign country with equal educational requirements to the state of Missouri upon the applicant paying a fee equivalent to the license and examination fees required above.

**331.030. APPLICATION FOR LICENSE, REQUIREMENTS, FEES — RECIPROCITY — RULEMAKING, PROCEDURE.** — 1. No person shall engage in the practice of chiropractic without having first secured a chiropractic license as provided in this chapter.

2. Any person desiring to procure a license authorizing the person to practice chiropractic in this state shall be at least twenty-one years of age and shall make application on the form prescribed by the board. The application shall contain a statement that it is made under oath or affirmation and that representations contained thereon are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration, and shall give the applicant's name, address, age, sex, name of chiropractic schools or colleges which the person attended or of which the person is a graduate, and such other reasonable information as the board may require. The applicant shall give evidence satisfactory to the board of the successful completion of the educational requirements of this chapter, that the applicant is of good moral character, and that the chiropractic school or college of which the applicant is a graduate is teaching chiropractic in accordance with the requirements of this chapter. The board may make a final determination as to whether or not the school from which the applicant graduated is so teaching.

3. Before an applicant shall be eligible for licensure, the applicant shall furnish evidence satisfactory to the board that the applicant has received the minimum number of semester credit hours, as required by the Council on Chiropractic Education, or its successor, prior to beginning the doctoral course of study in chiropractic. The minimum number of semester credit hours

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applicable at the time of enrollment in a doctoral course of study must be in those subjects, hours and course content as may be provided for by the Council on Chiropractic Education or, in the absence of the Council on Chiropractic Education or its provision for such subjects, such hours and course content as adopted by rule of the board; however in no event shall fewer than ninety semester credit hours be accepted as the minimum number of hours required prior to beginning the doctoral course of study in chiropractic. The examination applicant shall also provide evidence satisfactory to the board of having graduated from a chiropractic college having status with the Commission on Accreditation of the Council on Chiropractic Education or its successor. Any senior student in a chiropractic college having status with the Commission on Accreditation on the Council on Chiropractic Education or its successor may take a practical examination administered or approved by the board under such requirements and conditions as are adopted by the board by rule, but no license shall be issued until all of the requirements for licensure have been met.

4. Each applicant shall pay upon application an application or examination fee. All moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be collected by the director of the division of professional registration who shall transmit it to the department of revenue for deposit in the state treasury to the credit of the chiropractic board fund. Any person failing to pass a practical examination administered or approved by the board may be reexamined upon fulfilling such requirements, including the payment of a reexamination fee, as the board may by rule prescribe.

5. Every applicant for licensure by examination shall have taken and successfully passed all required and optional parts of the written examination given by the National Board of Chiropractic Examiners, including the written clinical competency examination, under such conditions as established by rule of the board, and all applicants for licensure by examination shall successfully pass a practical examination administered or approved by the board and a written examination testing the applicant's knowledge and understanding of the laws and regulations regarding the practice of chiropractic in this state. The board shall issue to each applicant who meets the standards and successful completion of the examinations, as established by rule of the board, a license to practice chiropractic. The board shall not recognize any correspondence work in any chiropractic school or college as credit for meeting the requirements of this chapter.

6. The board shall issue a license without examination to persons who have been regularly licensed to practice chiropractic in [any other state, territory, or the District of Columbia, or in] any foreign country, provided that the regulations for securing a license in the other [jurisdiction] **country** are equivalent to those required for licensure in the state of Missouri, when the applicant furnishes satisfactory evidence that the applicant has continuously practiced chiropractic for at least one year immediately preceding the applicant's application to the board and that the applicant is of good moral character, and upon the payment of the reciprocity license fee as established by rule of the board. The board may require an applicant to successfully complete the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners if the requirements for securing a license in the other [jurisdiction] **country** are not equivalent to those required for licensure in the state of Missouri at the time application is made for licensure under this subsection.

7. Any applicant who has failed any portion of the practical examination administered or approved by the board three times shall be required to return to an accredited chiropractic college for a semester of additional study in the subjects failed, as provided by rule of the board.

8. A chiropractic physician currently licensed in Missouri shall apply to the board for certification prior to engaging in the practice of meridian therapy/acupressure/acupuncture. Each such application shall be accompanied by the required fee. The board shall establish by rule the

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minimum requirements for the specialty certification under this subsection. "Meridian therapy/acupressure/acupuncture" shall mean methods of diagnosing and the treatment of a patient by stimulating specific points on or within the body by various methods including but not limited to manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent, and short-needle insertion for the purpose of obtaining a biopositive reflex response by nerve stimulation.

9. The board may through its rulemaking process authorize chiropractic physicians holding a current Missouri license to apply for certification in a specialty as the board may deem appropriate and charge a fee for application for certification, provided that:

(1) The board establishes minimum initial and continuing educational requirements sufficient to ensure the competence of applicants seeking certification in the particular specialty; and

(2) The board shall not establish any provision for certification of licensees in a particular specialty which is not encompassed within the practice of chiropractic as defined in section 331.010.

**333.041. QUALIFICATIONS OF APPLICANTS — EXAMINATIONS — LICENSES — BOARD MAY WAIVE REQUIREMENTS IN CERTAIN CASES.** — 1. Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is:

(1) At least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; and

(2) A person of good moral character.

2. Every person desiring to enter the profession of embalming dead human bodies within the state of Missouri and who is enrolled in a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board shall register with the board as a practicum student upon the form provided by the board. After such registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum. The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board.

3. Each applicant for a license to practice embalming shall furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

(2) Is a person of good moral character;

(3) Has completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board. If an applicant does not complete all requirements for licensure within five years from the date of his or her completion of an accredited program, his or her registration as an apprentice embalmer shall be automatically cancelled. The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application;

(4) Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he or she may retake the examination at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;

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(5) Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license [or an embalmer who holds a current and valid embalmer's license in a state with which the Missouri board has entered into a reciprocity agreement] during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.

4. If the applicant does not complete the application process within the five years after his or her completion of an approved program, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.

6. Upon establishment of his or her qualifications as specified by this section or section 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming, as the case may require, and shall register the applicant as a duly licensed funeral director or a duly licensed embalmer. Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.

7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.

**333.042. APPLICATION AND EXAMINATION FEES FOR FUNERAL DIRECTORS, APPRENTICESHIP REQUIREMENTS — LIMITED LICENSE ONLY FOR CREMATION — EXEMPTIONS FROM APPRENTICESHIP.** — 1. Every person desiring to enter the profession of funeral directing in this state shall make application with the state board of embalmers and funeral directors and pay the current application and examination fees. Except as otherwise provided in section 41.950, applicants not entitled to a license pursuant to section 333.051 or ~~324.009~~ shall serve an apprenticeship for at least twelve consecutive months in a funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his or her duties as an apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the board, on forms provided by the board, that the applicant has arranged and conducted ten funeral services during the applicant's apprenticeship under the supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall appear before the board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care, custody, shelter, disposition and transportation of dead human bodies. Upon acceptance of the application and fees by the board, an applicant shall have twenty-four months to successfully complete the requirements for licensure found in this section or the application for licensure shall be cancelled.

2. If a person applies for a limited license to work only in a funeral establishment which is licensed only for cremation, including transportation of dead human bodies to and from the funeral establishment, he or she shall make application, pay the current application and examination fee and successfully complete the Missouri law examination. He or she shall be exempt from the twelve-month apprenticeship required by subsection 1 of this section and the practical examination before the board. If a person has a limited license issued pursuant to this subsection, he or she may obtain a full funeral director's license if he or she fulfills the apprenticeship and successfully completes the funeral director practical examination.

3. If an individual is a Missouri licensed embalmer or has completed a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board or has successfully completed a course of study in funeral directing offered by an institution accredited by a recognized national, regional or state accrediting body and approved by the state board of embalmers and funeral directors, and desires to enter the profession of funeral directing in this state, the individual shall comply with all the requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is exempt from the twelve-month apprenticeship required by subsection 1 of this section.

**333.051. RECIPROCITY, TEST REQUIRED.** — [1. Any individual holding a valid, unrevoked and unexpired license as a funeral director or embalmer in the state of his or her residence may be granted a license to practice funeral directing or embalming in this state on application to the board and on providing the board with such evidence as to his or her qualifications as is required by the board.

2. Any individual holding a valid, unrevoked and unexpired license as an embalmer or funeral director in another state having requirements substantially similar to those existing in this state may apply for a license to practice in this state by filing with the board a certified statement from the examining board of the state or territory in which the applicant holds his or her license showing the grade rating upon which the license was granted, together with a recommendation, and the board shall grant the applicant a license upon his or her successful completion of an examination over Missouri laws as required in section 333.041 or section 333.042 if the board finds that the applicant's qualifications meet the requirements for funeral directors or embalmers in this state at the time the applicant was originally licensed in the other state.

3.] A person holding a valid, unrevoked and unexpired license to practice funeral directing or embalming in another state or territory with requirements less than those of this state may, after five consecutive years of active experience as a licensed funeral director or embalmer in that state, apply for a license to practice in this state after passing a test to prove his or her proficiency, including but not limited to a knowledge of the laws and regulations of this state as to funeral directing and embalming.

**337.510. REQUIREMENTS FOR LICENSURE — RECIPROCITY — PROVISIONAL PROFESSIONAL COUNSELOR LICENSE ISSUED, WHEN, REQUIREMENTS — RENEWAL LICENSE FEE.** — 1. Each applicant for licensure as a professional counselor shall furnish evidence to the committee that the applicant is at least eighteen years of age, is of good moral character, is a United States citizen or is legally present in the United States; and

(1) The applicant has completed a course of study as defined by the board rule leading to a master's, specialist's, or doctoral degree with a major in counseling; and

(2) The applicant has completed acceptable supervised counseling as defined by board rule. If the applicant has a master's degree with a major in counseling as defined by board rule, the

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applicant shall complete at least two years of acceptable supervised counseling experience subsequent to the receipt of the master's degree. The composition and number of hours comprising the acceptable supervised counseling experience shall be defined by board rule. An applicant may substitute thirty semester hours of post master's graduate study for one of the two required years of acceptable supervised counseling experience if such hours are clearly related to counseling;

(3) After August 28, 2007, each applicant shall have completed a minimum of three hours of graduate level coursework in diagnostic systems either in the curriculum leading to a degree or as post master's graduate level course work;

(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, and professional affairs and ethics.

2. [Any person who previously held a valid unrevoked, unsuspended license as a professional counselor in this state and who held a valid license as a professional counselor in another state at the time of application to the committee shall be granted a license to engage in professional counseling in this state upon application to the committee accompanied by the appropriate fee as established by the committee pursuant to section 337.507.

3.] Any person holding a current license, certificate of registration, or permit from another state or territory of the United States to practice as a professional counselor who **does not meet the requirements in section 324.009 and who** is at least eighteen years of age, is of good moral character, and is a United States citizen or is legally present in the United States may be granted a license without examination to engage in the practice of professional counseling in this state upon the application to the board, payment of the required fee as established by the board, and satisfying one of the following requirements:

(1) Approval by the American Association of State Counseling Boards (AASCB) or its successor organization according to the eligibility criteria established by AASCB. The successor organization shall be defined by board rule; or

(2) In good standing and currently certified by the National Board for Certified Counselors or its successor organization and has completed acceptable supervised counseling experience as defined by board rule. The successor organization shall be defined by board rule; or

(3) Determination by the board that the requirements of the other state or territory are substantially the same as Missouri and certified by the applicant's current licensing entity that the applicant has a current license. The applicant shall also consent to examination of any disciplinary history].

[4.] **3.** The committee shall issue a license to each person who files an application and fee and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of this act and has taken and passed a written, open-book examination on Missouri laws and regulations governing the practice of professional counseling as defined in section 337.500. The division shall issue a provisional professional counselor license to any applicant who meets all requirements of this section, but who has not completed the required acceptable supervised counseling experience and such applicant may reapply for licensure as a professional counselor upon completion of such acceptable supervised counseling experience.

[5.] **4.** All persons licensed to practice professional counseling in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as required by rule, which shall be no more than forty hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of the illness of the licensee or for other good cause.

**337.520. RULES AND REGULATIONS, PROCEDURE.** — 1. The division shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 337.500 to 337.540 **and section 324.009** and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 337.500 to 337.540 **and section 324.009**;

(3) The content, conduct and administration of the licensing examination required by section 337.510;

(4) The characteristics of "acceptable supervised counseling experience" as that term is used in section 337.510;

(5) The equivalent of the basic educational requirements set forth in section 337.510;

(6) The standards and methods to be used in assessing competency as a professional counselor;

(7) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring under the provisions of sections 337.500 to 337.540;

(8) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing under the constitution or laws of this state;

(9) Establishment of a policy and procedure for reciprocity with [other states, including] states which do not have counselor licensing laws [or] **and** states whose licensing laws are not substantially [the same as] **similar to** those of this state;

(10) The characteristics of "an acceptable educational institution" as that term is used in section 337.510;

(11) The characteristics of an acceptable agent for the certification of an exempted occupation as listed in subdivisions (11) and (13) of section 337.505; and

(12) The form and content of "ethical standards for counselors" as that term is used in subdivision (15) of subsection 2 of section 337.525.

2. No rule or portion of a rule promulgated under the authority of sections 337.500 to [337.545] **337.540** shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

**337.615. EDUCATION, EXPERIENCE REQUIREMENTS — RECIPROCITY — LICENSES ISSUED, WHEN.** — 1. Each applicant for licensure as a clinical social worker shall furnish evidence to the committee that:

(1) The applicant has a master's degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has completed at least three thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, in no less than twenty-four months and no more than forty-eight consecutive calendar months. For any applicant who has successfully completed at least four thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of licensure at three thousand hours and shall be furnished a certificate by the state committee for social workers acknowledging the completion of said additional hours;

(3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee;

(4) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure.

2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice clinical social work **who does not meet the requirements of section 324.009 and** who has had no disciplinary action taken against the license, certificate of registration, or permit for the preceding five years may be granted a license to practice clinical social work in this state if the person [meets one of the following criteria:

(1)] has received a masters or doctoral degree from a college or university program of social work accredited by the council of social work education and has been licensed to practice clinical social work for the preceding five years]; or

(2) Is currently licensed or certified as a clinical social worker in another state, territory of the United States, or the District of Columbia having substantially the same requirements as this state for clinical social workers].

3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

**337.627. RULES AND REGULATIONS, PROCEDURE.** — 1. The committee shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 337.600 to 337.689 **and section 324.009** and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 337.600 to 337.689 **and section 324.009**;

(3) The characteristics of supervised clinical experience, supervised master experience, supervised advanced macro experience, and supervised baccalaureate experience;

(4) The standards and methods to be used in assessing competency as a licensed clinical social worker, licensed master social worker, licensed advanced macro social worker, and licensed baccalaureate social worker, including the requirement for continuing education hours;

(5) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring pursuant to the provisions of sections 337.600 to 337.689;

(6) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing pursuant to the constitution or laws of this state;

(7) Establishment of a policy and procedure for reciprocity with [other states, including] states which do not have clinical, master, advanced macro, or baccalaureate social worker licensing laws [or] **and** states whose licensing laws are not substantially [the same as] **similar to** those of this state; and

(8) Any other policies or procedures necessary to the fulfillment of the requirements of sections 337.600 to 337.689.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

**337.644. APPLICATION, CONTENTS — ISSUANCE OF LICENSE, WHEN.** — 1. Each applicant for licensure as a master social worker shall furnish evidence to the committee that:

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(1) The applicant has a master's or doctorate degree in social work from an accredited social work degree program approved by the council of social work education;

(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social workers;

(3) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure;

(4) The applicant has submitted a written application on forms prescribed by the state board;

(5) The applicant has submitted the required licensing fee, as determined by the committee.

2. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure under section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

3. [Any person holding a valid unrevoked and unexpired license, certificate, or registration from another state or territory of the United States having substantially the same requirements as this state for master social workers may be granted a license to engage in the person's occupation in this state upon application to the committee accompanied by the appropriate fee as established by the committee under section 337.612.

4.] The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection 1 of this section [or with the provisions of subsection 3 of this section]. The license shall refer to the individual as a licensed master social worker and shall recognize that individual's right to practice licensed master social work as defined in section 337.600.

**337.665. INFORMATION REQUIRED TO BE FURNISHED COMMITTEE — CERTIFICATE TO PRACTICE INDEPENDENTLY ISSUED, WHEN.** — 1. Each applicant for licensure as a baccalaureate social worker shall furnish evidence to the committee that:

(1) The applicant has a baccalaureate degree in social work from an accredited social work degree program approved by the council of social work education;

(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social work;

(3) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure;

(4) The applicant has submitted a written application on forms prescribed by the state board;

(5) The applicant has submitted the required licensing fee, as determined by the committee.

2. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure pursuant to section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

3. [Any person holding a valid unrevoked and unexpired license, certificate or registration from another state or territory of the United States having substantially the same requirements as this state for baccalaureate social workers may be granted a license to engage in the person's

occupation in this state upon application to the committee accompanied by the appropriate fee as established by the committee pursuant to section 337.612.

4.] The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection 1 of this section [or with the provisions of subsection 2 of this section].

[5.] **4.** The committee shall issue a certificate to practice independently under subsection 3 of section 337.653 to any licensed baccalaureate social worker who has satisfactorily completed three thousand hours of supervised experience with a qualified baccalaureate supervisor in no less than twenty-four months and no more than forty-eight consecutive calendar months.

**337.727. RULEMAKING AUTHORITY.** — The committee shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 337.700 to 337.739 **and section 324.009** and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 337.700 to 337.739 **and section 324.009**;

(3) The content, conduct and administration of the licensing examination required by section 337.715;

(4) The characteristics of supervised clinical experience as that term is used in section 337.715;

(5) The equivalent of the basic educational requirements set forth in section 337.715;

(6) The standards and methods to be used in assessing competency as a marital and family therapist;

(7) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring under the provisions of sections 337.700 to 337.739;

(8) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing under the constitution or laws of this state;

(9) Establishment of a policy and procedure for reciprocity with [other states, including] states which do not have marital and family therapist licensing laws [or] **and** states whose licensing laws are not substantially [the same as] **similar to** those of this state; and

(10) Any other policies or procedures necessary to the fulfillment of the requirements of sections 337.700 to 337.739.

**339.523. NONRESIDENTS OF STATE — REQUIREMENTS TO BE CERTIFIED OR LICENSED IN MISSOURI — SERVICE OF PROCESS PROVISIONS.** — 1. A nonresident of this state who has complied with the provisions of sections 339.511, 339.513, 339.515, and 339.517 [or section 339.521] may obtain certification as a state-certified real estate appraiser or licensure as a state-licensed real estate appraiser by conforming to all of the provisions of sections 339.500 to 339.549 relating to state-certified real estate appraisers or state-licensed real estate appraisers.

2. Every applicant for certification or licensure pursuant to sections 339.500 to 339.545 who is not a resident of this state shall submit, with the application for certification, an irrevocable consent that service of process in any action against the applicant arising out of the applicant's activities as a state-certified real estate appraiser or state-licensed real estate appraiser may be made by delivery of the process to the executive director of the commission, if the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant. The executive director shall immediately mail a copy of the materials served on the executive director by ordinary mail to the state-certified real estate appraiser or state-licensed real estate appraiser at both his or her principal place of business and his or her residence address.

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

**344.030. LICENSE, QUALIFICATIONS, FEE, EXAMINATION, TERM — EMERGENCY LICENSE.**

— 1. An applicant for an initial license shall file a completed application with the board on a form provided by the board, accompanied by an application fee as provided by rule payable to the department of health and senior services. Information provided in the application **shall be** attested by signature to be true and correct to the best of the applicant's knowledge and belief.

2. No initial license shall be issued to a person as a nursing home administrator unless:

(1) The applicant provides the board satisfactory proof that the applicant is twenty-one years of age or over, of good moral character and a high school graduate or equivalent;

(2) The applicant provides the board satisfactory proof that the applicant has had a minimum of three years' experience in health care administration or two years of postsecondary education in health care administration or has satisfactorily completed a course of instruction and training prescribed by the board, which includes instruction in the needs properly to be served by nursing homes, the protection of the interests of residents therein, and the elements of good nursing home administration, or has presented evidence satisfactory to the board of sufficient education, training, or experience in the foregoing fields to administer, supervise and manage a nursing home; and

(3) The applicant passes the examinations administered by the board. If an applicant fails to make a passing grade on either of the examinations such applicant may make application for reexamination on a form furnished by the board and may be retested. If an applicant fails either of the examinations a third time, the applicant shall be required to complete a course of instruction prescribed and approved by the board. After completion of the board-prescribed course of instruction, the applicant may reapply for examination. With regard to the national examination required for licensure, no examination scores from other states shall be recognized by the board after the applicant has failed his or her third attempt at the national examination. There shall be a separate, nonrefundable fee for each examination. The board shall set the amount of the fee for examination by rules and regulations promulgated pursuant to section 536.021. The fee shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the examination.

3. [The board may issue a license through reciprocity to any person who is regularly licensed as a nursing home administrator in any other state, territory, or the District of Columbia, if the regulations for securing such license are equivalent to those required in the state of Missouri. However, no license by reciprocity shall be issued until the applicant passes a special examination approved by the board, which will examine the applicant's knowledge of specific provisions of Missouri statutes and regulations pertaining to nursing homes. The applicant shall furnish satisfactory evidence that such applicant is of good moral character and has acted in the capacity of a nursing home administrator in such state, territory, or the District of Columbia at least one year after the securing of the license. The board, in its discretion, may enter into written reciprocal agreements pursuant to this section with other states which have equivalent laws and regulations.

4.] Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator, who is employed by an institution listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., to administer institutions certified by such commission for the care and treatment of the sick in accordance with the creed or tenets of a recognized church or religious denomination, to demonstrate proficiency in any techniques or to meet any educational qualifications or standards not in accord with the remedial care and treatment provided in such institutions. The applicant's license shall be endorsed to confine the applicant's practice to such institutions.

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

[5.] 4. The board may issue a temporary emergency license for a period not to exceed ninety days to a person twenty-one years of age or over, of good moral character and a high school graduate or equivalent to serve as an acting nursing home administrator, provided such person is replacing a licensed nursing home administrator who has died, has been removed or has vacated the nursing home administrator's position. No temporary emergency license may be issued to a person who has had a nursing home administrator's license denied, suspended or revoked. A temporary emergency license may be renewed for one additional ninety-day period upon a showing that the person seeking the renewal of a temporary emergency license meets the qualifications for licensure and has filed an application for a regular license, accompanied by the application fee, and the applicant has taken the examination or examinations but the results have not been received by the board. No temporary emergency license may be renewed more than one time.

**345.050. REQUIREMENTS TO BE MET FOR LICENSE.** — 1. To be eligible for licensure by the board by examination, each applicant shall submit the application fee and shall furnish evidence of such person's good moral and ethical character, current competence and shall:

(1) Hold a master's or a doctoral degree from a program accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought;

(2) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of course work and clinical practicum requirements equivalent to that required by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board; and

(3) Pass an examination promulgated or approved by the board. The board shall determine the subject and scope of the examinations.

2. To be eligible for licensure by the board without examination, each applicant shall make application on forms prescribed by the board, submit the application fee and shall be of good moral and ethical character, submit an activity statement and meet one of the following requirements:

(1) The board shall issue a license to any speech-language pathologist or audiologist who is licensed in another [jurisdiction] **country** and who has had no violations, suspension or revocations of a license to practice speech-language pathology or audiology in any jurisdiction; provided that, such person is licensed in a [jurisdiction] **country** whose requirements are substantially equal to, or greater than, Missouri at the time the applicant applies for licensure; or

(2) Hold the certificate of clinical competence issued by the American Speech-Language-Hearing Association in the area in which licensure is sought.

**346.055. REQUIREMENTS FOR LICENSURE.** — 1. An applicant may obtain a license provided the applicant:

(1) Is at least eighteen years of age; and

(2) Is of good moral character; and

(3) Successfully passes a qualifying examination as described under sections 346.010 to 346.250; and

(4) (a) Holds an associate's degree or higher, from a state or regionally accredited institution of higher education, in hearing instrument sciences; or

(b) Holds an associate's level degree or higher, from a state or regionally accredited institution of higher education and submits proof of completion of the International Hearing Society's Distance Learning for Professionals in Hearing Health Sciences Course; or

(c) Holds a master's or doctoral degree in audiology from a state or regionally accredited institution; or

(d) Holds a current, unsuspended, unrevoked license from another [jurisdiction] **country** if the standards for licensing in such [other jurisdiction] **country**, as determined by the board, are substantially equivalent to or exceed those required in paragraph (a) or (b) of this subdivision; or

(e) Holds a current, unsuspended, unrevoked license from another [jurisdiction] **country**, has been actively practicing as a licensed hearing aid fitter or dispenser in another [jurisdiction] **country** for no less than forty-eight of the last seventy-two months, and submits proof of completion of advance certification from either the International Hearing Society or the National Board for Certification in Hearing Instrument Sciences.

2. The provisions of subsection 1 of this section shall not apply to any person holding a valid Missouri hearing instrument specialist license under this chapter when applying for the renewal of that license. These provisions shall apply to any person holding a hearing instrument specialist-in-training permit at the time of their application for licensure or renewal of said permit.

3. (1) The board shall promulgate reasonable standards and rules for the evaluation of applicants for purposes of determining the course of instruction and training required of each applicant for a hearing instrument specialist license under the requirement of subdivision (4) of subsection 1 of this section.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

**374.785. APPREHENSION OF DEFENDANT, PERMITTED WHERE.** — [1. The director shall issue a license for a period of two years to any surety recovery agent who is licensed in another jurisdiction and who:

(1) Has no violations, suspensions, or revocations of a license to engage in fugitive recovery in any jurisdiction; and

(2) Is licensed in a jurisdiction whose requirements are substantially equal to or greater than the requirements for a surety recovery agent license in Missouri at the time the applicant applies for a license.

2. Any surety recovery agent who is licensed in another state shall also be subject to the same training requirements as in-state surety recovery agents prescribe to under section 374.784.

3.] For the purpose of surrender of the defendant, a surety recovery agent may apprehend the defendant anywhere within the state of Missouri before or after the forfeiture of the undertaking without personal liability for false imprisonment or may empower any surety recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.

[4. Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in this section, shall be required to pay the same fee as required of resident applicants. Within the limits provided in this section, the director may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed surety recovery agents from Missouri in other states.]

**643.228. TRAINING COURSES TO BE CERTIFIED — EVALUATION BY DEPARTMENT OF HEALTH AND SENIOR SERVICES, WHEN — VIOLATION, EFFECT — ACCREDITATION FEE.** — 1. Required training courses for certification under section 643.225 shall first be accredited by the state. To be accredited, training programs shall meet the training certification and recertification requirements for each specialty area outlined in the United States EPA's model accreditation plan, 40 CFR Part 763, including passage of a course examination for these courses, and the certification requirements for air sampling professionals outlined in section 643.225. Such accreditation shall be obtained biennially. A representative of the department or the department of health and senior services shall be permitted to attend, monitor and evaluate any training program without charge to the state. Such evaluations may be conducted without prior notice. Refusal to allow such an evaluation is sufficient grounds for loss of certificate of accreditation.

2. An accreditation fee of one thousand dollars per course category shall be paid prior to issuance or renewal of a certificate of accreditation, however, no individual, group, agency or organization shall pay more than three thousand dollars for all course categories for which accreditation is requested at the same time.

[3. The director may engage in reciprocity agreements with other states that have established accreditation criteria for certification training programs that meet or exceed Missouri's accreditation criteria.]

**701.312. PROGRAM TO TRAIN AND LICENSE LEAD INSPECTORS AND OTHERS — RULES — LIABILITY INSURANCE REQUIRED.** — 1. The director of the department of health and senior services shall develop a program to license lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers, project designers and lead abatement contractors. The director shall promulgate rules and regulations including, but not limited to:

- (1) The power to issue, restrict, suspend, revoke, deny and reissue licenses;
- (2) The power to issue notices of violation, written notices and letters of warning;
- (3) [The ability to enter into reciprocity agreements with other states that have similar licensing provisions;
- (4)] Fees for any such licenses;
- [(5)] (4) Training, education and experience requirements; and
- [(6)] (5) The implementation of work practice standards, reporting requirements and licensing standards.

2. The director shall require, as a condition of licensure, lead abatement contractors to purchase and maintain liability and errors and omissions insurance. The director shall require a licensee or an applicant for licensure to provide evidence of their ability to indemnify any person that may suffer damage from lead-based paint activities of which the licensee or applicant may be liable.

**701.314. PROGRAM TO TRAIN AND LICENSE LEAD INSPECTORS, SUPERVISORS, AND WORKERS — RULES.** — The director of the department of health and senior services shall develop a program to accredit training providers to train lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers and project designers. The director shall promulgate rules and regulations including, but not limited to:

- (1) The power to grant, restrict, suspend, revoke, deny or renew accreditation;
- (2) The power to issue notices of violation, written notices and letters of warning;
- (3) [The ability to enter into reciprocity agreements with other states that have similar accreditation provisions;
- (4)] Fees for any such accreditation;

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[(5)] (4) The curriculum for training;  
[(6)] (5) The development of standards for accreditation; and  
[(7)] (6) Procedures for monitoring, training, record keeping and reporting requirements for training providers.

**[339.521. RECIPROCITY FOR CERTIFICATION AND LICENSURE IN ANOTHER STATE, REQUIREMENTS.** — An applicant who is certified or licensed under the laws of another state may obtain certification as a state certified real estate appraiser or licensure as a state licensed real estate appraiser in this state upon such terms and conditions as may be determined by the board, provided that such terms and conditions shall comply with the minimum criteria for certification or licensure issued by the appraiser qualifications board of the appraisal foundation.]

**[374.735. EXAMINATION NOT REQUIRED, WHEN — FEE — RECIPROCAL CONTRACTS — COMPLETION OF EDUCATIONAL REQUIREMENTS REQUIRED.** — 1. The department may, in its discretion, grant a license without requiring an examination to a bail bond agent who has been licensed in another state immediately preceding his or her applying to the department, if the department is satisfied by proof adduced by the applicant that:

(1) The qualifications of the other state are at least equivalent to the requirements for initial licensure as a bail bond agent in this state pursuant to the provisions of sections 374.695 to 374.775, provided that the other state licenses Missouri residents in the same manner; and

(2) The applicant has no suspensions or revocations of a license to engage in the bail bond or fugitive recovery business in any jurisdiction.

2. Every applicant for a license pursuant to this section, upon showing the necessary qualifications as provided in this section, shall be required to pay the same fee as the fee required to be paid by resident applicants.

3. Within the limits provided in this section, the department may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed bail bond agents from Missouri in other states.

4. All applicants applying for licenses in this state after the enactment of said act shall complete the education requirement as stated in section 374.710. If the bail bond agent or general bail bond agent has been licensed in another state and has a license in Missouri at the time said act becomes law, said individual shall not be required to complete the twenty-four hours of initial basic training.]

**[700.662. RECIPROCITY OF LICENSE REQUIREMENTS.** — 1. The commission may waive the training and examination requirements of subsection 1 of section 700.659 and grant an installer license to an applicant who pays the applicable fee and demonstrates to the commission's satisfaction that his or her current license, registration, or certification requirements as an installer in another state, the District of Columbia, or territories of the United States substantially meets or exceeds the requirements in sections 700.650 to 700.680.

2. The commission may negotiate reciprocal agreements that allow licensed installers in Missouri to become licensed in other states, the District of Columbia, or territories of the United States.]

Approved June 1, 2018

## CCS HCS SS SCS SB 843

**Enacts provisions relating to the existence of certain state boards and commissions.**

AN ACT to repeal sections 8.003, 8.007, 8.010, 8.015, 8.017, 41.1010, 91.640, 103.008, 109.221, 109.225, 109.255, 143.1015, 160.2100, 160.2110, 181.022, 186.007, 189.015, 189.025, 189.030, 189.035, 191.400, 191.980, 192.005, 192.014, 192.230, 192.240, 192.707, 192.710, 192.2030, 194.400, 194.408, 194.409, 196.1129, 208.197, 208.955, 209.287, 209.307, 210.170, 217.900, 217.903, 217.905, 217.907, 217.910, 253.408, 253.412, 288.475, 324.177, 324.180, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.478, 327.313, 327.321, 332.086, 334.430, 334.625, 334.749, 335.021, 453.600, 620.1200, 633.200, 701.040, and 701.353, RSMo, and to enact in lieu thereof sixty-one new sections relating to the existence of certain state boards and commissions.

## SECTION

- A. Enacting clause.
- 8.003 Membership of commission, terms, meetings, annual report.
- 8.007 Duties of the commission — state capitol commission fund created, lapse to general revenue prohibited — copyright and trademark permitted, when.
- 8.010 Board of public buildings created — members — powers and duties.
- 8.015 Senate accounts committee to control use of certain space and equipment in capitol.
- 8.017 House accounts committee to control use of certain space and equipment in capitol.
- 41.1010 Missouri military preparedness and enhancement commission established, purpose, members, duties.
- 91.640 Additional powers conferred on certain municipalities — board of public works, terms, duties.
- 103.008 Administration to be by board of trustees — members, qualifications, appointment, terms — vacancies.
- 109.221 Historical records advisory board — secretary of state to serve as coordinator — meetings, expenses — powers, duties — rules, promulgation, procedure — grants for preservation of local records, use of recorder's fund for matching moneys.
- 109.225 Missouri board on geographic names established, members, terms, meetings — secretary to be designated — duties of board.
- 109.255 Secretary of state duties as to local boards of record control — local boards, terms, expenses.
- 143.1015 Foster care and adoptive parents recruitment and retention fund, refund donation to — director's duties.
- 181.022 Secretary of state to create council on library development — purpose — terms — members.
- 186.007 Women's council established — appointment — qualifications — terms, vacancies — chairman appointed.
- 189.015 Local public hospital tax effort — report — amount required — report filed when.
- 189.025 Director may propose allocations — to report local tax effort and proposed allocations to state board of health and fiscal officers of governmental body.
- 189.030 State board of health to approve proposed allocations — letter of approval to chief fiscal officers and director — to revise allocations by June fifteenth.
- 189.035 Warrants — issuance — amounts, how determined.
- 191.400 State board of health and senior services — appointment — terms — qualifications — limitation on other employment, exception — vacancies — compensation — meetings.
- 191.756 Grants awarded by board of health and senior services — eligibility criteria.
- 191.980 Missouri area health education centers program established — authority of director — duties.
- 192.005 Department of health and senior services created — division of health abolished — duties.
- 192.014 State board of health and senior services to advise department.
- 192.230 Department to conduct a survey of hospitals and health facilities — to recommend a state plan.
- 192.707 Arthritis advisory board established — members, terms, appointment, vacancies — meetings — chairman, term — duties, reports, reimbursement of expenses.
- 192.710 Arthritis program review committee created — members — qualifications — appointment — term — vacancies — meetings — duties — executive administrator.
- 194.400 Definitions.

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Matter in bold-face type is proposed language.

- 194.408 State historic preservation officer, reinterment, duties — consultation with advisory council on historic preservation, when — conformity with federal law.
- 196.1129 (Transferred 2018; now 191.756)
- 208.955 Committee established, members, duties — issuance of findings.
- 209.287 Board for certification of interpreters established — appointment, qualification, terms — expenses — meetings — chairman elected how — quorum — removal from office, procedure.
- 209.307 Conflict of interest for board or evaluation team, effect.
- 210.170 Children's trust fund board created — members, appointment — qualifications — terms — vacancies — removal procedure — staff — expenses — office of administration, duties.
- 210.1200 Task force created, purpose, members, officers, duties — reports to general assembly.
- 210.1210 Policy recommendations.
- 253.408 State historic preservation act — state historic preservation officer to be director of natural resources, duties — advisory council, powers and duties.
- 324.015 Fees, waiver of, when — definitions — procedure — rulemaking authority.
- 324.177 Advisory commission for clinical perfusionists established, duties, members, expenses, compensation, removal.
- 324.180 Commission meetings, when — quorum.
- 324.406 Interior design council created, members, terms, removal for cause.
- 324.409 Qualifications for registration.
- 324.412 Powers and duties of division — rulemaking.
- 324.415 Applications for registration, form — penalties.
- 324.421 Waiver of examination, when.
- 324.424 Fees — interior designer council fund, use.
- 324.427 Unlawful use of title of registered interior designer.
- 324.430 Designation as registered interior designer prohibited, when.
- 324.436 Refusal to issue, renew or reinstate certificate, when — complaint filed, procedure.
- 324.478 Missouri acupuncturist advisory committee created, duties, members, terms.
- 327.313 Application for enrollment, form, content, false affidavit, penalty, fee.
- 327.321 Application — form — fee.
- 332.086 Advisory commission for dental hygienists established, duties, members, terms, meetings, expenses.
- 334.430 Advisory commission for anesthesiologist assistants established, duties, members, qualifications, terms, vacancies, compensation, annual meetings.
- 334.625 Advisory commission for physical therapists created — powers and duties — appointment, terms, expenses, compensation, staff, meetings, quorum.
- 334.749 Advisory commission for physician assistants, established, responsibilities — appointments to commission, members — compensation — annual meeting, elections.
- 335.021 Board of nursing — members' qualifications, appointments, how made.
- 453.600 Fund created, use of moneys.
- 620.1200 Missouri film commission established — members — terms — compensation, reimbursement — duties — recommendations submitted, when.
- 620.2200 Citation of law — commission established, members, meetings — fund created, use of moneys — report — termination date.
- 633.200 Commission established, members, duties.
- 701.040 Standards for sewage tanks, lateral lines and operation of on-site sewage disposal systems, duties of department — rules authorized.
- 701.353 Elevator safety board established, appointment, terms, vacancies, qualifications — meetings called when, chairman how elected, quorum, expenses.
- 160.2100 Citation of law — task force created, members, duties — reports.
- 160.2110 Adoption and implementation of policy, content.
- 192.240 State hospital advisory council created — appointment — qualifications — terms — director of health and senior services to approve applications for federal assistance.
- 192.2030 State board of senior services created, members, terms, duties.

- 194.409 Unmarked human burial consultation committee, established — seven members, qualifications — state historic preservation officer, chairman — meetings, when — members serve without remuneration — expenses — federal law.
- 208.197 Professional services payment committee established, members, duties.
- 217.900 Missouri state penitentiary redevelopment commission created — qualification of members — no elected official may serve, chairperson appointed by governor.
- 217.903 Terms of commission — vacancies, how filled — members to serve without compensation, expenses to be paid.
- 217.905 Powers and duties of commission — authority to hire employees and set salaries — state not liable for deficiencies or debts of commission — Missouri state penitentiary commission deemed a state commission.
- 217.907 Income and properties owned by commission exempt from state taxes.
- 217.910 Missouri state penitentiary redevelopment commission fund created.
- 253.412 Missouri advisory council on historic preservation transferred to department of natural resources.
- 288.475 Missouri state unemployment council created, members, meetings, terms, duties — proposals submitted to division, when — access to records — outside study authorized.

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

**SECTION A. ENACTING CLAUSE.** — Sections 8.003, 8.007, 8.010, 8.015, 8.017, 41.1010, 91.640, 103.008, 109.221, 109.225, 109.255, 143.1015, 160.2100, 160.2110, 181.022, 186.007, 189.015, 189.025, 189.030, 189.035, 191.400, 191.980, 192.005, 192.014, 192.230, 192.240, 192.707, 192.710, 192.2030, 194.400, 194.408, 194.409, 196.1129, 208.197, 208.955, 209.287, 209.307, 210.170, 217.900, 217.903, 217.905, 217.907, 217.910, 253.408, 253.412, 288.475, 324.177, 324.180, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.478, 327.313, 327.321, 332.086, 334.430, 334.625, 334.749, 335.021, 453.600, 620.1200, 633.200, 701.040, and 701.353, RSMo, are repealed and sixty-one new sections enacted in lieu thereof, to be known as sections 8.003, 8.007, 8.010, 8.015, 8.017, 41.1010, 91.640, 103.008, 109.221, 109.225, 109.255, 143.1015, 181.022, 186.007, 189.015, 189.025, 189.030, 189.035, 191.400, 191.756, 191.980, 192.005, 192.014, 192.230, 192.707, 192.710, 194.400, 194.408, 208.955, 209.287, 209.307, 210.170, 210.1200, 210.1210, 253.408, 324.015, 324.177, 324.180, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.478, 327.313, 327.321, 332.086, 334.430, 334.625, 334.749, 335.021, 453.600, 620.1200, 620.2200, 633.200, 701.040, and 701.353, to read as follows:

**8.003. MEMBERSHIP OF COMMISSION, TERMS, MEETINGS, ANNUAL REPORT.** — 1. The commission shall consist of [eleven] **nine** persons, as follows: the commissioner of the office of administration; one member of the senate from the majority party, **appointed by the president pro tempore of the senate** and one member of the senate from the minority party, appointed by the [president pro tempore] **minority leader of the senate**; one member of the house of representatives from the majority party, **appointed by the speaker of the house of representatives** and one member of the house of representatives from the minority party, appointed by the [speaker of the house of representatives] **minority leader of the house of representatives**; one employee of the house of representatives appointed by the speaker of the house of representatives and one employee of the senate appointed by the president pro tempore; and [four] **two** members appointed by the governor with the advice and consent of the senate. The lieutenant governor shall be an ex officio member of the commission.

2. The legislative members of the commission shall serve for the general assembly during which they are appointed and until their successors are selected and qualified.

3. The [four] **two** members appointed by the governor shall be persons who have knowledge and background regarding the history of the state, the history and significance of the seat of state government, and the capitol but shall not be required to be professionals in the subject area.

4. The terms of the [four] **two** members appointed by the governor shall be four years and until their successors are appointed and qualified. Provided, however, that the first term of [three] **the first public [members term] member appointed after the effective date of this act** shall be for two years, thereafter the [terms] **term of all subsequently appointed public members** shall be four years. There is no limitation on the number of terms any appointed member may serve. If a vacancy occurs, the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any member appointed by him or her for cause. The members of the commission shall be reimbursed for travel and other expenses actually and necessarily incurred in the performance of their duties by the office of administration.

5. At the first meeting of the commission and at yearly intervals thereafter, the members shall select from among themselves a chairman and a vice chairman.

6. The commission shall hold at least four regular meetings each year and such additional meetings as the chairman deems desirable at a place and time to be fixed by the chairman. Special meetings may be called by five members of the commission upon delivery of written notice to each member of the commission. Reasonable written notice of all meetings shall be given by the director to all members of the commission. Five members of the commission shall constitute a quorum. All actions of the commission shall be taken at meetings open to the public. Any member absent from six consecutive regular commission meetings for any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled immediately in accordance with subsection 1 of this section.

7. The commission shall provide a report to the governor and the general assembly annually.

**8.007. DUTIES OF THE COMMISSION — STATE CAPITOL COMMISSION FUND CREATED, LAPSE TO GENERAL REVENUE PROHIBITED — COPYRIGHT AND TRADEMARK PERMITTED, WHEN.** — 1. The commission shall:

(1) Exercise general supervision of the administration of sections 8.001 to 8.007;

(2) Evaluate and approve capitol studies and improvement, expansion, renovation, and restoration projects [to be paid for with funds appropriated from the state capitol commission fund] **including, but not limited to, the "21st-Century State Capitol Restoration Project", which includes, but is not limited to, the development and implementation of a comprehensive master plan for the restoration, protection, risk management, and continuing preservation of the capitol building, grounds, and any annex areas. For purposes of this section, "annex areas" shall mean the building currently occupied by the Missouri department of transportation located at 105 West Capitol Avenue in Jefferson City, if used to house members of the general assembly or legislative support staff, or any new building constructed for such purposes;**

(3) **Exercise ongoing supervision and coordination of the capitol building, grounds, and any annex areas;**

[(3)] (4) Evaluate and recommend courses of action on the restoration and preservation of the capitol, the preservation of historical significance of the capitol and the history of the capitol;

[(4)] (5) Evaluate and recommend courses of action to ensure accessibility to the capitol for physically disabled persons;

[(5)] (6) Advise, consult, and cooperate with the office of administration, the archives division of the office of the secretary of state, the historic preservation program within the department of

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natural resources, the division of tourism within the department of economic development and the historical society of Missouri in furtherance of the purposes of sections 8.001 to 8.007;

[(6)] (7) Be authorized to cooperate or collaborate with other state agencies and not-for-profit organizations to publish books and manuals concerning the history of the capitol, its improvement or restoration;

[(7)] Before each September first, recommend options to the governor on budget allocation for improvements or restoration of the capitol premises]

**(8) On or before October first of each year, submit to the budget director and the general assembly estimates of the requirements for appropriations for the capitol building, grounds, and any annex areas for the year commencing on the following first day of July;**

[(8)] (9) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to improvement and restoration of the state capitol it may deem advisable and necessary for the discharge of its duties pursuant to sections 8.001 to 8.007;

[(9)] (10) Hold hearings, issue notices of hearings, and take testimony as the commission deems necessary; and

[(10)] (11) Initiate planning efforts, subject to the appropriation of funds, for a centennial celebration of the laying of the capstone of the Missouri state capitol.

2. The "State Capitol Commission Fund" is hereby created in the state treasury. Any moneys received from sources other than appropriation by the general assembly, including from private sources, gifts, donations and grants, shall be credited to the state capitol commission fund and shall be appropriated by the general assembly.

3. The provisions of section 33.080 to the contrary notwithstanding, moneys in the second capitol commission fund shall not be transferred and placed to the credit of the general revenue fund. Moneys in the state capitol commission fund shall not be appropriated for any purpose other than those designated by the commission.

4. The commission is authorized to accept all gifts, bequests and donations from any source whatsoever. The commission may also apply for and receive grants consistent with the purposes of sections 8.001 to 8.007. All such gifts, bequests, donations and grants shall be used or expended upon appropriation in accordance with their terms or stipulations, and the gifts, bequests, donations or grants may be used or expended for the preservation, improvement, expansion, renovation, restoration and improved accessibility and for promoting the historical significance of the capitol.

5. The commission may copyright or obtain a trademark for any photograph, written work, art object, or any product created of the capitol or capitol grounds. The commission may grant access or use of any such works to other organizations or individuals for a fee, at its sole discretion, or waive all fees. All funds obtained through licensing fees shall be credited to the capitol commission fund in a manner similar to funds the commission receives as gifts, donations, and grants. The funds shall be used for repairs, refurbishing, or to create art, exhibits, decorations, or other beautifications or adornments to the capitol or its grounds.

**8.010. BOARD OF PUBLIC BUILDINGS CREATED — MEMBERS — POWERS AND DUTIES. —**

1. The governor, attorney general and lieutenant governor constitute the board of public buildings. The governor is chairman and the lieutenant governor, secretary. The speaker of the house of representatives and the president pro tempore of the senate shall serve as ex officio members of the board but shall not have the power to vote. The board shall constitute a body corporate and politic. **Except as provided under section 8.007**, the board has general supervision and charge of the public property of the state at the seat of government, including the building located at 105 West Capitol Avenue in Jefferson City, and other duties imposed on it by law.

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2. The commissioner of administration shall provide staff support to the board.

**8.015. SENATE ACCOUNTS COMMITTEE TO CONTROL USE OF CERTAIN SPACE AND EQUIPMENT IN CAPITOL.** — The senate chamber, the senate committee rooms, the offices of the members of the senate on the third and fourth floors of the state capitol building and all other rooms and offices of the state capitol building designed for or assigned [by the board of public buildings] **under section 8.007** to the use of the members and officers of the senate, and all furniture, equipment and supplies therein, are reserved for the exclusive use of the members and officers of the senate. These rooms, together with the furniture, equipment and supplies therein, are in direct charge and control of the senate accounts committee. No use of any of said quarters other than by the senate, its members or officers shall be made except with the written consent of the senator or officer occupying the office rooms and upon the order of the accounts committee.

**8.017. HOUSE ACCOUNTS COMMITTEE TO CONTROL USE OF CERTAIN SPACE AND EQUIPMENT IN CAPITOL.** — The house chamber, the house committee rooms, the offices of the members of the house on the third and fourth floors of the state capitol building and all other rooms and offices of the state capitol building designed for or assigned [by the board of public buildings] **under section 8.007** to the use of the members and officers of the house, and all furniture, equipment and supplies therein, are reserved for the exclusive use of the members and officers of the house of representatives. These rooms, together with the furniture, equipment and supplies therein, are in direct charge and control of the house accounts committee. No use of any of said quarters other than by the house of representatives, its members or officers shall be made except with the written consent of the representative or officer occupying the office rooms and upon the order of the accounts committee.

**41.1010. MISSOURI MILITARY PREPAREDNESS AND ENHANCEMENT COMMISSION ESTABLISHED, PURPOSE, MEMBERS, DUTIES.** — 1. There is hereby established the "Missouri Military Preparedness and Enhancement Commission". The commission shall have as its purpose the design and implementation of measures intended to protect, retain, and enhance the present and future mission capabilities at the military posts or bases within the state. The commission shall consist of [nine] **eleven** members:

- (1) [Five] **Seven** members to be appointed by the governor;
- (2) Two members of the house of representatives, one appointed by the speaker of the house of representatives, and one appointed by the minority floor leader;
- (3) Two members of the senate, one appointed by the president pro tempore, and one appointed by the minority floor leader;
- (4) The director of the department of economic development or the director's designee, ex officio;
- (5) The chairman of the Missouri veterans' commission or the chairman's designee, ex officio.

No more than [three of the five] **four of the seven** members appointed by the governor shall be of the same political party. To be eligible for appointment by the governor, a person shall have demonstrated experience in economic development, the defense industry, military installation operation, environmental issues, finance, local government, or the use of air space for future military missions. Appointed members of the commission shall serve three-year terms, except that of the initial appointments made by the governor, two shall be for one-year terms, two shall be for two-year terms, and one shall be for a three-year term. No appointed member of the commission shall serve more than six years total. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

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2. Members of the commission shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's official duties.

3. A chair of the commission shall be selected by the members of the commission.

4. The commission shall meet at least quarterly and at such other times as the chair deems necessary.

5. The commission shall be funded by an appropriation limited to that purpose. Any expenditure constituting more than ten percent of the commission's annual appropriation shall be based on a competitive bid process.

6. The commission shall:

(1) Advise the governor and the general assembly on military issues and economic and industrial development related to military issues;

(2) Make recommendations regarding:

(a) Developing policies and plans to support the long-term viability and prosperity of the military, active and retiree, and civilian military employees, in this state, including promoting strategic regional alliances that may extend over state lines;

(b) Developing methods to improve private and public employment opportunities for former members of the military and their families residing in this state; and

(c) Developing methods to assist defense-dependent communities in the design and execution of programs that enhance a community's relationship with military installations and defense-related businesses;

(3) Provide information to communities, the general assembly, the state's congressional delegation, and state agencies regarding federal actions affecting military installations and missions;

(4) Serve as a clearinghouse for:

(a) Defense economic adjustment and transition information and activities; and

(b) Information concerning the following:

a. Issues related to the operating costs, missions, and strategic value of federal military installations located in the state;

b. Employment issues for communities that depend on defense bases and in defense-related businesses; and

c. Defense strategies and incentive programs that other states are using to maintain, expand, and attract new defense contractors;

(5) Provide assistance to communities that have experienced a defense-related closure or realignment;

(6) Assist communities in the design and execution of programs that enhance a community's relationship with military installations and defense-related businesses, including regional alliances that may extend over state lines;

(7) Assist communities in the retention and recruiting of defense-related businesses, including fostering strategic regional alliances that may extend over state lines;

(8) Prepare a biennial strategic plan that:

(a) Fosters the enhancement of military value of the contributions of Missouri military installations to national defense strategies;

(b) Considers all current and anticipated base realignment and closure criteria; and

(c) Develops strategies to protect the state's existing military missions and positions the state to be competitive for new and expanded military missions;

(9) Encourage economic development in this state by fostering the development of industries related to defense affairs.

7. The commission shall prepare and present an annual report to the governor and the general assembly by December thirty-first of each year.

8. The department of economic development shall furnish administrative support and staff for the effective operation of the commission.

**91.640. ADDITIONAL POWERS CONFERRED ON CERTAIN MUNICIPALITIES — BOARD OF PUBLIC WORKS, TERMS, DUTIES.** — 1. In addition to the powers which it may now have, any municipality as herein defined shall have power, under sections 91.620 to 91.770

(1) To lease as herein provided, to acquire by gift, purchase or the exercise of the right of eminent domain, to construct, to reconstruct, to improve, to better, and to extend any undertaking, wholly within, or wholly without the municipality, or partially within and partially without the municipality, and to acquire by gift, purchase or the exercise of the right of eminent domain, lands, easements, rights in lands and water rights in connection therewith;

(2) To operate and maintain any undertaking for its own use and for the use of public and private consumers, and users within and without the territorial boundaries of the municipality;

(3) To prescribe, revise and collect rates, fees, tolls or charges subject to rules and regulations of public service commission of state of Missouri for the services, facilities or commodities furnished by such undertaking, and in anticipation of the collection of the revenues of such undertaking, to issue revenue bonds, to finance in whole or in part the cost of the acquisition, construction, reconstruction, improvement, betterment or extension of any undertaking;

(4) To pledge to the punctual payment of said bonds and interest thereon all or any part of the revenues of such undertaking (including the revenues of improvements, betterments or extensions thereto thereafter constructed or acquired, as well as the revenues of existing systems, plants, works, instrumentalities, and properties of the undertaking so improved, bettered or extended) or of any part of such undertaking; subject to any outstanding obligation existing against such systems, plants; and

(5) To make all contracts, execute all instruments and do all things necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties or in order to secure the payment of its bonds, provided, no encumbrance, mortgage or other pledge of property of the municipality is created thereby, and provided no property of the municipality is liable to be forfeited or taken in payment of said bonds, and provided no debt on the credit of the municipality is thereby incurred in any manner for any purpose; and provided further, that plans and specifications for the aforesaid undertakings shall be submitted to and approved by the state board of health **and senior services**; provided, however, that all contracts for the undertakings herein authorized shall be awarded to the lowest and best bidder, notice of the letting of such contract having been published as is required by law for the letting of public contracts for the erection of public buildings.

2. For the purpose of constructing, managing and operating the undertakings herein described there is hereby created a "board of public works". This board shall consist of five members, who shall be qualified voters and resident taxpayers of such municipality. The mayor or presiding officer of such municipality shall be a member of this board. The other four members shall be appointed by the mayor or presiding officer of the municipality, by and with the consent and approval of the majority of the governing body. The term of office of the members appointed shall be four years, except the terms of two members of the first board appointed shall be for two years. The officer making the appointment shall designate which members shall be appointed for two years and which shall be for four years. Vacancies shall be filled for an unexpired term in the same manner as the original appointment. The board shall organize when new members are appointed

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to it. It shall select a chairman, vice chairman, secretary and treasurer. The board of public works shall operate, manage and control such undertakings, and in the performance of this duty may employ such persons and expend such sums as are necessary to properly perform same, which funds shall be appropriated and allowed by the governing body out of the earnings of the undertaking. This board shall require any person who has custody of any moneys or properties of the district to furnish bond executed by a responsible bonding company, for the faithful performance of his or her duties as prescribed by the board of public works and for the faithful accounting of all moneys or property which may come into his custody or possession by virtue of such employment or appointment. The board of public works shall be allowed such a salary for their services as the governing body may determine not in excess of one hundred dollars per month for each member and for their actual expenses incurred in performing their duties under sections 91.620 to 91.770 they shall be paid out of the revenue of the undertaking formed herein. The members of the board of public works may be removed for cause after a public hearing by the governing body. The board of public works shall make such report to the governing body and at such times as may be required by the governing body, and shall have the power to establish bylaws, rules and regulations for its own government. The board of public works, in respect to all matter of custody, operation, administration and maintenance of such work shall have all the powers and perform all the duties herein provided for, not specifically delegated to the governing body.

3. The government is hereby authorized to construct any undertaking within a defense area, to acquire by purchase, lease, gift, exchange or the exercise of eminent domain, lands, easements, rights of lands and water rights in connection therewith and to maintain and operate such undertakings. Any municipality is hereby authorized to lease from the government or to enter into an agreement to operate for and in behalf of the government any undertaking constructed by the government.

**103.008. ADMINISTRATION TO BE BY BOARD OF TRUSTEES — MEMBERS, QUALIFICATIONS, APPOINTMENT, TERMS — VACANCIES.** — 1. The general administration and the responsibility for the proper operation of the plan is vested in a board of trustees of thirteen persons, as follows: the director of the department of health and senior services, the director of the department of insurance, financial institutions and professional registration, the commissioner of the state office of administration serving ex officio, one member of the senate from the majority party appointed by the president pro tem of the senate and one member of the senate from the minority party appointed by the president pro tem of the senate with the concurrence of the minority floor leader of the senate, one member of the house of representatives from the majority party appointed by the speaker of the house of representatives and one member of the house of representatives from the minority party appointed by the speaker of the house of representatives with the concurrence of the minority floor leader of the house of representatives, **two members of the system who are current employees elected by a plurality vote of members of the system who are also current employees for a term of four years, one member of the system who is a retiree elected by a plurality vote of retired members of the system for a term of four years,** and [six] **three** members appointed by the governor with the advice and consent of the senate. Of the [six] **three** members appointed by the governor, [three] **all** shall be citizens of the state of Missouri who are not members of the plan, but who are familiar with medical issues. [The remaining three members shall be members of the plan and may be selected from any state agency or any participating member agency.]

2. Except for the legislative members, the director of the department of health and senior services, the director of the department of insurance, financial institutions and professional registration, and the commissioner of the office of administration, trustees shall be chosen for terms of four years from the

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first day of January next following their election or appointment. Any vacancies occurring in the office of trustee shall be filled in the same manner the office was filled previously.

**109.221. HISTORICAL RECORDS ADVISORY BOARD — SECRETARY OF STATE TO SERVE AS COORDINATOR — MEETINGS, EXPENSES — POWERS, DUTIES — RULES, PROMULGATION, PROCEDURE — GRANTS FOR PRESERVATION OF LOCAL RECORDS, USE OF RECORDER'S FUND FOR MATCHING MONEYS.** — 1. The state shall establish and administer a "State Historical Records Advisory Board". The state historical records advisory board shall consist of [twelve] **seven** members appointed by the governor, with the advice and consent of the senate. Each member shall serve for a term of three years, except for the first members appointed, which shall have four members that serve one year, four members that serve two years and four members that serve three years. Thereafter, each member shall serve three years. The secretary of state **or his or her designee** shall serve as chairman of the board and as the state historical records coordinator and his vote shall break any tie vote of the board. The executive director of the state historical society of Missouri shall serve as an ex officio member of the board. The board shall meet when called by the chairman, but shall meet at least annually. The board shall adopt written procedures to govern its activities. The board shall report annually to the general assembly on its activities.

2. The state historical records advisory board is assigned to the office of the secretary of state. Members of the board shall receive no compensation for their service, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

3. The board shall be the central advisory body for historical records planning and for projects relating to historic records developed and carried out within the state of Missouri. The board may perform duties such as sponsoring and publishing surveys of the conditions and needs of historical records in the state; soliciting or developing proposals for projects to be carried out in the state with the National Historical Publications and Records Commission, hereafter called "commission", financing; reviewing records proposals by institutions in the state and making recommendations from these to the commission; developing, revising, and submitting to the commission state priorities for historical records projects following guidelines developed by the commission; and reviewing, through reports and otherwise, the operation and progress of records projects in the state.

4. The board may seek funds available through the National Historical Publications and Records Commission for the subvention of all or part of the costs of printing and manufacturing volumes that have been formally endorsed by the commission.

5. The board may seek funds from the National Historical Publications and Records Commission for sponsoring and publishing surveys of the conditions and needs of historical records in the state; for soliciting or developing proposals for projects to be carried out in the state for preservation of historical records and publications; for reviewing records proposals by institutions in the state and making recommendations from these to the commission; and for developing, revising, and submitting to the commission state priorities for historical records projects following guidelines developed by the commission. The board may further carry out those necessary duties to fulfill its purpose of helping in the collection and preservation of Missouri's historical records and such other duties as may be prescribed by law.

6. The secretary of state, as state historical records coordinator, may fund and administer[, with the advice of the state historical records advisory board], grant requests for preservation of local records. In carrying out this subsection the secretary of state shall have the power to promulgate necessary rules and regulations. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. Funds retained by the recorder of a county or a city not within a

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county and deposited in a recorder's fund for records preservation purposes pursuant to subsection 1 of section 59.319 may be used by a recorder of a county or a city not within a county toward any local matching funds requirement for funding pursuant to the grant program authorized by this subsection. A recorder's application for grant funding pursuant to this subsection shall not be penalized in any way because local funds collected pursuant to subsection 1 of section 59.319 are to be used to fund any local matching funds requirement.

**109.225. MISSOURI BOARD ON GEOGRAPHIC NAMES ESTABLISHED, MEMBERS, TERMS, MEETINGS — SECRETARY TO BE DESIGNATED — DUTIES OF BOARD.** — 1. There is hereby established the "Missouri Board on Geographic Names". The board shall be assigned for administrative purposes to the office of the secretary of state.

2. The board shall consist of nineteen members as follows:

- (1) The secretary of state, who shall serve as chair of the board;
- (2) ~~[[Nine]]~~ **Eight** citizens of Missouri appointed by the secretary of state;
- (3) The director or the director's designee of the department of transportation;
- (4) The director or the director's designee of the department of conservation;
- (5) The director or the director's designee of the department of natural resources;
- (6) **The director or the director's designee of the department of agriculture;**
- (7) The commissioner or the commissioner's designee of the office of administration;

~~[[7]]~~ **(8)** The director or the director's designee of the state archives;

~~[[8]]~~ **(9)** The executive director or the executive director's designee of the state historical society of Missouri;

~~[[9]]~~ **(10)** The director or the director's designee of the United States Geological Survey;

~~[[10]]~~ **(11)** The director or the director's designee of the United States Forest Service; and

~~[[11]]~~ **(12)** The director or the director's designee of the United States Corps of Engineers.

3. Appointed members of the board shall serve three-year terms and shall serve until their successors are appointed. Vacancies on the board shall be filled in the same manner as the original appointment and such member appointed shall serve the remainder of the unexpired term.

4. The board shall meet annually and as otherwise required by the secretary of state.

5. The board shall designate from its members a vice chair and shall adopt written guidelines to govern the management of the board.

6. Each member of the board shall serve without compensation, but may be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the board.

7. The secretary of state shall designate an employee of the secretary of state's office as executive secretary for the board, who shall serve as a nonvoting member and shall maintain the records of the board's activities and decisions and shall be responsible for correspondence between the board and the United States Board on Geographic Names and other agencies.

8. The board shall:

(1) Receive and evaluate all proposals for changes in or additions to names of geographic features and places in the state of Missouri to determine the most appropriate and acceptable names for use in maps and official documents of all levels of government;

(2) Make official recommendations to the United States Board on Geographic Names on behalf of the state of Missouri with respect to each proposal;

(3) Assist and cooperate with the United States Board on Geographic Names in matters relating to names of geographic features and places in Missouri;

(4) Assist in the maintenance of a Missouri geographic names database as part of the national database;

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(5) Maintain a list of advisors who have special interest and knowledge in Missouri history, geography, or culture and consult with such advisors on a regular basis in the course of the board's deliberations;

(6) Develop and revise state priorities for geographic records projects following guidelines of the United States Board on Geographic Names; and

(7) Submit a report on its activities annually to the general assembly.

9. The board may apply for moneys through federal and state grant programs to sponsor and publish surveys of the condition and needs of geographic records in the state of Missouri and to solicit or develop proposals for projects to be carried out in the state for preservation of geographic records and publications.

**109.255. SECRETARY OF STATE DUTIES AS TO LOCAL BOARDS OF RECORD CONTROL — LOCAL BOARDS, TERMS, EXPENSES.** — 1. The secretary of state, **or his or her designee**, is hereby authorized to appoint and serve as chairman of a local records board to advise, counsel, and judge what local records shall be retained, copied, preserved, or disposed of and in what manner these functions shall be carried out by the director. This board shall represent a wide area of public interest in local records and shall consist of at least twelve members one of whom shall represent school boards, one constitutional charter city, one third class city, one fourth class city, [one village, one township, one for each class of county of the first and second class, one third or fourth class county, one higher education,] **two of whom shall represent counties of the first or second classification, two of whom shall represent counties of the third or fourth classification**, and such other members as the secretary of state shall direct.

2. The members of the board of record control shall serve staggered terms and may be removed at the pleasure of the secretary of state.

3. The members of the board of control shall receive no salary but may be compensated for travel expenses if the budget of the secretary of state permits.

4. The board shall meet at such times as the chairman may call them.

5. The director with advice of the board of record control shall issue directives to guide local officials on the destruction of local records and nonrecord materials.

**143.1015. FOSTER CARE AND ADOPTIVE PARENTS RECRUITMENT AND RETENTION FUND, REFUND DONATION TO — DIRECTOR'S DUTIES.** — 1. In each taxable year beginning on or after January 1, 2011, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the foster care and adoptive parents recruitment and retention fund as established under section 453.600, hereinafter referred to as the fund. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the foster care and adoptive parents recruitment and retention fund, the individual or corporation wishes to contribute. The department of revenue shall deposit such amount to the fund as provided in subsections 2 and 3 of this section. All moneys credited to the fund shall be considered nonstate funds under the provisions of Article IV, Section 15 of the Missouri Constitution.

2. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the fund.

3. The director of revenue shall deposit at least monthly all contributions designated by corporations under this section, less an amount sufficient to cover the costs of collection and handling by the department of revenue, to the state treasury for deposit to the fund.

4. A contribution designated under this section shall only be deposited in the fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Moneys deposited in the fund shall be distributed by the department of social services in accordance with the provisions of this section and section 453.600.

[6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2011, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

**181.022. SECRETARY OF STATE TO CREATE COUNCIL ON LIBRARY DEVELOPMENT — PURPOSE — TERMS — MEMBERS. —** 1. The secretary of state shall create the "Secretary's Council on Library Development" to advise the secretary of state and the state library on matters that relate to the state's libraries and library service to Missouri citizens, to recommend to the secretary of state and the state library policies and programs relating to libraries in the state, and to communicate the value of libraries.

2. Members of the secretary's council on library development shall serve three-year terms, to be served on a rotating basis as shall be established by the secretary of state.

3. The members of the secretary's council on library development shall be appointed by the secretary of state, to include [members of the house of representatives, members of the senate,] representatives of the public and of libraries, trustees of Missouri libraries, and users of the state libraries, **as well as members of the house of representatives, members of the senate, and the state librarian, who shall serve as ex-officio members of the council.**

**186.007. WOMEN'S COUNCIL ESTABLISHED — APPOINTMENT — QUALIFICATIONS — TERMS, VACANCIES — CHAIRMAN APPOINTED. —** There is created in the department of economic development a "Missouri Women's Council" which shall consist of [fifteen] **thirteen** members. [Eleven] **Nine** of the members shall be appointed by the governor, of which no more than [six] **five** of the [eleven] **nine** members may be of the same political party as the governor appointing such members, with the advice and consent of the senate, and shall be representative of a cross section of the citizenry. [Four members shall be appointed for one year, four for two years, and three for three years. Their successors] **Council members** shall serve terms of [three] **four** years, **and may be reappointed.** The remaining four vacancies on the council shall be filled by the general assembly. Two representatives and two senators shall be appointed by their respective bodies in the same manner as members of standing committees are appointed. [The governor shall designate one of the members as chairman.] **The council shall annually elect a chair and vice-chair.** In the event of a vacancy in a term of office through death, resignation or otherwise, the governor shall appoint a person to serve the unexpired portion of the term of a member appointed by the governor. The unexpired council terms of any senator or representative unable or unwilling to serve shall be filled by their respective bodies in the same manner as vacancies on standing committees are filled.

**189.015. LOCAL PUBLIC HOSPITAL TAX EFFORT — REPORT — AMOUNT REQUIRED — REPORT FILED WHEN.** — The chief fiscal officer of:

(1) Each city and county operating a hospital, clinic operated by a social welfare board of a county of the second class, or hospital district in the state of Missouri; and

(2) Each not-for-profit corporation operating a hospital under contract with a city or county shall submit to the director and the state board of health **and senior services**, a report, setting forth the local public hospital tax effort for its last fiscal year, which shall equal:

(a) The total gross expenditures made by such city, county, corporation or hospital district during a fiscal year for the operation of a hospital in the city, county or district, less

(b) The total amounts received during that fiscal year by such city, county, corporation, or district in payment for hospital services or in support of hospital operations.

The report shall be made to the director not later than September first of each year.

**189.025. DIRECTOR MAY PROPOSE ALLOCATIONS — TO REPORT LOCAL TAX EFFORT AND PROPOSED ALLOCATIONS TO STATE BOARD OF HEALTH AND FISCAL OFFICERS OF GOVERNMENTAL BODY.** — The director shall promptly propose such allocations in the statements which he shall determine to be reasonably necessary to conform to the provisions of sections 189.010 to 189.085 and which are within the limits of the budget recommendations. He shall, thereupon, determine the local public hospital tax effort for patient care for the fiscal year. He shall report this amount to the state board of health **and senior services** and the chief fiscal officers of the city, county, corporation, or district, accompanied by the proposed allocations.

**189.030. STATE BOARD OF HEALTH TO APPROVE PROPOSED ALLOCATIONS — LETTER OF APPROVAL TO CHIEF FISCAL OFFICERS AND DIRECTOR — TO REVISE ALLOCATIONS BY JUNE FIFTEENTH.** — Upon receipt of the information from the director, the state board of health **and senior services** shall within forty-five days examine the proposed allocated appropriations to ensure that such funds are allocated proportionately to qualifying hospitals in a ratio based upon available funds as compared to the maximum entitlement of each qualifying hospital and either approve them within the limit of the budget recommendation, or shall disapprove proposed allocated appropriations or parts thereof which it does not find to be reasonable for the improvement of care to poor patients in the hospital or hospitals. If any appropriation or part thereof is disapproved by the board of health **and senior services**, the director may continue to submit revised proposals to the state board of health **and senior services** within the limits of the budget recommendation therefor until the state board of health **and senior services** approves the appropriation within the limits of the budget recommendation. The board shall send a letter on the proposed appropriations allocation approved by it to the director and to the chief fiscal officer of the city, county, corporation, or district. Thereafter by June fifteenth of each year the state board of health **and senior services** shall revise the allocations within the appropriation therefor.

**189.035. WARRANTS — ISSUANCE — AMOUNTS, HOW DETERMINED.** — Upon receipt of the revised proposal under section 189.030 from the state board of health **and senior services**, the commissioner of administration shall issue warrants on the state treasurer for an amount equal to the lesser of (a) ten percent of the local public hospital tax effort of the city, county, corporation, or district, as determined by him under section 189.025, or (b) the total proposed appropriations approved by the board of health **and senior services**.

**191.400. STATE BOARD OF HEALTH AND SENIOR SERVICES — APPOINTMENT — TERMS — QUALIFICATIONS — LIMITATION ON OTHER EMPLOYMENT, EXCEPTION — VACANCIES — COMPENSATION — MEETINGS.** — 1. There is hereby created a "State Board of Health **and Senior Services**" which shall consist of [seven] **nine** members, who shall be appointed by the governor, by and with the advice and consent of the senate. No member of the state board of health **and senior services** shall hold any other office or employment under the state of Missouri other than in a consulting status relevant to the member's professional status, licensure or designation. Not more than [four] **five** of the members of the state board of health **and senior services** shall be from the same political party.

2. Each member shall be appointed for a term of four years; except that of the members first appointed, two shall be appointed for a term of one year, two for a term of two years, two for a term of three years, and [one] **three** for a term of four years. The successors of each shall be appointed for full terms of four years. No person may serve on the state board of health **and senior services** for more than two terms. The terms of all members shall continue until their successors have been duly appointed and qualified. Three of the persons appointed to the state board of health **and senior services** shall be persons who are physicians and surgeons licensed by the state board of registration for the healing arts of Missouri, **one of whom shall have expertise in geriatrics**. One of the persons appointed to the state board of health **and senior services** shall be a dentist licensed by the Missouri dental board. One of the persons appointed to the state board of health **and senior services** shall be a [chiropractic physician licensed by the Missouri state board of chiropractic examiners] **person with expertise in nutrition**. [Two of the persons appointed to the state board of health shall be persons other than those licensed by the state board of registration for the healing arts, the Missouri dental board, or the Missouri state board of chiropractic examiners and shall be representative of those persons, professions and businesses which are regulated and supervised by the department of health and senior services and the state board of health.] **In making the four remaining appointments, the governor shall give consideration to individuals having a special interest in public health, disability-related issues, or gerontology, including senior citizens.** If a vacancy occurs in the appointed membership, the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. If the vacancy occurs while the senate is not in session, the governor shall make a temporary appointment subject to the approval of the senate when it next convenes. The members shall receive actual and necessary expenses [plus twenty-five dollars per day for] each day of actual attendance.

3. The board shall elect from among its membership a chairperson and a vice chairperson, who shall act as chairperson in his or her absence. The board shall meet at the call of the chairperson. The chairperson may call meetings at such times as he or she deems advisable, and shall call a meeting when requested to do so by three or more members of the board.

**[196.1129.] 191.756. GRANTS AWARDED BY BOARD OF HEALTH AND SENIOR SERVICES — ELIGIBILITY CRITERIA.** — 1. For purposes of this section, the term "board" shall mean the [life sciences research board established under section 196.1103] **state board of health and senior services established under section 191.400**.

2. Subject to appropriations, the board shall establish a program to award grants for the establishment of umbilical cord blood banks to be located in this state and for the expansion of existing umbilical cord blood banks located in this state. The purposes and activities of umbilical cord blood banks eligible for grants for this program shall be directed towards gathering, collecting, and preserving umbilical cord and placental blood only from live births and providing such blood and

blood components primarily to recipients who are unrelated to the donors of the blood, and towards persons and institutions conducting scientific research requiring sources of human stem cells.

3. The board shall, by rule, establish eligibility criteria for awarding grants under this section. In awarding grants, the board shall consider:

(1) The ability of the applicant to establish, operate, and maintain an umbilical cord blood bank and to provide related services;

(2) The experience of the applicant in operating similar facilities; and

(3) The applicant's commitment to continue to operate and maintain an umbilical cord blood bank after the expiration of the terms of the contract required by subsection 4 of this section.

4. Recipients of grants awarded shall enter into contracts under which each recipient agrees to:

(1) Operate and maintain an umbilical cord blood bank in this state at least until the eighth anniversary of the date of the award of the grant;

(2) Gather, collect, and preserve umbilical cord blood only from live births; and

(3) Comply with any financial or reporting requirements imposed on the recipient under rules adopted by the board.

5. The grants authorized under this section shall be awarded subject to funds specifically appropriated for that purpose.

**191.980. MISSOURI AREA HEALTH EDUCATION CENTERS PROGRAM ESTABLISHED — AUTHORITY OF DIRECTOR — DUTIES. —** 1. The "Missouri Area Health Education Centers" program is hereby established as a collaborative partnership of higher educational institutions and regional area health education centers and other entities that have entered into a written agreement with the program. These higher educational institutions and regional area health education centers shall be those that are recognized as program offices or regional centers by the federal area health education centers program pursuant to 42 U.S.C. Section 294a. The program is designed to improve the supply, distribution, availability, and quality of health care personnel in Missouri communities and promote access to primary care for medically underserved communities and populations.

2. [The Missouri area health education centers council is hereby established within the department of health and senior services. The council shall consist of twelve members that are residents of Missouri. The members of the council shall include:

(1) The director of the department of health and senior services or the director's designee;

(2) The commissioner of the department of higher education or the commissioner's designee;

(3) Two members of the senate appointed by the president pro tempore of the senate;

(4) Two members of the house of representatives appointed by the speaker of the house of representatives; and

(5) Six members to be appointed by the governor with the advice and consent of the senate, four of whom shall represent the federally recognized regional area health education centers and two of whom shall represent the federally recognized higher educational institution program offices. Each representative of the regional area health education centers shall be a member of the governing or advisory board of a regional center and shall be nominated jointly by the chairs of the governing or advisory boards of all such centers. No two representatives shall be members of the same regional center governing or advisory board. Each representative of the federally recognized higher educational institution program offices shall be an employee or faculty of a medical school in which a program office resides and shall be nominated jointly by the deans of all such medical schools. The two program office representatives shall not be employees or faculty of the same medical school.

Members of the council shall be appointed by February 1, 2005. Of the members first appointed to the council, six shall serve a term of four years and six shall serve a term of two years, and thereafter, members shall serve a term of four years. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the council shall be filled in the same manner as the original appointment.

3.] The [council] **director of the department of health and senior services** shall have discretionary authority to monitor and recommend policy direction for the Missouri area health education centers program, including policies to ensure that all applicable requirements of the federal area health education centers program are met.

[4.] **3.** The area health education centers program shall:

(1) Develop and enhance health careers recruitment programs for Missouri students, especially underrepresented and disadvantaged students;

(2) Enhance and support community-based training of health professions students and medical residents;

(3) Provide educational and other programs designed to support practicing health professionals; and

(4) Collaborate with health, education, and human services organizations to design, facilitate, and promote programs to improve access to health care and health status in Missouri.

[5. The Missouri area health education centers council shall report annually to the governor and the general assembly on the status and progress of the Missouri area health education centers program.]

**192.005. DEPARTMENT OF HEALTH AND SENIOR SERVICES CREATED — DIVISION OF HEALTH ABOLISHED — DUTIES.** — There is hereby created and established as a department of state government the "Department of Health and Senior Services". The department of health and senior services shall supervise and manage all public health functions and programs. The department shall be governed by the provisions of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo, unless otherwise provided in sections 192.005 to 192.014. The division of health of the department of social services, chapter 191, this chapter, and others, including, but not limited to, such agencies and functions as the state health planning and development agency, the crippled children's service, chapter 201, the bureau and the program for the prevention of developmental disability, the hospital subsidy program, chapter 189, the state board of health **and senior services**, section 191.400, the student loan program, sections 191.500 to 191.550, the family practice residency program, the licensure and certification of hospitals, chapter 197, the Missouri chest hospital, sections 199.010 to 199.070, are hereby transferred to the department of health and senior services by a type I transfer, and the state cancer center and cancer commission, chapter 200, is hereby transferred to the department of health and senior services by a type III transfer as such transfers are defined in section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo Supp. 1984. The provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo Supp. 1984, relating to the manner and procedures for transfers of state agencies shall apply to the transfers provided in this section. The division of health of the department of social services is abolished.

**192.014. STATE BOARD OF HEALTH AND SENIOR SERVICES TO ADVISE DEPARTMENT.** — The state board of health **and senior services** shall advise the department of health and senior services in the:

(1) Promulgation of rules and regulations by the department of health and senior services. At least sixty days before the rules and regulations prescribed by the department or any subsequent changes in them become effective, a copy shall be filed in the office of the secretary of state. All rules and regulations promulgated by the department shall, as soon as practicable after their adoption, be submitted to the general assembly. The rules and regulations shall continue in force and effect until disapproved by the general assembly;

(2) Formulation of the budget for the department of health and senior services; **and**

(3) Planning for and operation of the department of health and senior services.

**192.230. DEPARTMENT TO CONDUCT A SURVEY OF HOSPITALS AND HEALTH FACILITIES — TO RECOMMEND A STATE PLAN.** — The department of health and senior services shall be empowered and authorized to conduct a complete survey of all of the hospitals, both public and private, and all health centers and units in the state, and to make a public report of such survey and findings, and recommending a state plan for the construction of such additional hospital and health center facilities as may be deemed advisable by the department of health and senior services after consultation with the state board of health[, described in section 192.240] **and senior services.**

**192.707. ARTHRITIS ADVISORY BOARD ESTABLISHED — MEMBERS, TERMS, APPOINTMENT, VACANCIES — MEETINGS — CHAIRMAN, TERM — DUTIES, REPORTS, REIMBURSEMENT OF EXPENSES.** — 1. The "Missouri Arthritis Advisory Board" is established within the department of health and senior services, as a continuation of the arthritis advisory board in existence on August 13, 1984. The board shall consist of twenty-five members. The members of the board that are serving on August 13, 1984, shall continue until the expiration of this term. The board shall submit a list of names to the director as recommendations to fill expired terms on the board. The director shall fill each expired membership on the board, each of the appointees to serve for a term of four years and until his successor is appointed and confirmed. Vacancies on the board arising from reasons other than expiration of the member's term shall be filled by the director for the time remaining in the unexpired term.

2. The board shall meet semiannually and at other such times as called by the chairman of the board. The chairman shall be elected from the board membership at the first board meeting, and shall serve as chairman until a new chairman is elected, or until his term on the board expires, whichever occurs first.

3. The board shall serve in an advisory capacity to the committee, and report annually to the department and to the state board of health **and senior services** regarding the implementing of the statewide arthritis plan, making recommendations for necessary changes in content and direction.

4. The board shall be responsible for development and recommendations of guidelines for programs supported under the state arthritis program, and make recommendations on program relevance of grant applications funded under the state arthritis program. The board will make final recommendations to the director regarding programs and grants of the state arthritis program.

5. Any reimbursement of members of the board for their actual and necessary expenses shall be subject to appropriations.

**192.710. ARTHRITIS PROGRAM REVIEW COMMITTEE CREATED — MEMBERS — QUALIFICATIONS — APPOINTMENT — TERM — VACANCIES — MEETINGS — DUTIES — EXECUTIVE ADMINISTRATOR.** — 1. The "Arthritis Program Review Committee" is hereby created within the department of health and senior services. This committee shall consist of fifteen members, two from each of the seven regions set forth in section 192.714 and one at-large member.

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

The fourteen regional members shall be nominated to the committee by the board. The one at-large member shall be nominated by the state board of health **and senior services**. The members of the committee shall include at least one from each of the following categories: rheumatology educators, practicing rheumatologists, primary care practitioners, nurses, allied health professionals, arthritis patients, and members of the general public. Members of the committee shall be appointed by the director in consultation with the board of health **and senior services**. Of the fifteen initial members, five shall have a two-year term, five shall have a three-year term, and five shall have a four-year term. Thereafter, each member shall serve a four-year term and until his successor is appointed and confirmed. Vacancies on the committee arising from reasons other than expiration of the member's term shall be filled by the director for the time remaining in the unexpired term.

2. The committee shall meet annually and at other such times as called by the chairman of the committee. The chairman shall be elected annually from the committee membership at the first committee meeting and shall serve as chairman until a new chairman is elected, or until his term on the committee expires, whichever occurs first.

3. The committee shall review, make site visits and determine and make recommendations to the board on the merit of regional arthritis center applications. No program or other activity will be recommended for funding by the board without the favorable review of the committee.

4. The arthritis program coordinator shall serve the committee as its executive administrator.

**194.400. DEFINITIONS.** — As used in sections 194.400 to 194.410 the following words and phrases mean:

(1) ["Committee", the unmarked human burial consultation committee] **"Council", the Missouri advisory council on historic preservation created under section 253.408;**

(2) "Cultural items", shall include:

(a) "Associated funerary objects", objects that are reasonably believed to have been placed with individual human remains either at the time of death, or during the death rite or ceremony, or later, and all other items exclusively made for burial purposes including items made to contain human remains;

(b) "Unassociated funerary objects", objects that are reasonably believed to have been placed with individual human remains either at the time of death or during the death rite or ceremony, or later, which can be identified by a preponderance of the evidence as related to known human remains or an unmarked human burial site or can be identified as having been removed from a specific unmarked human burial site;

(3) "General archaeological investigation", refers to:

(a) Excavations performed by professional archaeologists usually consisting of a structured scientific undertaking comprised of three segments including field investigations, laboratory analysis, and preparation and submission of a report of investigation; and

(b) Identification of the presence of human remains in excavated materials considered to occur at the completion of the laboratory analysis segment of the studies as above;

(4) "Professional archaeologist", a person who has a graduate degree in archaeology, anthropology, or closely related field, at least one year of full-time professional experience or equivalent specialized training in archaeological research, administration of management, or at least four months of supervised field and analytic experience in general North American archaeology and demonstrated ability to carry archaeological research to completion, as evidenced by a master of arts or master of science thesis, or report equivalent in scope and quality;

(5) "Second or subsequent violation", any violation, other than the first violation, of a criminal law related to the trafficking of human remains or cultural items located in the state of Missouri, the United States, or any other state;

(6) "Skeletal analyst", a person possessing a postgraduate degree representing specialized training in skeletal biology, forensic osteology, or other relevant aspects of physical anthropology. The skeletal analyst shall have a minimum experience of one year in conducting laboratory reconstruction and analysis, and shall have demonstrated the ability to design and execute a skeletal analysis, and to present the written results and interpretations of such analysis in a thorough, scientific, and timely manner;

(7) "Specific scientific investigations", refers to detailed studies of human remains by professional archaeologists, anthropologists, osteologists, or professionals in related disciplines;

(8) "State historic preservation officer", the director of the department of natural resources;

(9) "Unmarked human burial", any instance where human skeletal remains are discovered or believed to exist, but for which there exists no written historical documentation or grave markers.

**194.408. STATE HISTORIC PRESERVATION OFFICER, REINTERMENT, DUTIES — CONSULTATION WITH ADVISORY COUNCIL ON HISTORIC PRESERVATION, WHEN — CONFORMITY WITH FEDERAL LAW. — 1.** Whenever an unmarked human burial or human skeletal remains are reported to the state historic preservation officer, the state historic preservation officer shall proceed as follows:

(1) Insofar as possible, the state historic preservation officer shall make reasonable efforts to identify and locate persons who can establish direct kinship with or descent from the individual whose remains constitute the burial. The state historic preservation officer, in consultation with the most closely related family member, shall determine the proper disposition of the remains;

(2) When no direct kin or descendants can be identified or located, but the burial or remains can be shown to have ethnic affinity with living peoples, the state historic preservation officer in consultation with the leaders of the ethnic groups having a relation to the burial or remains shall determine the proper disposition of the remains. But, if the state historic preservation officer determines the burial or remains are scientifically significant, no reinterment shall occur until the burial or remains have been examined by a skeletal analyst designated by the state historic preservation officer. In no event shall reinterment be delayed more than one year;

(3) When the burial or remains cannot be related to any living peoples, the state historic preservation officer, in consultation with the [unmarked human burial consultation committee] **Missouri advisory council on historic preservation**, shall determine the proper disposition of the burial or remains. But, if the state historic preservation officer determines the burial or remains are scientifically significant, no reinterment shall occur until the burial or remains have been examined by a skeletal analyst designated by the state historic preservation officer. In no event shall reinterment be delayed more than one year unless otherwise and to the extent determined by the [committee] **council**;

(4) Notwithstanding subdivisions (2) and (3) of this section the state historical preservation officer may seek approval from the [unmarked human burial consultation committee] **council** to delay reinterment of the remains for an additional scientific study in a facility chosen by the state historic preservation officer. If the study is approved by the [committee] **council** reinterment shall be delayed for a period as specified by the [committee] **council**.

**2. All actions and decisions of the state historic preservation officer and the council shall be in conformity with the provisions of the federal National Historic Preservation Act of 1966, as amended, and the federal Native American Graves Protection and Repatriation Act (NAGPRA).**

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

**208.955. COMMITTEE ESTABLISHED, MEMBERS, DUTIES — ISSUANCE OF FINDINGS. — 1.**

There is hereby established in the department of social services the "MO HealthNet Oversight Committee", which shall be appointed by January 1, 2008, and shall consist of nineteen members as follows:

- (1) Two members of the house of representatives, one from each party, appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives;
- (2) Two members of the Senate, one from each party, appointed by the president pro tem of the senate and the minority floor leader of the senate;
- (3) One consumer representative who has no financial interest in the health care industry and who has not been an employee of the state within the last five years;
- (4) Two primary care physicians, licensed under chapter 334, who care for participants, not from the same geographic area, chosen in the same manner as described in section 334.120;
- (5) Two physicians, licensed under chapter 334, who care for participants but who are not primary care physicians and are not from the same geographic area, chosen in the same manner as described in section 334.120;
- (6) One representative of the state hospital association;
- (7) Two nonphysician health care professionals, the first nonphysician health care professional licensed under chapter 335 and the second nonphysician health care professional licensed under chapter 337, who care for participants;
- (8) One dentist, who cares for participants, chosen in the same manner as described in section 332.021;
- (9) Two patient advocates who have no financial interest in the health care industry and who have not been employees of the state within the last five years;
- (10) One public member who has no financial interest in the health care industry and who has not been an employee of the state within the last five years; and
- (11) The directors of the department of social services, the department of mental health, the department of health and senior services, or the respective directors' designees, who shall serve as ex officio members of the committee.

2. The members of the oversight committee, other than the members from the general assembly and ex officio members, shall be appointed by the governor with the advice and consent of the senate. A chair of the oversight committee shall be selected by the members of the oversight committee. Of the members first appointed to the oversight committee by the governor, eight members shall serve a term of two years, seven members shall serve a term of one year, and thereafter, members shall serve a term of two years. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the oversight committee shall be filled in the same manner as the original appointment. Members shall serve on the oversight committee without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of social services for that purpose. The department of social services shall provide technical, actuarial, and administrative support services as required by the oversight committee. The oversight committee shall:

- (1) Meet on at least four occasions annually, including at least four before the end of December of the first year the committee is established. Meetings can be held by telephone or video conference at the discretion of the committee;
- (2) Review the participant and provider satisfaction reports and the reports of health outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices as required of the health improvement plans and the department of social services under section 208.950;

(3) Review the results from other states of the relative success or failure of various models of health delivery attempted;

(4) Review the results of studies comparing health plans conducted under section 208.950;

(5) Review the data from health risk assessments collected and reported under section 208.950;

(6) Review the results of the public process input collected under section 208.950;

(7) Advise and approve proposed design and implementation proposals for new health improvement plans submitted by the department, as well as make recommendations and suggest modifications when necessary;

(8) Determine how best to analyze and present the data reviewed under section 208.950 so that the health outcomes, participant and provider satisfaction, results from other states, health plan comparisons, financial impact of the various health improvement plans and models of care, study of provider access, and results of public input can be used by consumers, health care providers, and public officials;

(9) Present significant findings of the analysis required in subdivision (8) of this subsection in a report to the general assembly and governor, at least annually, beginning January 1, 2009;

(10) Review the budget forecast issued by the legislative budget office, and the report required under subsection (22) of subsection 1 of section 208.151, and after study:

(a) Consider ways to maximize the federal drawdown of funds;

(b) Study the demographics of the state and of the MO HealthNet population, and how those demographics are changing;

(c) Consider what steps are needed to prepare for the increasing numbers of participants as a result of the baby boom following World War II;

(11) Conduct a study to determine whether an office of inspector general shall be established. Such office would be responsible for oversight, auditing, investigation, and performance review to provide increased accountability, integrity, and oversight of state medical assistance programs, to assist in improving agency and program operations, and to deter and identify fraud, abuse, and illegal acts. The committee shall review the experience of all states that have created a similar office to determine the impact of creating a similar office in this state; and

(12) Perform other tasks as necessary, including but not limited to making recommendations to the division concerning the promulgation of rules and emergency rules so that quality of care, provider availability, and participant satisfaction can be assured.

3. [The oversight committee shall designate a subcommittee devoted to advising the department on the development of a comprehensive entry point system for long-term care that shall:

(1) Offer Missourians an array of choices including community-based, in-home, residential and institutional services;

(2) Provide information and assistance about the array of long-term care services to Missourians;

(3) Create a delivery system that is easy to understand and access through multiple points, which shall include but shall not be limited to providers of services;

(4) Create a delivery system that is efficient, reduces duplication, and streamlines access to multiple funding sources and programs;

(5) Strengthen the long-term care quality assurance and quality improvement system;

(6) Establish a long-term care system that seeks to achieve timely access to and payment for care, foster quality and excellence in service delivery, and promote innovative and cost-effective strategies; and

(7) Study one-stop shopping for seniors as established in section 208.612.

4. The subcommittee shall include the following members:

(1) The lieutenant governor or his or her designee, who shall serve as the subcommittee chair;

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- (2) One member from a Missouri area agency on aging, designated by the governor;
- (3) One member representing the in-home care profession, designated by the governor;
- (4) One member representing residential care facilities, predominantly serving MO HealthNet participants, designated by the governor;
- (5) One member representing assisted living facilities or continuing care retirement communities, predominantly serving MO HealthNet participants, designated by the governor;
- (6) One member representing skilled nursing facilities, predominantly serving MO HealthNet participants, designated by the governor;
- (7) One member from the office of the state ombudsman for long-term care facility residents, designated by the governor;
- (8) One member representing Missouri centers for independent living, designated by the governor;
- (9) One consumer representative with expertise in services for seniors or persons with a disability, designated by the governor;
- (10) One member with expertise in Alzheimer's disease or related dementia;
- (11) One member from a county developmental disability board, designated by the governor;
- (12) One member representing the hospice care profession, designated by the governor;
- (13) One member representing the home health care profession, designated by the governor;
- (14) One member representing the adult day care profession, designated by the governor;
- (15) One member gerontologist, designated by the governor;
- (16) Two members representing the aged, blind, and disabled population, not of the same geographic area or demographic group designated by the governor;
- (17) The directors of the departments of social services, mental health, and health and senior services, or their designees; and
- (18) One member of the house of representatives and one member of the senate serving on the oversight committee, designated by the oversight committee chair.

Members shall serve on the subcommittee without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of health and senior services for that purpose. The department of health and senior services shall provide technical and administrative support services as required by the committee.

5.] The provisions of section 23.253 shall not apply to sections 208.950 to 208.955.

**209.287. BOARD FOR CERTIFICATION OF INTERPRETERS ESTABLISHED — APPOINTMENT, QUALIFICATION, TERMS — EXPENSES — MEETINGS — CHAIRMAN ELECTED HOW — QUORUM — REMOVAL FROM OFFICE, PROCEDURE.** — 1. There is hereby established within the Missouri commission for the deaf and hard of hearing a board to be known as the "Board for Certification of Interpreters", which shall be composed of [five] **three** members. The executive director of the Missouri commission for the deaf and hard of hearing or the director's designee shall be a nonvoting member of the board.

2. The members shall be appointed by the governor with the advice and consent of the senate from a list of recommendations from the commission. The members shall be appointed for terms of three years], except those first appointed whose terms shall be staggered and one member appointed to serve for one year, two members to serve for two years and two members one to serve for three years]. No member shall be eligible to serve more than two consecutive terms, except a person appointed to fill a vacancy for a partial term may serve two additional terms. [Two] **One** of the members appointed shall be deaf, [two] **one** shall be a certified [interpreters] **interpreter**, and one shall be deaf or a certified interpreter. The members shall be fluent in American sign

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language, Pidgin Signed English, oral, tactile sign, or any specialized vocabulary used by deaf persons. The member shall have a background and knowledge of interpreting and evaluation.

3. The members shall receive no compensation for their services on the board, but the commission shall reimburse the members for actual and necessary expenses incurred in the performance of their official duties. The board shall meet not less than two times per year. The board shall elect from its membership a chairperson and a secretary. A quorum of the board shall consist of [three] **two** of its members.

4. Any member of the commission may petition the governor to remove a member from the board for the following reasons: misconduct, inefficiency, incompetence or neglect of his official duties. The governor may remove the member after giving the committee member written notice of the charges against him **or her** and an opportunity to be heard pursuant to administrative procedures in chapter 621.

**209.307. CONFLICT OF INTEREST FOR BOARD OR EVALUATION TEAM, EFFECT.** — Any member of the board or an evaluation team who has a conflict of interest that may have a direct effect on an evaluation shall excuse himself **or herself** from the evaluation. The remaining members[, not consisting of less than three members,] shall assess that individual's performance.

**210.170. CHILDREN'S TRUST FUND BOARD CREATED — MEMBERS, APPOINTMENT — QUALIFICATIONS — TERMS — VACANCIES — REMOVAL PROCEDURE — STAFF — EXPENSES — OFFICE OF ADMINISTRATION, DUTIES.** — 1. There is hereby created within the office of administration of the state of Missouri the "Children's Trust Fund Board", which shall be composed of [twenty-one] **seventeen** members as follows:

(1) [Twelve] **Eight** public members to be appointed by the governor by and with the advice and consent of the senate. As a group, the public members appointed pursuant to this subdivision shall demonstrate knowledge in the area of prevention programs, shall be representative of the demographic composition of this state, and, to the extent practicable, shall be representative [of all] of the following categories:

- (a) [Organized labor] **The philanthropy community;**
- (b) The business community;
- (c) The educational community;
- (d) The religious community;
- (e) The legal community;
- (f) Professional providers of prevention services to families and children;
- (g) [Volunteers in prevention services] **A former youth participant in the state foster care system;**
- (h) Social services;
- (i) Health care services; and
- (j) Mental health services;
- (2) [A physician licensed pursuant to chapter 334] **A board certified child abuse pediatrician or a SAFE CARE provider, as defined in section 334.950;**
- (3) Two members of the Missouri house of representatives, who shall be appointed by the speaker of the house of representatives and shall be members of two different political parties;
- (4) Two members of the Missouri senate, who shall be appointed by the president pro tem of the senate and who shall be members of two different political parties; and
- (5) Four members chosen and appointed by the governor.

2. All members of the board appointed by the speaker of the house or the president pro tem of the senate shall serve until their term in the house or senate during which they were appointed to the board expires. All public members of the board shall serve for terms of three years[; except, that of the public members first appointed, four shall serve for terms of three years, four shall serve for terms of two years, and three shall serve for terms of one year]. No public members may serve more than two consecutive terms, regardless of whether such terms were full or partial terms. Each member shall serve until his successor is appointed. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner in which the board membership which is vacant was originally filled. **Any member of the board on August 28, 2018, shall not be removed based on not being representative of a category in subdivision (1) of subsection 1 of this section.**

3. Any public member of the board may be removed by the governor for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard in his or her own behalf.

4. The board may employ an executive director who shall be charged with carrying out the duties and responsibilities assigned to him or her by the board. The executive director may obtain all necessary office space, facilities, and equipment, and may hire and set the compensation of such staff as is approved by the board and within the limitations of appropriations for the purpose. All staff members, except the executive director, shall be employed pursuant to chapter 36.

5. Each member of the board may be reimbursed for all actual and necessary expenses incurred by the member in the performance of his or her official duties. All reimbursements made pursuant to this subsection shall be made from funds in the children's trust fund appropriated for that purpose.

6. All business transactions of the board shall be conducted in public meetings in accordance with sections 610.010 to 610.030.

7. The board may accept federal funds for the purposes of sections 210.170 to 210.173 and section 143.1000 as well as gifts and donations from individuals, private organizations, and foundations. The acceptance and use of federal funds shall not commit any state funds nor place any obligation upon the general assembly to continue the programs or activities for which the federal funds are made available. All funds received in the manner described in this subsection shall be transmitted to the state treasurer for deposit in the state treasury to the credit of the children's trust fund.

8. The board shall elect a chairperson from among the public members, who shall serve for a term of two years. The board may elect such other officers and establish such committees as it deems appropriate.

9. The board shall exercise its powers and duties independently of the office of administration except that budgetary, procurement, accounting, and other related management functions shall be performed by the office of administration.

**210.1200. TASK FORCE CREATED, PURPOSE, MEMBERS, OFFICERS, DUTIES — REPORTS TO GENERAL ASSEMBLY. — 1. Sections 210.1200 and 210.1210 shall be known and may be cited as "Erin's Law".**

**2. The "Task Force on the Prevention of Sexual Abuse of Children" is hereby created to study the issue of sexual abuse of children. The task force shall consist of all of the following members:**

- (1) The director of the department of social services, or his or her designee;**
- (2) The director of the children's division within the department of social services, or his or her designee;**

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- (3) The director of the department of mental health, or his or her designee;
- (4) The director of the department of health and senior services, or his or her designee;
- (5) The director of the office of prosecution services, or his or her designee;
- (6) The commissioner of education, or his or her designee;
- (7) The executive director of the children's trust fund board, or his or her designee;
- (8) A law enforcement representative appointed by the director of the department of social services;
- (9) An active teacher employed in Missouri appointed by the director of the department of social services;
- (10) A school principal appointed by the director of the department of social services;
- (11) A school superintendent appointed by the director of the department of social services;
- (12) A school counselor appointed by the director of the department of social services;
- (13) A representative of an organization involved in forensic investigation relating to child abuse in this state appointed by the director of the department of social services;
- (14) A representative of the state domestic violence coalition appointed by the director of the department of social services;
- (15) A representative from the juvenile and family court appointed by the director of the department of social services; and
- (16) A representative from the Missouri Network of Child Advocacy Centers appointed by the director of the department of social services.

3. Members of the task force shall be individuals who are actively involved in the fields of the prevention and treatment of child abuse and neglect and child welfare. The appointment of members shall reflect the geographic diversity of the state.

4. The task force shall elect a presiding officer by a majority vote of the membership of the task force. The task force shall meet at the call of the presiding officer.

5. The task force shall make recommendations for reducing child sexual abuse and treating children who experience sexual abuse in Missouri. In making those recommendations, the task force shall:

- (1) Gather information concerning child sexual abuse throughout the state;
- (2) Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations; and
- (3) Create goals for state policy that would prevent child sexual abuse and improve treatment for children who experience sexual abuse.

6. The recommendations may include proposals for specific statutory changes and methods to foster cooperation among state agencies and between the state and local government.

7. The task force shall consult with employees of the department of social services, the department of public safety, department of elementary and secondary education, and any other state agency, board, commission, office, or department as necessary to accomplish the task force's responsibilities under this section.

8. The members of the task force shall serve without compensation and shall not be reimbursed for their expenses.

9. Beginning January 1, 2019, the department of social services, in collaboration with the task force, shall make yearly reports to the general assembly on the department's progress in preventing child sexual abuse and expanding the availability of appropriate treatment for children who experience sexual abuse.

**210.1210. POLICY RECOMMENDATIONS. — 1. The task force on the prevention of sexual abuse of children established in section 210.1200 may adopt and submit to the commissioner of education and the state board of education policy recommendations addressing sexual abuse of children that may include:**

- (1) Age-appropriate curriculum for students in pre-K through fifth grade;**
- (2) Training for school personnel on child sexual abuse;**
- (3) Educational information to parents or guardians provided in the school handbook on the warning signs of a child being abused, along with any needed assistance, referral, or resource information;**
- (4) Available counseling and resources for students affected by sexual abuse; and**
- (5) Emotional and educational support for a child of abuse to continue to be successful in school.**

**2. Any policy recommendation adopted may address without limitation:**

- (1) Methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse;**
- (2) Actions that a child who is a victim of sexual abuse could take to obtain assistance and intervention; and**
- (3) Available counseling options for students affected by sexual abuse.**

**253.408. STATE HISTORIC PRESERVATION ACT — STATE HISTORIC PRESERVATION OFFICER TO BE DIRECTOR OF NATURAL RESOURCES, DUTIES — ADVISORY COUNCIL, POWERS AND DUTIES. — 1. Sections 253.408 to 253.412 shall be known and may be cited as the "State Historic Preservation Act".**

2. The director of the department of natural resources is hereby designated as the state historic preservation officer. The state historic preservation office shall be located in the department of natural resources and shall be responsible for establishing, implementing, and administering federal and state programs or plans for historic preservation and shall have the following duties including, but not limited to:

- (1) Direct and conduct a comprehensive statewide survey of historic, archaeological, architectural, and cultural properties and maintain inventories of such properties;**
- (2) Identify and nominate eligible properties to the National Register of Historic Places and otherwise administer applications for listing historic properties on the national register;**
- (3) Prepare and implement a comprehensive statewide historic preservation plan;**
- (4) Administer the state program of federal assistance for historic preservation within the state;**
- (5) Administer historic preservation fund grants as mandated by the National Historic Preservation Act of 1966, as amended;**
- (6) Provide public information, education and training, and technical assistance relating to the federal and state historic preservation programs;**
- (7) Cooperate with local governments in the development of local historic preservation programs, and to assist local governments in becoming certified pursuant to the Historic Preservation Act of 1966, as amended;**
- (8) Advise and assist federal and state agencies and local governments in carrying out their historic preservation responsibilities;**
- (9) Cooperate with the National Advisory Council on Historic Preservation, federal and state agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;**

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(10) Administer [the state unmarked human burial sites,] **responsibilities** as detailed in sections 194.400 to 194.410;

(11) Administer the historic preservation revolving fund, as detailed in sections 253.400 to 253.407; and

(12) Cooperate with the department of economic development in administering the main street Missouri act, as detailed in sections 251.470 to 251.485.

3. (1) **There is hereby established and created, within the department of natural resources, the "Missouri Advisory Council on Historic Preservation" consisting of nine persons, to be appointed by the governor with the advice and consent of the senate, who shall serve without compensation other than expenses incurred. The membership of the council shall be as provided in 36 C.F.R. Part 61.4, as may be amended from time to time, and shall consist of persons having expertise and knowledge in the fields of history, historic and prehistoric archaeology, architectural history, architecture, and economic and community development, as well as nonprofessional members with demonstrated interest in historic preservation. Each member shall serve for a term of two years from the date of appointment and until his or her replacement is duly appointed.**

(2) **The council shall meet at least three times per year and may adopt bylaws to govern its operations which bylaws shall be consistent with all applicable federal rules and regulations.**

(3) **The council shall have all the powers, duties and responsibilities provided by federal law and the rules and regulations for such council including, but not limited to, the following:**

(a) **Reviewing and approving each national register nomination prior to submission to the national register;**

(b) **Reviewing each completed state historic preservation plan as developed by the state historic preservation officer prior to its submission to the Secretary of the United States Department of Interior; and**

(c) **Providing general advice, guidance, and professional recommendations to the state historic preservation officer in conducting the comprehensive statewide survey, preparing the state historic preservation plan, carrying out any grants-in-aid program, and carrying out the other duties and responsibilities of the state historic preservation officer.**

**324.015. FEES, WAIVER OF, WHEN — DEFINITIONS — PROCEDURE — RULEMAKING AUTHORITY. — 1. For purposes of this section, the following terms mean:**

(1) **"Licensing authority", any agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any occupation or profession;**

(2) **"Licensing requirement", any required training, education, or fee to work in a specific occupation or profession;**

(3) **"Low-income individual", any individual:**

(a) **Whose household adjusted gross income is below one hundred thirty percent of the federal poverty line or a higher threshold to be set by the department of insurance, financial institutions and professional registration by rule; or**

(b) **Who is enrolled in a state or federal public assistance program including, but not limited to, Temporary Assistance for Needy Families, the MO HealthNet program, or the Supplemental Nutrition Assistance Program;**

(4) "Military families", any active duty service members and their spouses and honorably discharged veterans and their spouses. The term "military families" includes surviving spouses of deceased service members who have not remarried;

(5) "Occupational fee", a fee or tax on professionals or businesses that is charged for the privilege of providing goods or services within a certain jurisdiction;

(6) "Political subdivision", any city, town, village, or county.

2. All state and political subdivision licensing authorities shall waive all occupational fees and any other fees associated with licensing requirements for military families and low-income individuals for a period of two years beginning on the date an application is approved under subsection 3 of this section. Military families and low-income individuals whose applications are approved shall not be required to pay any occupational fees that become due during the two-year period.

3. Any individual seeking a waiver described under subsection 2 of this section shall apply to the appropriate licensing authority in a format prescribed by the licensing authority. The licensing authority shall approve or deny the application within thirty days of receipt.

4. An individual shall be eligible to receive only one waiver under this section from each licensing authority.

5. The waiver described under subsection 2 of this section shall not apply to fees required to obtain business licenses.

6. State licensing authorities and the department of insurance, financial institutions and professional registration shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**324.177. ADVISORY COMMISSION FOR CLINICAL PERFUSIONISTS ESTABLISHED, DUTIES, MEMBERS, EXPENSES, COMPENSATION, REMOVAL.** — 1. There is hereby established an "Advisory Commission for Clinical Perfusionists" which shall guide, advise and make recommendations to the board. The commission shall approve the examination required by section 324.133 and shall assist the board in carrying out the provisions of sections 324.125 to 324.183.

2. The advisory commission shall consist of five perfusionist members and two public members which shall be appointed by the [governor with the advice and consent of the senate] **director of the division of professional registration**. The members of the commission shall be appointed for terms of six years; except those first appointed, of which one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years, one shall be appointed for a term of five years and one shall be appointed for a term of six years. The nonpublic commission members shall be residents of the state of Missouri for at least one year, shall be United States citizens and shall meet all the requirements for licensing provided in sections 324.125 to 324.183, shall be licensed pursuant to sections 324.125 to 324.183, except the members of the first commission, who shall be licensed within six months of their appointment and are actively engaged in the practice of perfusion. If a member of the commission shall, during the member's term as a

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commission member, remove the member's domicile from the state of Missouri, then the commission shall immediately notify the [governor] **director** and the seat of that commission member shall be declared vacant. All such vacancies shall be filled by appointment as in the same manner as the preceding appointment. The public members shall be at the time of the members' appointment citizens of the United States; residents of the state for a period of at least one year and registered voters; persons who are not and never were members of any profession licensed or regulated pursuant to sections 324.125 to 324.183 or the spouse of such person; persons who do not have and never have had a material, financial interest in either the provision of the professional services regulated by sections 324.125 to 324.183, or an activity or organization directly related to any profession licensed or regulated by sections 324.125 to 324.183.

3. Notwithstanding any other provision of law to the contrary, any appointed member of the commission shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment. All staff for the commission shall be provided by the division of professional registration.

4. A member of the commission may be removed if the member:

(1) Does not have, at the time of appointment, the qualifications required for appointment to the commission;

(2) Does not maintain during service on the commission the qualifications required for appointment to the commission;

(3) Violates any provision of sections 324.125 to 324.183;

(4) Cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

(5) Is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the commission.

**324.180. COMMISSION MEETINGS, WHEN — QUORUM.** — Not later than thirty days after the [governor] **director of the division of professional registration** appoints the initial members of the commission and annually thereafter, the commission shall meet and elect one of its members as chairperson and one of its members as vice chairperson. The commission shall meet at least quarterly or at any other time if called by the chairperson or a majority of the commission. A majority of the members of the commission shall constitute a quorum.

**324.406. INTERIOR DESIGN COUNCIL CREATED, MEMBERS, TERMS, REMOVAL FOR CAUSE.** — 1. There is hereby created within the division of professional registration a council to be known as the "Interior Design Council". The council shall consist of four interior designers and one public member appointed by the [governor with the advice and consent of the senate] **director of the division**. The [governor] **director** shall give due consideration to the recommendations by state organizations of the interior design profession for the appointment of the interior design members to the council. Council members shall be appointed to serve a term of four years; except that of the members first appointed, one interior design member and the public member shall be appointed for terms of four years, one member shall be appointed for a term of three years, one member shall be appointed for a term of two years and one member shall be appointed for a term of one year. No member of the council shall serve more than two terms.

2. Each council member, other than the public member, shall be a citizen of the United States, a resident of the state of Missouri for at least one year, meet the qualifications for professional registration, practice interior design as the person's principal livelihood and, except for the first members appointed, be registered pursuant to sections 324.400 to 324.439 as an interior designer.

3. The public member shall be, at the time of such person's appointment, a citizen of the United States, a registered voter, a person who is not and never was a member of the profession regulated by sections 324.400 to 324.439 or the spouse of such a person and a person who does not have and never has had a material financial interest in the providing of the professional services regulated by sections 324.400 to 324.439. The duties of the public member shall not include the determination of the technical requirements for the registration of persons as interior designers. The provisions of section 324.028 pertaining to public members of certain state boards and commissions shall apply to the public member of the council.

4. Members of the council may be removed from office for cause. Upon the death, resignation or removal from office of any member of the council, the appointment to fill the vacancy shall be for the unexpired portion of the term so vacated and shall be filled in the same manner as the first appointment and due notice be given to the state organizations of the interior design profession prior to the appointment.

5. Each member of the council may receive as compensation an amount set by the division not to exceed fifty dollars per day and shall be reimbursed for the member's reasonable and necessary expenses incurred in the official performance of the member's duties as a member of the council. The director shall establish by rule guidelines for payment.

6. The council shall meet at least twice each year and **guide, advise, and make recommendations** to the division on matters within the scope of sections 324.400 to 324.439. The organization of the council shall be established by the members of the council.

[7. The council may sue and be sued as the interior design council and the council members need not be named as parties. Members of the council shall not be personally liable either jointly or severally for any act committed in the performance of their official duties as council members. No council member shall be personally liable for any costs which accrue in any action by or against the council.]

**324.409. QUALIFICATIONS FOR REGISTRATION.** — 1. To be a registered interior designer, a person:

(1) Shall take and pass or have passed the examination administered by the National Council for Interior Design Qualification or an equivalent examination approved by the [council] **division**. In addition to proof of passage of the examination, the application shall provide substantial evidence to the [council] **division** that the applicant:

(a) Is a graduate of a five-year or four-year interior design program from an accredited institution and has completed at least two years of diversified and appropriate interior design experience; or

(b) Has completed at least three years of an interior design curriculum from an accredited institution and has completed at least three years of diversified and appropriate interior design experience; or

(c) Is a graduate of a two-year interior design program from an accredited institution and has completed at least four years of diversified and appropriate interior design experience; or

(2) May qualify who is currently registered pursuant to sections 327.091 to 327.171, and section 327.401 pertaining to the practice of architecture and registered with the [council] **division**. Such applicant shall give authorization to the [council] **division** in order to verify current registration with sections 327.091 to 327.171 and section 327.401 pertaining to the practice of architecture.

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2. [Verification of experience required pursuant to this section shall be based on a minimum of two client references, business or employment verification and three industry references, submitted to the council.

3.] The [council] **division** shall verify if an applicant has complied with the provisions of this section and has paid the required fees, then the [council] **division** shall recommend such applicant be registered as a registered interior designer by the [council] **division**.

**324.412. POWERS AND DUTIES OF DIVISION — RULEMAKING.** — [1.] The division shall:

(1) Employ, within the limits of the appropriations for that purpose, such employees as are necessary to carry out the provisions of sections 324.400 to 324.439;

(2) Exercise all budgeting, purchasing, reporting and other related management functions[.

2. The council shall:];

[(1)] **(3)** Recommend prosecution for violations of sections 324.400 to 324.439 to the appropriate prosecuting or circuit attorney;

[(2)] **(4)** Promulgate such rules and regulations as are necessary to administer the provisions of sections 324.400 to 324.439. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated to administer and enforce sections 324.400 to 324.439, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, including but not limited to, section 536.028, if applicable, after August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

**324.415. APPLICATIONS FOR REGISTRATION, FORM — PENALTIES.** — Applications for registration as a registered interior designer shall be typewritten on forms prescribed by the [council] **division** and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous interior design certification, registration or licensing examinations, if any, and such other pertinent information as the [council] **division** may require, or architect's registration number and such other pertinent information as the [council] **division** may require. Each application shall contain a statement that is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the person signing the application. The person shall be subject to the penalties for making a false affidavit or declaration and shall be accompanied by the required fee.

**324.421. WAIVER OF EXAMINATION, WHEN.** — The [council] **division** shall register without examination any interior designer certified, licensed or registered in another state or territory of the United States or foreign country if the applicant has qualifications which are at least equivalent to the requirements for registration as a registered interior designer in this state and such applicant pays the required fees.

**324.424. FEES — INTERIOR DESIGNER COUNCIL FUND, USE.** — 1. The [council] **division** shall set the amount of the fees authorized by sections 324.400 to 324.439 by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 324.400 to 324.439. All fees required pursuant to sections 324.400 to 324.439 shall be paid to and collected by the division of professional registration and

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transmitted to the department of revenue for deposit in the state treasury to the credit of the "Interior Designer Council Fund", which is hereby created.

2. Notwithstanding the provisions of section 33.080 to the contrary, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation to the council for the preceding fiscal year. The amount, if any, in the fund which shall lapse is the amount in the fund which exceeds the appropriate multiple of the appropriations to the council for the preceding fiscal year.

**324.427. UNLAWFUL USE OF TITLE OF REGISTERED INTERIOR DESIGNER.** — It is unlawful for any person to advertise or indicate to the public that the person is a registered interior designer in this state, unless such person is registered as a registered interior designer by the [council] **division** and is in good standing pursuant to sections 324.400 to 324.439.

**324.430. DESIGNATION AS REGISTERED INTERIOR DESIGNER PROHIBITED, WHEN.** — No person may use the designation registered interior designer in Missouri, unless the [council] **division** has issued a current certificate of registration certifying that the person has been duly registered as a registered interior designer in Missouri and unless such registration has been renewed or reinstated as provided in section 324.418.

**324.436. REFUSAL TO ISSUE, RENEW OR REINSTATE CERTIFICATE, WHEN — COMPLAINT FILED, PROCEDURE.** — 1. The [council] **division** may refuse to issue any certificate required pursuant to sections 324.400 to 324.439, or renew or reinstate any such certificate, for any one or any combination of the reasons stated in subsection 2 of this section. The [council] **division** shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the person's right to file a complaint with the administrative hearing commission as provided in chapter 621.

2. The [council] **division** may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a certificate of registration required by sections 324.400 to 324.439 or any person who has failed to renew or has surrendered the person's certificate of registration for any one or combination of the following reasons:

(1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of the profession regulated by sections 324.400 to 324.439; for any offense for which an essential element is fraud, dishonesty or an act of violence; or for a felony, whether or not sentence is imposed;

(2) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration issued pursuant to sections 324.400 to 324.439 or in obtaining permission to take any examination given or required pursuant to sections 324.400 to 324.439;

(3) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession regulated by sections 324.400 to 324.439;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.400 to 324.439, or of any lawful rule or regulation adopted pursuant to such sections;

(6) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use the person's certificate or diploma from any school;

(7) Disciplinary action against the holder of a certificate of registration or other right to perform the profession regulated by sections 324.400 to 324.439 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(8) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(9) Issuance of a certificate of registration based upon a material mistake of fact;

(10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed, as it relates to the interior design profession.

3. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 536 and chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the [council] **division** shall censure or place the person named in the complaint on probation for a period not to exceed five years or may suspend the person's certificate for a period not to exceed three years or may revoke the person's certificate of registration.

**324.478. MISSOURI ACUPUNCTURIST ADVISORY COMMITTEE CREATED, DUTIES, MEMBERS, TERMS.** — 1. There is hereby created within the division of professional registration a committee to be known as the "Missouri Acupuncturist Advisory Committee". The committee shall consist of five members, all of whom shall be citizens of the United States and registered voters of the state of Missouri. The [governor] **director of the division of professional registration** shall appoint the members of the committee [with the advice and consent of the senate] for terms of four years; except as provided in subsection 2 of this section. Three committee members shall be acupuncturists. Such members shall at all times be holders of licenses for the practice of acupuncture in this state; except for the members of the first committee who shall meet the requirements for licensure pursuant to sections 324.475 to 324.499. One member shall be a current board member of the Missouri state board for chiropractic examiners. The remaining member shall be a public member. All members shall be chosen from lists submitted by the director of the division of professional registration. The president of the Acupuncture Association of Missouri in office at the time shall, at least ninety days prior to the expiration of the term of a board member, other than the public member, or as soon as feasible after a vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five acupuncturists qualified and willing to fill the vacancy in question, with the request and recommendation that the [governor] **director** appoint one of the five persons so listed, and with the list so submitted, the president of the Acupuncture Association of Missouri shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

2. The initial appointments to the committee shall be one member for a term of one year, one member for a term of two years, one member for a term of three years and two members for a term of four years.

3. The public member of the committee shall not be and never has been a member of any profession regulated by the provisions of sections 324.475 to 324.499, or the spouse of any such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by the provisions of sections 324.475 to 324.499 or an activity or organization directly related to the profession regulated pursuant to sections 324.475 to 324.499.

4. Any member of the committee may be removed from the committee by the [governor] **director** for neglect of duty required by law, for incompetency or for unethical or dishonest conduct. Upon the death, resignation, disqualification or removal of any member of the

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committee, the [governor] **director** shall appoint a successor. A vacancy in the office of any member shall only be filled for the unexpired term.

5. The acupuncturist advisory committee shall:

- (1) Review all applications for licensure;
- (2) Advise the board on all matters pertaining to the licensing of acupuncturists;
- (3) Review all complaints and/or investigations wherein there is a possible violation of sections 324.475 to 324.499 or regulations promulgated pursuant thereto and make recommendations and referrals to the board on complaints the committee determines to warrant further action, **which may include a recommendation for prosecuting violations of sections 324.475 to 324.499 to an appropriate prosecuting or circuit attorney;**
- (4) Follow the provisions of the board's administrative practice procedures in conducting all official duties;
- (5) [Recommend for prosecution violations of sections 324.475 to 324.499 to an appropriate prosecuting or circuit attorney;
- (6)] Assist the board, as needed and when requested by the board, in conducting any inquiry or disciplinary proceedings initiated as a result of committee recommendation and referral pursuant to subdivision (3) of this subsection.

**327.313. APPLICATION FOR ENROLLMENT, FORM, CONTENT, FALSE AFFIDAVIT, PENALTY, FEE.** — Applications for enrollment as a land surveyor-in-training shall be typewritten on prescribed forms furnished to the applicant. The application shall contain applicant's statements showing the applicant's education, experience, and such other pertinent information as the board may require[, including but not limited to three letters of reference, one of which shall be from a professional land surveyor who has personal knowledge of the applicant's land surveying education or experience]. Each application shall contain a statement that it is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

**327.321. APPLICATION — FORM — FEE.** — Applications for licensure as a professional land surveyor shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of prior land surveying examinations, if any, and such other pertinent information as the board may require[, including but not limited to three letters of reference from professional land surveyors with personal knowledge of the experience of the applicant's land surveying education or experience]. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

**332.086. ADVISORY COMMISSION FOR DENTAL HYGIENISTS ESTABLISHED, DUTIES, MEMBERS, TERMS, MEETINGS, EXPENSES.** — 1. There is hereby established a five-member "Advisory Commission for Dental Hygienists", composed of dental hygienists appointed by the [governor] **director of the division of professional registration** as provided in subsection 2 of this section and the dental hygienist member of the Missouri dental board, which shall guide, advise and make recommendations to the Missouri dental board. The commission shall:

- (1) Recommend the educational requirements to be registered as a dental hygienist;

- (2) Annually review the practice act of dental hygiene;
- (3) Make recommendations to the Missouri dental board regarding the practice, licensure, examination and discipline of dental hygienists; and
- (4) Assist the board in any other way necessary to carry out the provisions of this chapter as they relate to dental hygienists.

2. The members of the commission shall be appointed by the [governor with the advice and consent of the senate] **director**. Each member of the commission shall be a citizen of the United States and a resident of Missouri for one year and shall be a dental hygienist registered and currently licensed pursuant to this chapter. Members of the commission who are not also members of the Missouri dental board shall be appointed for terms of five years, except for the members first appointed, one of which shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years and one shall be appointed for a term of five years. The dental hygienist member of the Missouri dental board shall become a member of the commission and shall serve a term concurrent with the member's term on the dental board. All members of the initial commission shall be appointed by April 1, 2002. Members shall be chosen from lists submitted [by] **to** the director of the division of professional registration. Lists of dental hygienists submitted to the [governor] **director** may include names submitted to the director of the division of professional registration by the president of the Missouri Dental Hygienists Association.

3. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and a secretary. The commission shall meet in conjunction with the dental board meetings or no more than fourteen days prior to regularly scheduled dental board meetings. Additional meetings shall require a majority vote of the commission. A quorum of the commission shall consist of a majority of its members.

4. Members of the commission shall receive as compensation an amount set by the Missouri dental board not to exceed fifty dollars for each day devoted to the duties of the commission and shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties on the commission and in attending meetings of the Missouri dental board. The Missouri dental board shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts, and to conduct all other business of the commission.

**334.430. ADVISORY COMMISSION FOR ANESTHESIOLOGIST ASSISTANTS ESTABLISHED, DUTIES, MEMBERS, QUALIFICATIONS, TERMS, VACANCIES, COMPENSATION, ANNUAL MEETINGS.** — 1. There is hereby established an "Advisory Commission for Anesthesiologist Assistants" which shall guide, advise and make recommendations to the board. The commission shall be responsible for the ongoing examination of the scope of practice and promoting the continuing role of anesthesiologist assistants in the delivery of health care services. The commission shall assist the board in carrying out the provisions of sections 334.400 to 334.430.

2. The commission shall be appointed no later than July 1, 2005. The commission shall be composed of five members, to be appointed by the [governor, with the advice and consent of the senate] **director of the division of professional registration**, as follows:

- (1) One member of the board;
- (2) One licensed anesthesiologist assistant;
- (3) Two licensed, board-certified anesthesiologists; and
- (4) One lay member.

3. Each licensed anesthesiologist assistant member shall be a citizen of the United States and a resident of this state, and shall be licensed as an anesthesiologist assistant by this state. Each physician member shall be a United States citizen, a resident of this state and have an active license to practice medicine in this state. The lay member shall be a United States citizen and a resident of this state.

4. The licensed anesthesiologist assistant member shall be appointed to serve a three-year term. The anesthesiologist members and lay member shall each be appointed to serve three-year terms, except at the time the commission is created, when one anesthesiologist member will be appointed for a first term of two years while the second anesthesiologist member will be appointed to a three-year term. This will ensure that at least one anesthesiologist member has at least one year's experience as a member of the commission. Neither the anesthesiologist assistant member nor the physician members shall be appointed for more than two consecutive three-year terms.

5. The president of the Missouri Society of Anesthesiologists or its successor in office at the time shall, at least ninety days prior to the expiration of a term of an anesthesiologist assistant member or an anesthesiologist member of the commission or as soon as feasible after such a vacancy on the commission otherwise occurs, submit to the director of the division of professional registration a list, not to exceed five individuals per vacancy, of qualified and willing anesthesiologists or anesthesiologist assistants, respectively, to fill the vacancy in question, with the request and recommendation that the [governor] **director** appoint one of the persons so listed. With the list so submitted, the president of the Missouri Society of Anesthesiologists shall include in a letter of transmittal a description of the method by which the names were chosen by that association.

6. Until such time as eligible anesthesiologist assistant candidates are identified, the anesthesiologist assistant seat may remain vacant or may be filled by a qualified anesthesiologist candidate, at the [governor's] **director's** discretion [with the advice and consent of the senate]. This member may serve no more than two consecutive three-year terms or until an eligible anesthesiologist assistant candidate selected by the [governor with the advice and consent of the senate] **director** from a list provided as outlined above is appointed.

7. Notwithstanding any other provision of law to the contrary, any appointed member of the commission shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule the guidelines for payment. The board shall provide all staff for the commission.

8. The commission shall hold an open annual meeting at which time it shall elect from its membership a chairman and secretary. The commission may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

9. No licensing activity or other statutory requirements shall become effective until expenditures or personnel are specifically appropriated for the purpose of conducting the business as required to administer the provisions of sections 334.400 to 334.430 and the initial rules filed have become effective.

**334.625. ADVISORY COMMISSION FOR PHYSICAL THERAPISTS CREATED — POWERS AND DUTIES — APPOINTMENT, TERMS, EXPENSES, COMPENSATION, STAFF, MEETINGS, QUORUM.** — 1. There is hereby established an "Advisory Commission for Physical Therapists" which shall guide, advise and make recommendations to the board. The commission shall approve the

examination required by section 334.530 and shall assist the board in carrying out the provisions of sections 334.500 to 334.620.

2. The commission shall be appointed no later than October 1, 1989, and shall consist of five members appointed by the [governor with the advice and consent of the senate] **director of the division of professional registration**. Each member shall be a citizen of the United States and a resident of this state and four shall be licensed as physical therapists by this state, and one shall be licensed as a physical therapist assistant by this state. Members shall be appointed to serve three-year terms, except that the first commission appointed shall consist of one member whose term shall be for one year; two members whose terms shall be for three years; and two members whose terms shall be for two years. The president of the Missouri Physical Therapy Association in office at the time shall, at least ninety days prior to the expiration of the term of a commission member or as soon as feasible after a vacancy on the commission otherwise occurs, submit to the director of the division of professional registration a list of five physical therapists if the commission member whose term is expiring is a physical therapist, or five physical therapist assistants if the commission member whose term is expiring is a physical therapist assistant, with the exception that the first commissioner to expire or vacancy created on the commission after August 28, 2007, shall be filled by the appointment of a physical therapist assistant. Each physical therapist and physical therapist assistant on the list submitted to the division of professional registration shall be qualified and willing to fill the vacancy in question, with the request and recommendation that the [governor] **director** appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Physical Therapy Association shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

3. Notwithstanding any other provision of law to the contrary, any appointed member of the commission shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment. All staff for the commission shall be provided by the board of healing arts.

4. The commission shall hold an annual meeting at which it shall elect from its membership a chairman and secretary. The commission may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting must be given to each member at least ten days prior to the date of the meeting. A quorum of the board shall consist of a majority of its members.

**334.749. ADVISORY COMMISSION FOR PHYSICIAN ASSISTANTS, ESTABLISHED, RESPONSIBILITIES — APPOINTMENTS TO COMMISSION, MEMBERS — COMPENSATION — ANNUAL MEETING, ELECTIONS.** — 1. There is hereby established an "Advisory Commission for Physician Assistants" which shall guide, advise and make recommendations to the board. The commission shall also be responsible for the ongoing examination of the scope of practice and promoting the continuing role of physician assistants in the delivery of health care services. The commission shall assist the board in carrying out the provisions of sections 334.735 to 334.749.

2. The commission shall be appointed no later than October 1, 1996, and shall consist of five members, one member of the board, two licensed physician assistants, one physician and one lay member. The two licensed physician assistant members, the physician member and the lay member shall be appointed by the [governor with the advice and consent of the senate] **director of the division of professional registration**. Each licensed physician assistant member shall be a citizen of the United States and a resident of this state, and shall be licensed as a physician assistant by this state. The physician member shall be a United States citizen, a resident of this

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state, have an active Missouri license to practice medicine in this state and shall be a supervising physician, at the time of appointment, to a licensed physician assistant. The lay member shall be a United States citizen and a resident of this state. The licensed physician assistant members shall be appointed to serve three-year terms, except that the first commission appointed shall consist of one member whose term shall be for one year and one member whose term shall be for two years. The physician member and lay member shall each be appointed to serve a three-year term. No physician assistant member nor the physician member shall be appointed for more than two consecutive three-year terms. The president of the Missouri Academy of Physicians Assistants in office at the time shall, at least ninety days prior to the expiration of a term of a physician assistant member of a commission member or as soon as feasible after such a vacancy on the commission otherwise occurs, submit to the director of the division of professional registration a list of five physician assistants qualified and willing to fill the vacancy in question, with the request and recommendation that the [governor] **director** appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Academy of Physicians Assistants shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

3. Notwithstanding any other provision of law to the contrary, any appointed member of the commission shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment. All staff for the commission shall be provided by the state board of registration for the healing arts.

4. The commission shall hold an open annual meeting at which time it shall elect from its membership a chairman and secretary. The commission may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

5. On August 28, 1998, all members of the advisory commission for registered physician assistants shall become members of the advisory commission for physician assistants and their successor shall be appointed in the same manner and at the time their terms would have expired as members of the advisory commission for registered physician assistants.

**335.021. BOARD OF NURSING — MEMBERS' QUALIFICATIONS, APPOINTMENTS, HOW MADE.** — 1. "The Missouri State Board of Nursing" shall consist of nine members, five of whom must be registered professional nurses. [Two members] **One member** of the board [must] **shall be a licensed practical [nurses] nurse, one member shall be an advanced practice registered nurse**, and one member a voting public member. Two of the five registered professional nurses shall hold a graduate degree in nursing, and at least one of the professional nurse members shall represent nursing practice. Any person, other than the public member, appointed to the board as hereinafter provided shall be a citizen of the United States and a resident of this state for a period of at least one year, a licensed nurse in this state, and shall have been actively engaged in nursing for at least three years immediately preceding the appointment or reappointment. Membership on the board shall include representatives with expertise in each level of educational programs the graduates of which are eligible to apply for licensure such as practical, diploma, associate degree, and baccalaureate.

2. The governor shall appoint members to the board by and with the advice and consent of the senate when a vacancy thereon occurs either by the expiration of a term or otherwise; provided,

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however, that any board member shall serve until his or her successor is appointed and qualified. Every appointment except to fulfill an unexpired term shall be for a term of four years, but no person shall be appointed to more than two consecutive terms.

3. At least ninety days before the expiration of a term of a board member, and as soon as feasible after the occurrence of a vacancy on the board for reasons other than the expiration of a term, a list of three licensed and qualified nurses shall be submitted to the director of the division of professional registration. The list shall be submitted by the Missouri Nurses Association if the vacancy is for a registered professional nurse, and by the Missouri State Association of Licensed Practical Nurses if the vacancy is for a licensed practical nurse. The governor may appoint a board member to fill the vacancy from the list submitted, or may appoint some other qualified licensed nurse. This subsection shall not apply to public member vacancies.

4. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

**453.600. FUND CREATED, USE OF MONEYS.** — 1. There is hereby created in the state treasury the "Foster Care and Adoptive Parents Recruitment and Retention Fund" which shall consist of all gifts, donations, transfers, and moneys appropriated by the general assembly, and bequests to the fund. The fund shall maintain no more than the total of the last two years of funding or a minimum of three hundred thousand dollars, whichever is greater. The fund shall be administered by the [foster care and adoptive parents recruitment and retention fund board created in subsection 3 of this section] **Missouri state foster care and adoption board created in section 210.617.**

2. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. [There is hereby created the "Foster Care and Adoptive Parents Recruitment and Retention Fund Board" within the department of social services. The board shall consist of the following members or their designees:

- (1) The director of the department of social services;
- (2) The director of the department of mental health;
- (3) The director of the department of health and senior services;
- (4) The following six members to be appointed by the director of the department of social services:
  - (a) Two representatives of a recognized foster parent association;
  - (b) Two representatives of a licensed child-placing agency; and
  - (c) Two representatives of a licensed residential treatment center.

Members appointed under subdivision (4) of this subsection shall serve three-year terms, subject to reappointment. Of the members initially appointed, three shall be appointed for a two-year term and three shall be appointed three-year terms. All members of the board shall serve without compensation but shall, subject to appropriation, be reimbursed for reasonable and necessary expenses actually incurred in the performance of their official duties as members of the board. The department of social services shall, with existing resources, provide administrative support and current staff as necessary for the effective operation of the board.

4.] Upon appropriation, moneys in the fund shall be used to grant awards to licensed community-based foster care and adoption recruitment programs. The board shall establish guidelines for disbursement of the fund to certain programs. Such programs shall include, but not be limited to, recruitment and retention of foster and adoptive families for children who:

- (1) Have been in out-of-home placement for fifteen months or more;
- (2) Are more than twelve years of age; or
- (3) Are in sibling groups.

Moneys in the fund shall not be subject to appropriation for purposes other than those of evidence-based foster care and adoption programs as designated by the board [established under this section.

5. Under section 23.253 of the Missouri sunset act:

- (1) The provisions of the new fund authorized under this section shall automatically sunset six years after August 28, 2011, unless reauthorized by an act of the general assembly; and
- (2) If such fund is reauthorized, the fund authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and
- (3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the fund authorized under this section is sunset].

**620.1200. MISSOURI FILM COMMISSION ESTABLISHED — MEMBERS — TERMS — COMPENSATION, REIMBURSEMENT — DUTIES — RECOMMENDATIONS SUBMITTED, WHEN. —**

1. There is hereby established the "Missouri Film Commission" to advise the director of the department of economic development on the promotion of the development of film production and facilities in Missouri.

2. The commission shall be composed of [nine members as follows:

- (1) Two members shall be a state senator appointed in a bipartisan manner by the president pro tem of the senate;
- (2) Two members shall be a state representative appointed in a bipartisan manner by the speaker of the house; and
- (3)] five members, who have knowledge and experience with the motion picture industry, **who** shall be appointed by the director of the department of economic development.

3. The members of the [board] **commission** appointed by the director shall be appointed to serve terms of three years; except that, of the members first appointed, two shall be appointed for a term of three years, two shall be appointed for a term of two years and one shall be appointed for a one-year term. [Any legislative member shall serve only as long as such person holds such legislative office. The legislative members shall serve during their current term of office but may be reappointed.]

4. The members of the commission shall receive no compensation for serving on the commission but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

5. The commission shall provide oversight and guidance to the director of the department of economic development in administering the office of the Missouri film commission, established

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in section 620.1210. The commission shall make recommendations to the governor and the general assembly on:

- (1) The removal of barriers so that film production in Missouri may be more easily promoted; and
  - (2) The development of state incentives to attract private investment in film production in the state.
6. The commission shall submit its recommendations by January first of each year, beginning January 1, 1998.

**620.2200. CITATION OF LAW — COMMISSION ESTABLISHED, MEMBERS, MEETINGS — FUND CREATED, USE OF MONEYS — REPORT — TERMINATION DATE. — 1. This section shall be known and may be cited as the "Missouri Route 66 Centennial Commission Act".**

**2. The commission shall be composed of eighteen members who reflect the interests, history, and importance of the communities along Route 66 in Missouri. The members shall be appointed as follows:**

- (1) Two public members appointed by the speaker of the house of representatives;
- (2) Two public members appointed by the minority leader of the house of representatives;
- (3) Two public members appointed by the president pro tempore of the senate;
- (4) Two public members appointed by the minority leader of the senate;
- (5) Three public members appointed by the governor, one of whom shall serve as chairperson; and
- (6) Seven ex officio members as follows:
  - (a) The governor, or his or her designee;
  - (b) The director of the department of transportation, or his or her designee;
  - (c) The director of the department of natural resources, or his or her designee;
  - (d) The director of the division of tourism, or his or her designee;
  - (e) The director of the department of economic development, or his or her designee;
  - (f) The secretary of state, or his or her designee; and
  - (g) The president of the Route 66 Association of Missouri, or his or her designee.

**3. An ex officio member of the commission vacates his or her position on the commission if he or she ceases to hold the position that qualifies the person for service on the commission.**

**4. (1) A public member of the commission is not entitled to compensation but is entitled to reimbursement for the travel expenses incurred by the member while transacting commission business.**

**(2) An ex officio member's service on the commission is an additional duty of the underlying position that qualifies the member for service on the commission. The entitlement of an ex officio member to compensation or reimbursement for travel expenses incurred while transacting commission business is governed by the law that applies to the member's service in that underlying position, and any payment to the member for either purpose shall be made from an appropriation that may be used for the purpose and is available to the state agency that the member serves in that underlying position.**

**5. (1) The commission shall meet at least quarterly at the times and places in this state that the commission designates.**

**(2) A majority of the members of the commission constitutes a quorum for transacting commission business.**

**6. The duties of the commission shall be to:**

- (1) Plan and sponsor official Route 66 centennial events, programs, and activities in the state;**
- (2) Encourage the development of programs designed to involve all citizens in activities that commemorate Route 66 centennial events in the state; and**

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

**(3) To the best of the commission's ability, make available to the public information on Route 66 centennial events happening throughout the state.**

**7. Subject to appropriation, the office of tourism shall provide administrative and other support to the commission.**

**8. (1) The commission may accept monetary gifts and grants from any public or private source, to be held in the Missouri Route 66 centennial commission fund. The Missouri Route 66 centennial commission fund is created as a nonappropriated trust fund to be held outside of the state treasury, with the state treasurer as custodian. The fund shall be expended solely for the use of the commission in performing the commission's powers and duties under this section.**

**(2) The commission may also accept in-kind gifts.**

**9. Before June 30, 2027, a final report on the commission's activities shall be delivered to the governor. The commission shall be dissolved on June 30, 2027, and any moneys remaining in the Missouri Route 66 centennial commission fund shall be deposited in the general revenue fund.**

**10. The provisions of this section terminate on December 1, 2027.**

**633.200. COMMISSION ESTABLISHED, MEMBERS, DUTIES.** — 1. For purposes of this section, the term "autism spectrum disorder" shall be defined as in standard diagnostic criteria for pervasive developmental disorder, to include autistic disorder; Asperger's syndrome; pervasive developmental disorder-not otherwise specified; childhood disintegrative disorder; and Rett's syndrome.

2. There is hereby created the "Missouri Commission on Autism Spectrum Disorders" to be housed within the department of mental health. The department of mental health shall provide technical and administrative support as required by the commission. The commission shall meet on at least four occasions annually, including at least two occasions before the end of December of the first year the commission is fully established. The commission may hold meetings by telephone or video conference. The commission shall advise and make recommendations to the governor, general assembly, and relevant state agencies regarding matters concerning all state levels of autism spectrum disorder services, including health care, education, and other adult and adolescent services.

3. The commission shall be composed of twenty-four members, consisting of the following:

(1) Four members of the general assembly, with two members from the senate and two members from the house of representatives. The president pro tem of the senate shall appoint one member from the senate and the minority leader of the senate shall appoint one member from the senate. The speaker of the house shall appoint one member from the house of representatives and the minority leader of the house shall appoint one member from the house of representatives;

(2) The director of the department of mental health, or his or her designee;

(3) The commissioner of the department of elementary and secondary education, or his or her designee;

(4) The director of the department of health and senior services, or his or her designee;

(5) The director of the department of public safety, or his or her designee;

(6) The commissioner of the department of higher education, or his or her designee;

(7) The director of the department of social services, or his or her designee;

(8) The director of the department of insurance, financial institutions and professional registration, or his or her designee;

(9) Two representatives from different institutions of higher learning located in Missouri;

(10) An individual employed as a director of special education at a school district located in Missouri;

(11) A speech and language pathologist;

(12) A diagnostician;

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- (13) A mental health provider;
- (14) A primary care physician;
- (15) Two parents of individuals with autism spectrum disorder, including one parent of an individual under the age of eighteen and one parent of an individual over the age of eighteen;
- (16) Two individuals with autism spectrum disorder;
- (17) A representative from an independent private provider or nonprofit provider or organization;
- (18) A member of a county developmental disability board.

The members of the commission, other than the members from the general assembly and ex-officio members, shall be appointed by the [governor with the advice and consent of the senate] **director of the department of mental health**. A chair of the commission shall be selected by the members of the commission. Of the members first appointed to the commission by the governor, half shall serve a term of four years and half shall serve a term of two years, and thereafter, members shall serve a term of four years **and may be reappointed**. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the commission shall be filled in the same manner as the original appointment. Members shall serve on the commission without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of mental health.

4. The members of the commission shall consist of a broad representation of Missouri citizens, both urban and rural, who are concerned with the health and quality of life for individuals with autism spectrum disorder.

5. The commission shall make recommendations for developing a comprehensive statewide plan for an integrated system of training, treatment, and services for individuals of all ages with autism spectrum disorder. By July 1, 2009, the commission shall issue preliminary findings and recommendations to the general assembly.

6. In preparing the state plan, the commission shall specifically perform the following responsibilities and report on them accordingly, in conjunction with state agencies and the office of autism services:

(1) Study and report on the means for developing a comprehensive, coordinated system of care delivery across the state to address the increased and increasing presence of autism spectrum disorder and ensure that resources are created, well-utilized, and appropriately spread across the state:

(a) Determine the need for the creation of additional centers for diagnostic excellence in designated sectors of the state, which could provide clinical services, including assessment, diagnoses, and treatment of patients;

(b) Plan for effectively evaluating regional service areas throughout the state and their capacity, including outlining personnel and skills that exist within the service area, other capabilities that exist, and resource needs that may be unmet;

(c) Assess the need for additional behavioral intervention capabilities and, as necessary, the means for expanding those capabilities in a regional service area;

(d) Develop recommendations for expanding these services in conjunction with hospitals after considering the resources that exist in terms of specialty clinics and hospitals, and hospital inpatient care capabilities;

(2) Conduct an assessment of the need for coordinated, enhanced and targeted special education capabilities within each region of the state;

(3) Develop a recommendation for enlisting appropriate universities and colleges to ensure support and collaboration in developing certification or degree programs for students specializing

in autism spectrum disorder intervention. This may include degree programs in education, special education, social work, and psychology; and

- (4) Other responsibilities may include but not be limited to:
  - (a) Provide recommendations regarding training programs and the content of training programs being developed;
  - (b) Recommend individuals to participate in a committee of major stakeholders charged with developing screening, diagnostic, assessment, and treatment standards for Missouri;
  - (c) Participate in recommending a panel of qualified professionals and experts to review existing models of evidence-based educational practices for adaptation specific to Missouri;
  - (d) Examine the barriers to accurate information of the prevalence of individuals with autism spectrum disorder across the state and recommend a process for accurate reporting of demographic data;
  - (e) Explore the need for the creation of interagency councils and evaluation of current councils to ensure a comprehensive, coordinated system of care for all individuals with autism spectrum disorder;
  - (f) Study or explore other developmental delay disorders and genetic conditions known to be associated with autism, including fragile X syndrome; Sotos syndrome; Angelman syndrome; and tuberous sclerosis.

**701.040. STANDARDS FOR SEWAGE TANKS, LATERAL LINES AND OPERATION OF ON-SITE SEWAGE DISPOSAL SYSTEMS, DUTIES OF DEPARTMENT — RULES AUTHORIZED.** — 1. The department of health and senior services shall:

(1) Develop by September 1, 1995, a state standard for the location, size of sewage tanks and length of lateral lines based on the percolation or permeability rate of the soil, construction, installation, and operation of on-site sewage disposal systems. Advice from the department of natural resources shall be considered. City or county governments may adopt, by order or ordinance, the state standard in accordance with the provisions of sections 701.025 to 701.059. In any jurisdiction where a city or county has not adopted the state standard, the department of health and senior services shall enforce the state standard until such time as the city or county adopts the standard;

(2) Define by rule a list of those persons who are qualified to perform the percolation tests or soils morphology tests required by the state standard. The list shall include the following:

- (a) Persons trained and certified by either the department, which shall include on-site sewage disposal system contractors or a certified agent of the department;
- (b) Licensed engineers as defined in section 327.011;
- (c) Sanitarians meeting standards defined by the department;
- (d) Qualified geologists as defined in section 256.501; and
- (e) Soil scientists, defined as a person that has successfully completed at least fifteen semester credit hours of soils science course work, including at least three hours of course work in soil morphology and interpretations;

(3) Develop in accordance with sections 701.053 to 701.055 a voluntary registration program for on-site sewage disposal system contractors. Approved county programs shall implement the contractor registration program. In any area where a county has not adopted, by order or ordinance, the contractor registration program, the department shall implement the program until such time as the county adopts the registration program;

(4) Establish an education training program specifically developed for contractors and city and county employees. Contractors may be taught and allowed to perform percolation tests. Reasonable fees may be charged of the participants to cover the cost of the training and shall be deposited in the public health services fund created in section 192.900. The department shall

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

provide, as a part of the education training program, an installation manual for on-site sewage disposal systems. The manual shall also be made available, at the cost of publication and distribution, to persons not participating in the education and training program;

(5) Periodically review, but not more than annually, any county's or city's ordinance or order and enforcement record to assure that the state standard is being consistently and appropriately enforced. In its review the department shall assess the timeliness of the county's or city's inspections of on-site sewage systems, and county or city enforcement may be terminated if the department determines that the county or city is unable to provide prompt inspections. If the department determines that the standard is not being consistently or appropriately enforced in any city or county, the department shall notify the county or city of the department's intent to enforce the standard in that jurisdiction and after thirty days' notice hold a public hearing in such county or city to make a determination as to whether the state shall enforce the state standard. Any city or county aggrieved by a decision of the department may appeal a decision of the department to the state board of health **and senior services** established under section 191.400. Any city or county aggrieved by a decision of the state board of health **and senior services** may appeal that decision to the administrative hearing commission in the manner provided in section 621.120; and

(6) Promulgate such rules and regulations as are necessary to carry out the provisions of sections 701.025 to 701.059.

2. Subdivision (5) of this section shall be void and of no effect after January 1, 1998.

**701.353. ELEVATOR SAFETY BOARD ESTABLISHED, APPOINTMENT, TERMS, VACANCIES, QUALIFICATIONS — MEETINGS CALLED WHEN, CHAIRMAN HOW ELECTED, QUORUM, EXPENSES.** — 1. There is hereby established an "Elevator Safety Board" to be composed of eleven members, one of whom shall be the director of the department of public safety. The remaining ten members of the board shall be appointed by the governor with the advice and consent of the senate. Each member appointed by the governor shall be appointed for a term of five years or until his successor is appointed. The governor shall fill any vacancy on the board for the remainder of the unexpired term with a representative of the same interest as that of the member whose term is vacant. No more than six members of the board, who are not employees of state or local government, shall be members of the same political party.

2. Two members of the board shall represent the interests of labor and shall be involved in the elevator industry. Two members of the board shall be representatives of manufacturers of elevators used in this state. One member of the board shall be an architect or mechanical engineer. One member of the board shall be a representative of owners of buildings affected by sections 701.350 to 701.380. Two members shall be building officials [with]; **one of which having** responsibility for administering elevator regulations[, one from each municipality having a population of at least three hundred fifty thousand inhabitants]. One member of the board shall be a representative of the disabled community who is familiar with the provisions of the Federal Americans with Disabilities Act. One member shall be a representative of the special inspectors.

3. The director of the department shall call the first meeting of the board within sixty days after all members have been appointed and qualified. The members from among their membership shall elect a chairman. After the initial meeting the members shall meet at the call of the chairman, but shall meet at least four times per year. Six members of the board shall constitute a quorum.

4. The members of the board shall serve without pay, but they shall receive per diem expenses in an equivalent amount as allowed for members of the general assembly.

**[160.2100. CITATION OF LAW — TASK FORCE CREATED, MEMBERS, DUTIES — REPORTS.**

- 1. Sections 160.2100 and 160.2110 shall be known and may be cited as "Erin's Law".
2. The "Task Force on the Prevention of Sexual Abuse of Children" is hereby created to study the issue of sexual abuse of children. The task force shall consist of all of the following members:
- (1) One member of the general assembly appointed by the president pro tem of the senate;
  - (2) One member of the general assembly appointed by the minority floor leader of the senate;
  - (3) One member of the general assembly appointed by the speaker of the house of representatives;
  - (4) One member of the general assembly appointed by the minority leader of the house of representatives;
  - (5) The director of the department of social services or his or her designee;
  - (6) The commissioner of education or his or her designee;
  - (7) The director of the department of health and senior services or his or her designee;
  - (8) The director of the office of prosecution services or his or her designee;
  - (9) A representative representing law enforcement appointed by the governor;
  - (10) Three active teachers employed in Missouri appointed by the governor;
  - (11) A representative of an organization involved in forensic investigation relating to child abuse in this state appointed by the governor;
  - (12) A school superintendent appointed by the governor;
  - (13) A representative of the state domestic violence coalition appointed by the governor;
  - (14) A representative from the juvenile and family court appointed by the governor;
  - (15) A representative from Missouri Network of Child Advocacy Centers appointed by the governor;
  - (16) An at-large member appointed by the governor.
3. Members of the task force shall be individuals who are actively involved in the fields of the prevention of child abuse and neglect and child welfare. The appointment of members shall reflect the geographic diversity of the state.
4. The task force shall elect a presiding officer by a majority vote of the membership of the task force. The task force shall meet at the call of the presiding officer.
5. The task force shall make recommendations for reducing child sexual abuse in Missouri. In making those recommendations, the task force shall:
- (1) Gather information concerning child sexual abuse throughout the state;
  - (2) Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations; and
  - (3) Create goals for state policy that would prevent child sexual abuse.
6. The recommendations may include proposals for specific statutory changes and methods to foster cooperation among state agencies and between the state and local government.
7. The task force shall consult with employees of the department of social services, the department of public safety, department of elementary and secondary education, and any other state agency, board, commission, office, or department as necessary to accomplish the task force's responsibilities under this section.
8. The members of the task force shall serve without compensation and shall not be reimbursed for their expenses.
9. Beginning January 1, 2014, the department of elementary and secondary education, in collaboration with the task force, shall make yearly reports to the general assembly on the department's progress in preventing child sexual abuse.]

**[160.2110. ADOPTION AND IMPLEMENTATION OF POLICY, CONTENT. — 1. The task force on the prevention of sexual abuse of children established in section 160.2100 may adopt and implement a policy addressing sexual abuse of children that may include:**

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- (1) Age-appropriate curriculum for students in pre-K through fifth grade;
  - (2) Training for school personnel on child sexual abuse;
  - (3) Educational information to parents or guardians provided in the school handbook on the warning signs of a child being abused, along with any needed assistance, referral, or resource information;
  - (4) Available counseling and resources for students affected by sexual abuse; and
  - (5) Emotional and educational support for a child of abuse to continue to be successful in school.
2. Any policy adopted may address without limitation:
- (1) Methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse;
  - (2) Actions that a child who is a victim of sexual abuse could take to obtain assistance and intervention; and
  - (3) Available counseling options for students affected by sexual abuse.]

**[192.240. STATE HOSPITAL ADVISORY COUNCIL CREATED — APPOINTMENT — QUALIFICATIONS — TERMS — DIRECTOR OF HEALTH AND SENIOR SERVICES TO APPROVE APPLICATIONS FOR FEDERAL ASSISTANCE. —** 1. There is created a "State Hospital Advisory Council" of ten members who shall be appointed by the governor by and with the consent of the senate.

2. The advisory council shall be composed of citizens who have resided in this state not less than five years immediately prior to their appointment and shall include two members representing nongovernmental organizations or groups, two members representing state governmental agencies concerned with the operation, construction or utilization of hospital or other facilities for the diagnosis, prevention or treatment of illness or disease or for the provision of rehabilitation services, one member particularly concerned with the education or training of health professions personnel and five members who are representatives of consumers familiar with the need for the services provided by such facilities.

3. Each member of the advisory council shall serve for a term of two years from and after his appointment and confirmation.

4. The members of the council shall not receive any compensation for their services but shall be reimbursed for actual and necessary travel and subsistence expenses incurred when acting officially as members of the advisory council.

5. The state board of health is empowered to consult with the department of health and senior services on the official state plan for construction and modernization of hospitals and other medical facilities, as well as with state agencies and nongovernmental organizations or groups concerned with rehabilitation services.

6. The director of the department of health and senior services will approve such applications for federal assistance in the construction and modernization of hospitals and other medical facilities as may be considered advisable after consultation with the state board of health.]

**[192.2030. STATE BOARD OF SENIOR SERVICES CREATED, MEMBERS, TERMS, DUTIES. —**

1. There is hereby created a "State Board of Senior Services" which shall consist of seven members, who shall be appointed by the governor, by and with the advice and consent of the senate. No member of the state board of senior services shall hold any other office or employment under the state of Missouri other than in a consulting status relevant to the member's professional status, licensure or designation. Not more than four of the members of the state board of senior services shall be from the same political party.

2. Each member shall be appointed for a term of four years; except that of the members first appointed, two shall be appointed for a term of one year, two for a term of two years, two for a term of three years and one for a term of four years. The successors of each shall be appointed for full terms of four years. No person may serve on the state board of senior services for more than two terms. The terms of all members shall continue until their successors have been duly appointed and qualified. One of the persons appointed to the state board of senior services shall be a person currently working in the field of gerontology. One of the persons appointed to the state board of senior services shall be a physician with expertise in geriatrics. One of the persons appointed to the state board of senior services shall be a person with expertise in nutrition. One of the persons appointed to the state board of senior services shall be a person with expertise in rehabilitation services of persons with disabilities. One of the persons appointed to the state board of senior services shall be a person with expertise in mental health issues. In making the two remaining appointments, the governor shall give consideration to individuals having a special interest in gerontology or disability-related issues, including senior citizens. Four of the seven members appointed to the state board of senior services shall be members of the governor's advisory council on aging. If a vacancy occurs in the appointed membership, the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The members shall receive actual and necessary expenses plus twenty-five dollars per day for each day of actual attendance.

3. The board shall elect from among its membership a chairman and a vice chairman, who shall act as chairman in his or her absence. The board shall meet at the call of the chairman. The chairman may call meetings at such times as he or she deems advisable, and shall call a meeting when requested to do so by three or more members of the board.

4. The state board of senior services shall advise the department of health and senior services in the:

- (1) Promulgation of rules and regulations by the department of health and senior services;
- (2) Formulation of the budget for the department of health and senior services; and
- (3) Planning for and operation of the department of health and senior services.]

**[194.409. UNMARKED HUMAN BURIAL CONSULTATION COMMITTEE, ESTABLISHED — SEVEN MEMBERS, QUALIFICATIONS — STATE HISTORIC PRESERVATION OFFICER, CHAIRMAN — MEETINGS, WHEN — MEMBERS SERVE WITHOUT REMUNERATION — EXPENSES — FEDERAL LAW. — 1.** There is hereby created in the department of natural resources, an "Unmarked Human Burial Consultation Committee", which shall be composed of seven members to be appointed by the governor with the advice and consent of the senate. The members of the committee shall be appointed as follows: the state historic preservation officer, two members who are archaeologists or skeletal analysts, two native Americans who are members of an Indian tribe recognized by the United States of America, one member who is a non-Indian minority, and one non-Indian, non-minority member who is neither a professional archaeologist nor a skeletal analyst. Members of the committee shall be residents of the state of Missouri.

2. The state historic preservation officer shall be chairman of the committee and shall serve a term which is contemporaneous with his employment as director of the department of natural resources. The terms of all other members of the committee shall be three years.

3. The committee shall meet at least once each calendar year, but may meet more often at the request of the state historic preservation officer.

4. The members of the committee shall serve voluntarily and shall not receive compensation for membership on the committee, except that they shall be eligible to receive reimbursement for

transportation expenses as provided for through the budget approved for the office of the state historic preservation officer.

5. All actions and decisions of the state historic preservation officer and the unmarked human burial consultation committee shall be in conformity with the provisions of the federal National Historic Preservation Act of 1966, as amended.]

**[208.197. PROFESSIONAL SERVICES PAYMENT COMMITTEE ESTABLISHED, MEMBERS, DUTIES.** — 1. The "Professional Services Payment Committee" is hereby established within the MO HealthNet division to develop and oversee the pay-for-performance payment program guidelines under section 208.153. The members of the committee shall be appointed by the governor no later than December 31, 2007, and shall be subject to the advice and consent of the senate. The committee shall be composed of eighteen members, geographically balanced, including nine physicians licensed to practice in this state, two patient advocates and the attorney general, or his or her designee. The remaining members shall be persons actively engaged in hospital administration, nursing home administration, dentistry, and pharmaceuticals. The members of the committee shall receive no compensation for their services other than expenses actually incurred in the performance of their official duties.

2. The MO HealthNet division shall maintain the pay-for-performance payment program in a manner that ensures quality of care, fosters the relationship between the patient and the provider, uses accurate data and evidence-based measures, does not discourage providers from caring for patients with complex or high-risk conditions, and provides fair and equitable program incentives.]

**[217.900. MISSOURI STATE PENITENTIARY REDEVELOPMENT COMMISSION CREATED — QUALIFICATION OF MEMBERS — NO ELECTED OFFICIAL MAY SERVE, CHAIRPERSON APPOINTED BY GOVERNOR.** — 1. There is hereby established the "Missouri State Penitentiary Redevelopment Commission".

2. The commission shall consist of ten commissioners who shall be qualified voters of the state of Missouri. Three commissioners, no more than two of whom shall belong to the same political party, shall be residents of Jefferson City and shall be appointed by the mayor of that city with the advice and consent of the governing body of that city; three commissioners, no more than two of whom shall belong to the same political party, shall be residents of Cole County but not of Jefferson City and shall be appointed by the county commission; and four commissioners, no more than three of whom shall belong to the same political party, none of whom shall be residents of Cole County or of Jefferson City, shall be appointed by the governor with the advice and consent of the senate. The governor shall appoint one of the commissioners who is not a resident of Cole County or Jefferson City to be the chair of the commission. No elected official of the state of Missouri or of any city or county in this state shall be appointed to the commission.]

**[217.903. TERMS OF COMMISSION — VACANCIES, HOW FILLED — MEMBERS TO SERVE WITHOUT COMPENSATION, EXPENSES TO BE PAID.** — The commissioners shall serve for terms of three years, except that the first person appointed by each the mayor, the county commission and the governor shall serve for two years and the second person appointed by the governor shall serve for four years. Each commissioner shall hold office until a successor has been appointed and qualified. In the event a vacancy exists or in the event a commissioner's term expires, a successor commissioner shall be appointed by whomever appointed the commissioner who initially held the vacant positions and if no person is so selected within sixty days of the creation of the vacancy, the unexpired term of such commissioner may be filled by a majority vote of the remainder of the

commissioners, provided such successor commissioner shall meet the requirements set forth by sections 217.900 to 217.910. Pending any such appointment to fill any vacancy, the remaining commissioners may conduct commission business. Commissioners shall serve without compensation but shall be entitled to reimbursement from the Missouri state penitentiary redevelopment commission fund established in subsection 1 of section 217.910 for expenses incurred in conducting the commission's business.]

**[217.905. POWERS AND DUTIES OF COMMISSION — AUTHORITY TO HIRE EMPLOYEES AND SET SALARIES — STATE NOT LIABLE FOR DEFICIENCIES OR DEBTS OF COMMISSION — MISSOURI STATE PENITENTIARY COMMISSION DEEMED A STATE COMMISSION. — 1.** The commission shall have the following powers:

(1) To acquire title to the property historically utilized as the Missouri state penitentiary and to acquire by gift or bequest from public or private sources property adjacent thereto and necessary or appropriate to the successful redevelopment of the Missouri state penitentiary property;

(2) To lease or sell real property to developers who will utilize the property consistent with the master plan for the property and to hold proceeds from such transactions outside the state treasury;

(3) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(4) To hire employees necessary to perform the commission's work;

(5) To contract and to be contracted with, including, but without limitation, the authority to enter into contracts with cities, counties and other political subdivisions, agencies of the state of Missouri and public agencies pursuant to sections 70.210 to 70.325 and otherwise, and to enter into contracts with other entities, in connection with the acquisition by gift or bequest and in connection with the planning, construction, financing, leasing, subleasing, operation and maintenance of any real property or facility and for any other lawful purpose, and to sue and to be sued;

(6) To receive for its lawful activities contributions or moneys appropriated or otherwise designated for payment to the authority by municipalities, counties, state or other political subdivisions or public agencies or by the federal government or any agency or officer thereof or from any other sources and to apply for grants and other funding and deposit those funds in the Missouri state penitentiary redevelopment fund;

(7) To disburse funds for its lawful activities and fix salaries and wages of its employees;

(8) To invest any of the commission's funds in such types of investments as shall be determined by a resolution adopted by the commission;

(9) To borrow money for the acquisition, construction, equipping, operation, maintenance, repair, remediation or improvement of any facility or real property to which the commission holds title and for any other proper purpose, and to issue negotiable notes, bonds and other instruments in writing as evidence of sums borrowed;

(10) To perform all other necessary and incidental functions, and to exercise such additional powers as shall be conferred by the general assembly; and

(11) To purchase insurance, including self-insurance, of any property or operations of the commission or its members, directors, officers and employees, against any risk or hazard, and to indemnify its members, agents, independent contractors, directors, officers and employees against any risk or hazard. The commission is specifically authorized to purchase insurance from the Missouri public entity risk management fund and is hereby determined to be a public entity as defined in section 537.700.

2. In no event shall the state be liable for any deficiency or indebtedness incurred by the commission.

3. The Missouri state penitentiary redevelopment commission is a state commission for purposes of section 105.711 and all members of the commission shall be entitled to coverage under the state legal expense fund.]

**[217.907. INCOME AND PROPERTIES OWNED BY COMMISSION EXEMPT FROM STATE TAXES.** — The income of the commission and all properties any time owned by the authority shall be exempt from all taxation in the state of Missouri.]

**[217.910. MISSOURI STATE PENITENTIARY REDEVELOPMENT COMMISSION FUND CREATED.** — 1. There is hereby created in the state treasury the "Missouri State Penitentiary Redevelopment Commission Fund", which shall consist of money collected pursuant to sections 217.900 to 217.910. The fund shall be administered by the Missouri state penitentiary redevelopment commission. Money in the fund shall be used solely for the purposes of the Missouri state penitentiary redevelopment commission.

2. Notwithstanding the provisions of section 33.080, no portion of the fund shall be transferred to the general revenue fund, and any appropriation made to the fund shall not lapse. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

3. Upon the dissolving of the commission, any funds remaining in the Missouri state penitentiary commission fund shall be transferred to the general revenue fund.]

**[253.412. MISSOURI ADVISORY COUNCIL ON HISTORIC PRESERVATION TRANSFERRED TO DEPARTMENT OF NATURAL RESOURCES.** — The Missouri advisory council on historic preservation established by executive order 81-11, pursuant to the historic preservation act of 1966, and the regulations promulgated thereunder, is hereby transferred by a type III transfer to the department of natural resources.]

**[288.475. MISSOURI STATE UNEMPLOYMENT COUNCIL CREATED, MEMBERS, MEETINGS, TERMS, DUTIES — PROPOSALS SUBMITTED TO DIVISION, WHEN — ACCESS TO RECORDS — OUTSIDE STUDY AUTHORIZED.** — 1. There is hereby created a "Missouri State Unemployment Council". The council shall consist of nine appointed voting members and two appointed nonvoting members. All appointees shall be persons whose training and experience qualify them to deal with the difficult problems of unemployment compensation, particularly legal, accounting, actuarial, economic, and social aspects of unemployment compensation.

(1) Three voting members shall be appointed to the council by the governor. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation.

(2) Three voting members and one nonvoting member shall be appointed to the council by the speaker of the house of representatives. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers that employ twenty or less employees. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation. One nonvoting member shall be appointed from the house of representatives.

(3) Three voting members and one nonvoting member shall be appointed to the council by the president pro tem of the senate. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation. One nonvoting member shall be appointed from the senate.

2. The council shall organize itself and select a chairperson or cochairpersons and other officers from the nine voting members. Six voting members shall constitute a quorum and the council shall act only upon the affirmative vote of at least five of the voting members. The council shall meet no less than four times yearly. Members of the council shall serve without compensation, but are to be reimbursed the amount of actual expenses. Actual expenses shall be paid from the special employment security fund under section 288.310.

3. The division shall provide professional and clerical assistance as needed for regularly scheduled meetings.

4. Each nonvoting member shall serve for a term of four years or until he or she is no longer a member of the general assembly whichever occurs first. A nonvoting member's term shall be a maximum of four years. Each voting member shall serve for a term of three years. For the initial appointment, the governor-appointed employer representative, the speaker of the house-appointed employee representative, and the president pro tem of the senate-appointed public interest representative shall serve an initial term of one year. For the initial appointment, the governor-appointed employee representative, the speaker of the house-appointed public interest representative, and the president pro tem of the senate-appointed employer representative shall serve an initial term of two years. At the end of a voting member's term he or she may be reappointed; however, he or she shall serve no more than two terms excluding the initial term for a maximum of eight years.

5. The council shall advise the division in carrying out the purposes of this chapter. The council shall submit annually by January fifteenth to the governor and the general assembly its recommendations regarding amendments to this chapter, the status of unemployment insurance, the projected maintenance of the solvency of unemployment insurance, and the adequacy of unemployment compensation.

6. The council shall present to the division every proposal of the council for changes in this chapter and shall seek the division's concurrence with the proposal. The division shall give careful consideration to every proposal submitted by the council for legislative or administrative action and shall review each legislative proposal for possible incorporation into department of labor and industrial relations' recommendations.

7. The council shall have access to only the records of the division that are necessary for the administration of this chapter and to the reasonable services of the employees of the division. It may request the director or any of the employees appointed by the director or any employee subject to this chapter to appear before it and to testify relative to the functioning of this chapter and to other relevant matters. The council may conduct research of its own, make and publish reports, and recommend to the division needed changes in this chapter or in the rules of the division as it considers necessary.

8. The council, unless prohibited by a concurrent resolution of the general assembly, shall be authorized to commission an outside study of the solvency, adequacy, and staffing and operational efficiency of the Missouri unemployment system. The study shall be conducted every five years,

the first being conducted in fiscal year 2005. The study shall be funded subject to appropriation from the special employment security fund under section 288.310.]

Approved June 1, 2018

SCS SB 862

**Enacts provisions relating to electrical contractors.**

AN ACT to repeal sections 324.920 and 324.925, RSMo, and to enact in lieu thereof two new sections relating to electrical contractors.

SECTION

- A. Enacting clause.  
 324.920 Application requirements — grandfather provision — employee licensing requirements.  
 324.925 Political subdivisions to recognize statewide licensure — permissible acts by political subdivisions.

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

**SECTION A. ENACTING CLAUSE.** — Sections 324.920 and 324.925, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 324.920 and 324.925, to read as follows:

**324.920. APPLICATION REQUIREMENTS — GRANDFATHER PROVISION — EMPLOYEE LICENSING REQUIREMENTS.** — 1. The applicant for a statewide electrical contractor's license shall satisfy the following requirements:

- (1) Be at least twenty-one years of age;
- (2) Provide proof of liability insurance in the amount of five hundred thousand dollars, and post a bond with each political subdivision in which he or she will perform work, as required by that political subdivision;
- (3) Pass a standardized and nationally accredited electrical assessment examination that has been created and administered by a third party and that meets current national industry standards, as determined by the division;
- (4) Pay for the costs of such examination; and
- (5) Have completed one of the following:
  - (a) Twelve thousand verifiable practical hours installing equipment and associated wiring;
  - (b) Ten thousand verifiable practical hours installing equipment and associated wiring and have received an electrical journeyman certificate from a United States Department of Labor-approved electrical apprenticeship program;
  - (c) Eight thousand verifiable practical hours installing equipment and associated wiring and have received an associate's degree from a state-accredited program; or
  - (d) Four thousand verifiable practical hours supervising the installation of equipment and associated wiring and have received a four-year electrical engineering degree.

2. Electrical contractors who hold an electrical contractor **or master electrician occupational or business** license [in good standing that was] issued by any [authority] **political subdivision** in this state [that required prior to January 1, 2018, the passing of a] **shall be eligible for a statewide license if the applicant:**

**(1) Provides evidence of having passed a** standardized [and nationally accredited] written electrical assessment examination that is based upon the National Electrical Code **and**

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

**administered by an independent competent professional testing agency not affiliated with a political subdivision or the state of Missouri; [and who have completed]**

**(2) Provides evidence of twelve thousand hours of verifiable practical experience [shall be issued a statewide license] or evidence of having been licensed by any Missouri political subdivision that requires examination as specified in subdivision (1) of this subsection as an electrical contractor or master electrician for six of the previous eight calendar years;**

**(3) Provides proof of insurance as required by this chapter; and**

**(4) Provides proof that the local license was current and active and not subject to discipline on the date the applicant applied for a statewide license.**

The provisions of this subsection shall apply only to electrical contractor licenses issued by a political subdivision with the legal authority to issue such licenses.

3. [Each] **If a corporation, firm, institution, organization, company, or representative thereof [engaging] desires to engage in electrical contracting licensed under this chapter, then it shall have in its employ, at a supervisory level, at least one electrical contractor who possesses a statewide license in accordance with sections 324.900 to 324.945. A statewide licensed electrical contractor shall represent only one firm, company, corporation, institution, or organization at one time.**

4. Any person operating as an electrical contractor in a political subdivision that does not require the contractor to hold a local license, **or that operates as an electrical contractor in a political subdivision that requires a local license possessed by that person,** shall not be required to possess a statewide license under sections 324.900 to 324.945 to continue to operate as an electrical contractor in such political subdivision.

5. The division may negotiate reciprocal agreements with other states, the District of Columbia, or territories of the United States which require standards for licensure, registration, or certification considered to be equivalent or more stringent than the requirements for licensure under sections 324.900 to 324.945.

**324.925. POLITICAL SUBDIVISIONS TO RECOGNIZE STATEWIDE LICENSURE — PERMISSIBLE ACTS BY POLITICAL SUBDIVISIONS. — 1. Political subdivisions shall not be prohibited from establishing their own local electrical contractor's license, but shall recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within such political subdivision. No political subdivision shall require the holder of a statewide license to obtain a local business or occupation license that requires passing of any examination or any special requirements to assess proficiency or mastery of the electrical trades. The holder of a statewide license shall be deemed eligible to perform electrical contracting work and to obtain permits to perform said work from any political subdivision within the state of Missouri.**

2. If a political subdivision does not recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within the political subdivision, then a statewide licensee may file a complaint with the division. The division shall perform an investigation into the complaint, and if the division finds that the political subdivision failed to recognize a statewide license in accordance with this section, then the division shall notify the political subdivision that the political subdivision has violated the provisions of this section and has thirty days to comply with the law. If after thirty days the political subdivision still does not recognize a statewide license, then the division shall notify the director of the department of revenue who shall withhold any moneys the noncompliant political subdivision would otherwise be entitled to from local sales tax as defined in section 32.085 until the director has

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received notice from the division that the political subdivision is in compliance with this section. Upon the political subdivision coming into compliance with the provisions of this section, the division shall notify the director of the department of revenue who shall disburse all funds held under this subsection. Moneys held by the director of the department of revenue under this subsection shall not be deemed to be state funds and shall not be commingled with any funds of the state.

3. The provisions of this section shall not prohibit any political subdivision in this state from:

- (1) Enforcing any code or law contained in this section;
- (2) Implementing an electrical code based upon the National Electrical Code;
- (3) Issuing an electrical contractor license or communication contractor license valid for that political subdivision;
- (4) Requiring a business license to perform electrical contracting work;
- (5) Issuing electrical contracting permits;
- (6) Enforcing codes of the political subdivision;
- (7) Inspecting the work of a statewide license holder; and
- (8) Licensing electricians provided that such licenses are based upon professional experience and passage of a nationally accredited Electrical Assessment Examination that is administered on a routine and accessible schedule.

4. Political subdivisions that do not have the authority to issue or require electrical licenses prior to August 28, 2017, shall not be granted such authority under the provisions of this section.

Approved June 1, 2018

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CCS HCS SS SB 870

**Enacts provisions relating to emergency services.**

AN ACT to repeal sections 99.848, 100.050, 100.059, 105.666, 135.090, 173.260, 190.094, 190.100, 190.101, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 191.630, 287.243, 320.086, 353.110, and 577.029, RSMo, and to enact in lieu thereof forty-one new sections relating to emergency services, with existing penalty provisions.

SECTION

- A. Enacting clause.
- 44.098 Law enforcement mutual-aid region, critical incidents — request for aid, response, Kansas and Oklahoma — notice to revisor, when (Jasper and Newton counties).
- 99.848 Emergency services district and certain counties, reimbursement from special allocation fund authorized, when — rate set by board.
- 100.050 Approval of plan by governing body of municipality — information required — additional information required, when — payments in lieu of taxes, applied how — reimbursement, when.
- 100.059 Notice of proposed project for industrial development, when, contents — limitation on indebtedness, inclusions — applicability, limitation.
- 105.666 Board member education program, curriculum, requirements — annual pension benefit statement required.
- 135.090 Income tax credit for surviving spouses of public safety officers — sunset provision.
- 173.260 Public service officers and employees disabled or killed in the line of duty, survivor's and disabled employee's educational grant program, requirements, limitations.
- 190.094 Minimum ambulance staffing — volunteer defined.
- 190.100 Definitions.

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

- 190.101 State advisory council on emergency medical services, members, purpose, duties — subcommittee established, duties.
- 190.103 Regional EMS medical director, powers, duties — considered public official, when — online telecommunication medical direction permitted — treatment protocols for special needs patients.
- 190.105 Ambulance license required, exceptions — operation of ambulance services — sale or transfer of ownership, notice required.
- 190.131 Certification of training entities.
- 190.142 Emergency medical technician license — rules.
- 190.143 Temporary emergency medical technician license granted, when — limitations — expiration.
- 190.147 Behavioral health patients — temporary hold, when — memorandum of understanding, contents — physical restraints, use of.
- 190.165 Suspension or revocation of licenses, grounds for — procedure.
- 190.173 Confidentiality of information.
- 190.196 Employer to comply with requirements of licensure — report of charges filed against licensee, when.
- 190.246 Epinephrine auto-injector, possession and use limitations — definitions — use of device considered first aid — violations, penalty.
- 190.900 REPLICA enacted — definitions.
- 190.903 Home state licensure.
- 190.906 Compact privilege to practice.
- 190.909 Conditions of practice in a remote state.
- 190.912 Relationship to emergency management assistance compact.
- 190.915 Veterans, service members separating from active duty military, and their spouses.
- 190.918 Adverse actions.
- 190.921 Additional powers invested in a member state's EMS authority.
- 190.924 Establishment of the interstate commission for EMS personnel practice.
- 190.927 Coordinated database.
- 190.930 Rulemaking.
- 190.933 Oversight, dispute resolution, and enforcement.
- 190.936 Date of implementation of the interstate commission for EMS personnel practice and associated rules, and amendment.
- 190.939 Construction and severability.
- 191.630 Definitions.
- 217.151 Restraints, use of on pregnant offenders — definitions — extraordinary circumstances — requirements.
- 287.243 Line of duty compensation — definitions — claim procedure — distribution — no subrogation rights for employers or insurers — grievance procedures — sunset date — fund created, use of moneys — rulemaking authority.
- 320.086 Access to closed arrest records not authorized — attorney-client privilege not restricted or waived — health information, closed record.
- 353.110 Real property exempt from taxation — limitation.
- 577.029 Blood alcohol content tests, how made, by whom, when — person tested to receive certain information, when.
- 590.1040 Peer support counseling session communications, confidentiality of — definitions — applicability.

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

**SECTION A. ENACTING CLAUSE.** — Sections 99.848, 100.050, 100.059, 105.666, 135.090, 173.260, 190.094, 190.100, 190.101, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 191.630, 287.243, 320.086, 353.110, and 577.029, RSMo, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 44.098, 99.848, 100.050, 100.059, 105.666, 135.090, 173.260, 190.094, 190.100, 190.101, 190.103, 190.105, 190.131, 190.142, 190.143, 190.147, 190.165, 190.173, 190.196, 190.246, 190.900, 190.903, 190.906, 190.909, 190.912, 190.915, 190.918, 190.921, 190.924, 190.927, 190.930,

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Matter in bold-face type is proposed language.

190.933, 190.936, 190.939, 191.630, 217.151, 287.243, 320.086, 353.110, 577.029, and 590.1040, to read as follows:

**44.098. LAW ENFORCEMENT MUTUAL-AID REGION, CRITICAL INCIDENTS — REQUEST FOR AID, RESPONSE, KANSAS AND OKLAHOMA — NOTICE TO REVISOR, WHEN (JASPER AND NEWTON COUNTIES).** — 1. As used in this section, the following terms mean:

- (1) "Critical incident", an incident that could result in serious physical injury or loss of life;
- (2) "Kansas border county", the county of Cherokee;
- (3) "Law enforcement mutual aid region", the counties of Jasper and Newton, including the Joplin metropolitan area, and the Kansas border county and Oklahoma border counties, as defined in this section;
- (4) "Missouri border counties", the counties of Jasper and Newton;
- (5) "Oklahoma border counties", the counties of Ottawa and Delaware.

2. All law enforcement officers in the law enforcement mutual aid region shall be permitted in critical incidents to respond to lawful requests for aid in any other jurisdiction in the law enforcement mutual aid region.

3. The on-scene incident commander, as defined by the National Incident Management System, shall have the authority to make a request for assistance in a critical incident and shall be responsible for on-scene management until command authority is transferred to another person.

4. In the event that an officer makes an arrest or apprehension outside his or her home state, the offender shall be delivered to the first officer who is commissioned in the jurisdiction in which the arrest was made.

5. For the purposes of liability, all members of any political subdivision or public safety agency responding under operational control of the requesting political subdivision or public safety agency are deemed employees of such responding political subdivision or public safety agency and are subject to the liability and workers' compensation provisions provided to them as employees of their respective political subdivision or public safety agency. Qualified immunity, sovereign immunity, official immunity, and the public duty rule shall apply to the provisions of this section as interpreted by the federal and state courts of the responding agency.

6. If the director of the Missouri department of public safety determines that the state of Kansas has enacted legislation or the governor of Kansas has issued an executive order or similar action that permits the Kansas border county to enter into a similar mutual aid agreement as described under this section, then the director shall execute and deliver to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a written certification of such determination. Upon the execution and delivery of such written certification and the parties receiving such certification providing a unanimous written affirmation, the provisions of this section shall be effective, unless otherwise provided by law.

7. If the director of the Missouri department of public safety determines that the state of Oklahoma has enacted legislation or the governor of Oklahoma has issued an executive order or similar action that permits Oklahoma border counties to enter into a similar mutual aid agreement as described under this section, then the director shall execute and deliver to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a written certification of such determination. Upon the execution and delivery of such written certification and the parties receiving such certification providing a unanimous written affirmation, the provisions of this section shall be effective, unless otherwise provided by law.

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8. The director of the Missouri department of public safety shall notify the revisor of statutes of any changes that would render the provisions of this section effective.

**99.848. EMERGENCY SERVICES DISTRICT AND CERTAIN COUNTIES, REIMBURSEMENT FROM SPECIAL ALLOCATION FUND AUTHORIZED, WHEN — RATE SET BY BOARD. — 1.** Notwithstanding subsection 1 of section [99.847] **99.845**, any district or county imposing a property tax for the purposes of providing emergency services pursuant to chapter 190 or 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent [nor] but not more than one hundred percent of the district's tax increment. This section shall not apply to tax increment financing projects or districts approved prior to August 28, 2004.

**2. Beginning August 28, 2018, an ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall annually set the reimbursement rate under subsection 1 of this section prior to the time the assessment is paid into the special allocation fund. If the redevelopment plan, area, or project is amended by ordinance or by other means after August 28, 2018, the ambulance or fire protection district board or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall have the right to recalculate the reimbursement rate under this section.**

**100.050. APPROVAL OF PLAN BY GOVERNING BODY OF MUNICIPALITY — INFORMATION REQUIRED — ADDITIONAL INFORMATION REQUIRED, WHEN — PAYMENTS IN LIEU OF TAXES, APPLIED HOW — REIMBURSEMENT, WHEN. — 1.** Any municipality proposing to carry out a project for industrial development shall first, by majority vote of the governing body of the municipality, approve the plan for the project. The plan shall include the following information pertaining to the proposed project:

- (1) A description of the project;
- (2) An estimate of the cost of the project;
- (3) A statement of the source of funds to be expended for the project;
- (4) A statement of the terms upon which the facilities to be provided by the project are to be leased or otherwise disposed of by the municipality; and
- (5) Such other information necessary to meet the requirements of sections 100.010 to 100.200.

2. If the plan for the project is approved after August 28, 2003, and the project plan involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality, the project plan shall additionally include the following information:

- (1) A statement identifying each school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, county, or city affected by such project except property assessed by the state tax commission pursuant to chapters 151 and 153;
- (2) The most recent equalized assessed valuation of the real property and personal property included in the project, and an estimate as to the equalized assessed valuation of real property and personal property included in the project after development;
- (3) An analysis of the costs and benefits of the project on each school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, county, or city; and
- (4) Identification of any payments in lieu of taxes expected to be made by any lessee of the project, and the disposition of any such payments by the municipality.

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3. If the plan for the project is approved after August 28, 2003, any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, county, or city in proportion to the current ad valorem tax levy of each school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, county, or city; however, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, or any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, if the plan for the project is approved after May 15, 2005, such amounts shall be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.

4. **Notwithstanding the provisions of subsection 3 of this section to the contrary, beginning August 28, 2018, any district or county imposing a property tax for the purposes of providing emergency services under chapter 190 or 321 to the project area shall be entitled to be reimbursed in an amount that is at least fifty percent but not more than one hundred percent of the amount of ad valorem property tax revenues that such district or county would have received in the absence of a tax abatement or exemption provided to property included in the project. An ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall annually set the reimbursement rate provided in this subsection prior to the time the assessment is determined by the assessor of the county in which the project is located, or, if not located within a county, then the assessor of such city. If the plan is amended by ordinance or by any other means after August 28, 2018, the ambulance or fire protection district or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall have the right to recalculate the reimbursement rate pursuant to this subsection.**

**100.059. NOTICE OF PROPOSED PROJECT FOR INDUSTRIAL DEVELOPMENT, WHEN, CONTENTS — LIMITATION ON INDEBTEDNESS, INCLUSIONS — APPLICABILITY, LIMITATION.** — 1. The governing body of any municipality proposing a project for industrial development which involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality shall, not less than twenty days before approving the plan for a project as required by section 100.050, provide notice of the proposed project to the county in which the municipality is located and any school district that is a school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, county, or city; however, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, or any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, if the plan for the project is approved after May 15, 2005, such notice shall be provided to all affected taxing entities in the county. Such notice shall include the information required in section

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100.050, shall state the date on which the governing body of the municipality will first consider approval of the plan, and shall invite such school districts, community college districts, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, counties, or cities to submit comments to the governing body and the comments shall be fairly and duly considered.

2. Notwithstanding any other provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to Section 26(b), Article VI, Constitution of Missouri, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes.

3. The county assessor shall include the current assessed value of all property within the school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, county, or city in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to Section 26(b), Article VI, Constitution of Missouri.

4. This section is applicable only if the plan for the project is approved after August 28, 2003.

**105.666. BOARD MEMBER EDUCATION PROGRAM, CURRICULUM, REQUIREMENTS — ANNUAL PENSION BENEFIT STATEMENT REQUIRED.** — 1. Each plan shall, in conjunction with its staff and advisors, establish a board member education program, which shall be in effect on or after January 1, 2008. The curriculum shall include, at a minimum, education in the areas of duties and responsibilities of board members as trustees, ethics, governance process and procedures, pension plan design and administration of benefits, investments including but not limited to the fiduciary duties as defined under section 105.688, legal liability and risks associated with the administration of a plan, sunshine law requirements under chapter 610, actuarial principles and methods related to plan administration, and the role of staff and consultants in plan administration. Board members appointed or elected on a board on or after January 1, 2008, shall complete a board member education program **of at least six hours** designated to orient new board members in the areas described in this section within ninety days of becoming a new board member. Board members who have served one or more years shall attend at least a total of [six] **two** hours of continuing education programs each year in the areas described in this section.

2. Routine annual presentation by outside plan service providers shall not be used to satisfy board member education or continuing education program requirements contained in subsection 1 of this section. Such service providers may be utilized to perform education programs with such programs being separate and apart from routine annual presentations.

3. Plan governing body or staff shall maintain a record of board member education including, but not limited to, date, time length, location, education material, and any facilitator utilized. The record shall be signed and attested to by the attending board member or board chairperson or designee. Such information shall be maintained for public record and disclosure for at least three years or until the expiration of such board member's term, whichever occurs first.

4. A board member who is knowingly not participating in the required education programs under this section may be removed from such board by a majority of the board members which shall result in a vacancy to be filled in accordance with plan provisions except that ex officio board members shall not be removed under this subsection.

5. Each plan shall, upon the request of any individual participant, provide an annual pension benefit statement which shall be written in a manner calculated to be understood by the average plan participant and may be delivered in written, electronic, or other appropriate form to the extent such form is reasonably accessible to each participant or beneficiary. Such pension benefit statement shall include, but not be limited to, accrued participant contributions to the plan, total benefits accrued, date first eligible for a normal retirement benefit, and projected benefit at normal retirement. Any plan failing to do so shall submit in writing to the joint committee on public employee retirement as to why the information may not be provided as requested.

**135.090. INCOME TAX CREDIT FOR SURVIVING SPOUSES OF PUBLIC SAFETY OFFICERS — SUNSET PROVISION.** — 1. As used in this section, the following terms mean:

(1) "Homestead", the dwelling in Missouri owned by the surviving spouse and not exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. As used in this section, "homestead" shall not include any dwelling which is occupied by more than two families;

(2) "Public safety officer", any firefighter, police officer, capitol police officer, parole officer, probation officer, correctional employee, water patrol officer, park ranger, conservation officer, commercial motor **vehicle** enforcement officer, **emergency medical responder, as defined in section 190.100**, emergency medical technician, first responder, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty, unless the death was the result of the officer's own misconduct or abuse of alcohol or drugs;

(3) "Surviving spouse", a spouse, who has not remarried, of a public safety officer.

2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the total amount of the property taxes on the surviving spouse's homestead paid during the tax year for which the credit is claimed. A surviving spouse may claim the credit authorized under this section for each tax year beginning the year of death of the public safety officer spouse until the tax year in which the surviving spouse remarries. No credit shall be allowed for the tax year in which the surviving spouse remarries. If the amount allowable as a credit exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of the income tax.

3. The department of revenue shall promulgate rules to implement the provisions of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall expire on December 31, 2019, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

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**173.260. PUBLIC SERVICE OFFICERS AND EMPLOYEES DISABLED OR KILLED IN THE LINE OF DUTY, SURVIVOR'S AND DISABLED EMPLOYEE'S EDUCATIONAL GRANT PROGRAM, REQUIREMENTS, LIMITATIONS.**— 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) **"Air ambulance pilot"**, a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;

(2) **"Air ambulance registered professional nurse"**, a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;

(3) **"Air ambulance registered respiratory therapist"**, a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;

(4) **"Board"**, the coordinating board for higher education;

[(2)] (5) **"Eligible child"**, the natural, adopted or stepchild of a public safety officer or employee, as defined in this section, who is less than twenty-four years of age and who is a dependent of a public safety officer or employee or was a dependent at the time of death or permanent and total disability of a public safety officer or employee;

(6) **"Emergency medical technician"**, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;

[(3)] (7) **"Employee"**, any full-time employee of the department of transportation engaged in the construction or maintenance of the state's highways, roads and bridges;

(8) **"Flight crew member"**, an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;

[(4)] (9) **"Grant"**, the public safety officer or employee survivor grant as established by this section;

[(5)] (10) **"Institution of postsecondary education"**, any approved public or private institution as defined in section 173.205;

[(6)] (11) **"Line of duty"**, any action of a public safety officer, whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or obligated by law, rule, regulation or condition of employment or service to perform;

[(7)] (12) **"Public safety officer"**, any firefighter, **uniformed employee of the office of the state fire marshal, emergency medical technician**, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed or permanently and totally disabled in the line of duty **or any emergency medical technician, air ambulance pilot, air ambulance registered professional**

**nurse, air ambulance registered respiratory therapist, or flight crew member who is killed or permanently and totally disabled in the line of duty;**

~~[(8)]~~ **(13)** "Permanent and total disability", a disability which renders a person unable to engage in any gainful work;

~~[(9)]~~ **(14)** "Spouse", the husband, wife, widow or widower of a public safety officer or employee at the time of death or permanent and total disability of such public safety officer;

~~[(10)]~~ **(15)** "Tuition", any tuition or incidental fee or both charged by an institution of postsecondary education, as defined in this section, for attendance at that institution by a student as a resident of this state.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall provide, as defined in this section, a grant for either of the following to attend an institution of postsecondary education:

(1) An eligible child of a public safety officer or employee killed or permanently and totally disabled in the line of duty; or

(2) A spouse of a public safety officer killed or permanently and totally disabled in the line of duty.

3. An eligible child or spouse may receive a grant under this section only so long as the child or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a child or spouse receive a grant beyond the completion of the first baccalaureate degree or, in the case of a child, age twenty-four years, except that the child may receive a grant through the completion of the semester or similar grading period in which the child reaches his twenty-fourth year. No child or spouse shall receive more than one hundred percent of tuition when combined with similar funds made available to such child or spouse.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section;

(2) Determine minimum standards of performance in order for a child or spouse to remain eligible to receive a grant under this program;

(3) Make available on behalf of an eligible child or spouse an amount toward the child's or spouse's tuition which is equal to the grant to which the child or spouse is entitled under the provisions of this section;

(4) Provide the forms and determine the procedures necessary for an eligible child or spouse to apply for and receive a grant under this program.

5. An eligible child or spouse who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education shall receive a grant in an amount not to exceed the least of the following:

(1) The actual tuition, as defined in this section, charged at an approved institution where the child or spouse is enrolled or accepted for enrollment; or

(2) The amount of tuition charged a Missouri resident at the University of Missouri for attendance as a full-time student, as defined in section 173.205.

6. An eligible child or spouse who is a recipient of a grant may transfer from one approved public or private institution of postsecondary education to another without losing his entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at anytime withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the portion of the refund to which he is entitled attributable to the grant for that semester or similar grading period to the board.

7. If an eligible child or spouse is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible child or spouse.

8. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

9. A public safety officer who is permanently and totally disabled shall be eligible for a grant pursuant to the provisions of this section.

10. An eligible child of a public safety officer or employee, spouse of a public safety officer or public safety officer shall cease to be eligible for a grant pursuant to this section when such public safety officer or employee is no longer permanently and totally disabled.

**190.094. MINIMUM AMBULANCE STAFFING — VOLUNTEER DEFINED.** — 1. Any ambulance licensed in this state, when used as an ambulance and staffed with volunteer staff, shall be staffed with a minimum of one emergency medical technician and one other crew member who may be a licensed emergency medical technician, registered nurse, physician, or someone who has [a first] **an emergency medical** responder certification.

2. When transporting a patient, at least one licensed emergency medical technician, registered nurse, or physician shall be in attendance with the patient in the patient compartment at all times.

3. For purposes of this section, "volunteer" shall mean an individual who performs hours of service without promise, expectation or receipt of compensation for services rendered. Compensation such as a nominal stipend per call to compensate for fuel, uniforms, and training shall not nullify the volunteer status.

**190.100. DEFINITIONS.** — As used in sections 190.001 to 190.245, the following words and terms mean:

(1) **"Advanced emergency medical technician" or "AEMT", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;**

(2) **"Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;**

[(2)] (3) **"Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;**

[(3)] (4) **"Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;**

[(4)] (5) **"Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;**

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[(5)] (6) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

[(6)] (7) "Council", the state advisory council on emergency medical services;

[(7)] (8) "Department", the department of health and senior services, state of Missouri;

[(8)] (9) "Director", the director of the department of health and senior services or the director's duly authorized representative;

[(9)] (10) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

[(10)] (11) "Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

[(11)] (12) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

**(13) "Emergency medical responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;**

[(12)] (14) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

[(13)] (15) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

[(14)] (16) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

[(15)] (17) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

[(16)] (18) "Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department

and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

[(17)] **(19)** "Emergency medical technician-community paramedic", "community paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;

[(18)] "Emergency medical technician-intermediate" or "EMT-I", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;]

[(19)] **(20)** "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

[(20)] **(21)** "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

[(21)] "First responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;]

(22) "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

(23) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

(24) "Medical control", supervision provided by or under the direction of physicians [to providers by written or verbal communications], **or their designated registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;**

(25) "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

(26) "Medical director", a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

(27) "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(28) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

(29) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political

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subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(30) "Physician", a person licensed as a physician pursuant to chapter 334;

(31) "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

(32) "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(33) "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(34) "Protocol", a predetermined, written medical care guideline, which may include standing orders;

(35) "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(36) "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

(37) "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(38) "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

(39) "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

(41) "STEMI care", includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

(42) "STEMI center", a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

(43) "Stroke", a condition of impaired blood flow to a patient's brain as defined by the department;

(44) "Stroke care", includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

(45) "Stroke center", a hospital that is currently designated as such by the department;

(46) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

(47) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

(48) "Trauma center", a hospital that is currently designated as such by the department.

**190.101. STATE ADVISORY COUNCIL ON EMERGENCY MEDICAL SERVICES, MEMBERS, PURPOSE, DUTIES — SUBCOMMITTEE ESTABLISHED, DUTIES.** — 1. There is hereby established a "State Advisory Council on Emergency Medical Services" which shall consist of sixteen members, one of which shall be a resident of a city not within a county. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The members of the council and subcommittees shall serve without compensation except that members of the council shall, subject to appropriations, be reimbursed for reasonable travel expenses and meeting expenses related to the functions of the council.

5. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

**6. (1) There is hereby established a standing subcommittee of the council to monitor the implementation of the recognition of the EMS personnel licensure interstate compact under sections 190.900 to 190.939, the interstate commission for EMS personnel practice, and the involvement of the state of Missouri. The subcommittee shall meet at least biannually and receive reports from the Missouri delegate to the interstate commission for EMS personnel practice. The subcommittee shall consist of at least seven members appointed by the chair of**

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the council, to include at least two members as recommended by the Missouri state council of firefighters and one member as recommended by the Missouri Association of Fire Chiefs. The subcommittee may submit reports and recommendations to the council, the department of health and senior services, the general assembly, and the governor regarding the participation of Missouri with the recognition of the EMS personnel licensure interstate compact.

(2) The subcommittee shall formally request a public hearing for any rule proposed by the interstate commission for EMS personnel practice in accordance with subsection 7 of section 190.930. The hearing request shall include the request that the hearing be presented live through the internet. The Missouri delegate to the interstate commission for EMS personnel practice shall be responsible for ensuring that all hearings, notices of, and related rulemaking communications as required by the compact be communicated to the council and emergency medical services personnel under the provisions of subsections 4, 5, 6, and 8 of section 190.930.

(3) The department of health and senior services shall not establish or increase fees for Missouri emergency medical services personnel licensure in accordance with this chapter for the purpose of creating the funds necessary for payment of an annual assessment under subdivision (3) of subsection 5 of section 190.924.

**190.103. REGIONAL EMS MEDICAL DIRECTOR, POWERS, DUTIES — CONSIDERED PUBLIC OFFICIAL, WHEN — ONLINE TELECOMMUNICATION MEDICAL DIRECTION PERMITTED — TREATMENT PROTOCOLS FOR SPECIAL NEEDS PATIENTS. — 1.** One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, **and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.**

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency

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administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. **Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.**

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors **and the state EMS medical director** elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to **AEMTs**, EMT-Bs, [EMT-Is,] EMT-Ps, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including **AEMTs**, EMT-Bs, [EMT-Is,] EMT-Ps, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to **AEMTs**, EMT-Bs, [EMT-Is,] EMT-Ps, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

**190.105. AMBULANCE LICENSE REQUIRED, EXCEPTIONS — OPERATION OF AMBULANCE SERVICES — SALE OR TRANSFER OF OWNERSHIP, NOTICE REQUIRED.** — 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to 190.245.

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2. No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an emergency medical technician's license. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094. In emergency situations which require additional medical personnel to assist the patient during transportation, **[a first] an emergency medical responder, firefighter, or law enforcement personnel with a valid driver's license and prior experience with driving emergency vehicles may drive the ground ambulance provided the ground ambulance service stipulates to this practice in operational policies.**

3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:

(1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.

4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245 shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.

6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a

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licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages pursuant to chapter 67.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

**190.131. CERTIFICATION OF TRAINING ENTITIES.** — 1. The department shall accredit or certify training entities for [first] **emergency medical responders**, emergency medical dispatchers, **and** emergency medical [technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic] **technicians**, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting.

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to 190.245.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

7. No person or entity shall hold itself out or provide training required by this section without accreditation or certification by the department.

**190.142. EMERGENCY MEDICAL TECHNICIAN LICENSE — RULES. — 1. (1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license.**

**(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, in recognition of the EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.**

**(3) The director may authorize investigations into criminal records in other states for any applicant.**

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) **Emergency medical technician and paramedic** education and training requirements based on respective [national curricula of the United States Department of Transportation] **National Emergency Medical Services Education Standards** and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) **Paramedic accreditation requirements. Paramedic training programs shall be accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or hold a CAAHEP letter of review;**

(4) **Initial licensure testing requirements. Initial EMT-P licensure testing shall be through the national registry of EMTs [or examinations developed and administered by the department of health and senior services];**

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[(4)] (5) Continuing education and relicensure requirements; and

[(5)] (6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

**190.143. TEMPORARY EMERGENCY MEDICAL TECHNICIAN LICENSE GRANTED, WHEN — LIMITATIONS — EXPIRATION.** — 1. Notwithstanding any other provisions of law, the department may grant a ninety-day temporary emergency medical technician license to all levels of emergency medical technicians who meet the following:

(1) Can demonstrate that they have, or will have, employment requiring an emergency medical technician license;

(2) Are not currently licensed as an emergency medical technician in Missouri or have been licensed as an emergency medical technician in Missouri and fingerprints need to be submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal history, or they are currently licensed and the license will expire before a verification can be completed of the existence or absence of a criminal history;

(3) Have submitted a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245;

(4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245;

(5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to 190.245.

2. A temporary emergency medical technician license shall only authorize the license to practice while under the immediate supervision of a licensed emergency medical [technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic] **technician**, registered nurse, or physician who is currently licensed, without restrictions, to practice in Missouri.

3. A temporary emergency medical technician license shall automatically expire either ninety days from the date of issuance or upon the issuance of a five-year emergency medical technician license.

**190.147. BEHAVIORAL HEALTH PATIENTS — TEMPORARY HOLD, WHEN — MEMORANDUM OF UNDERSTANDING, CONTENTS — PHYSICAL RESTRAINTS, USE OF.** — 1. An

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EMT-P may make a good faith determination that behavioral health patients who present a likelihood of serious harm to themselves or others, as the term "likelihood of serious harm" is defined under section 632.005, or who are significantly incapacitated by alcohol or drugs shall be placed into a temporary hold for the sole purpose of transport to the nearest appropriate facility. Such determination shall be made in cooperation with at least one other EMT-P or other health care professional involved in the transport. Once in a temporary hold, the patient shall be treated with humane care in a manner that preserves human dignity, consistent with applicable federal regulations and nationally recognized guidelines regarding the appropriate use of temporary holds and restraints in medical transport. Prior to making such a determination:

(1) The EMT-P shall have completed a standard crisis intervention training course as endorsed and developed by the state EMS medical director's advisory committee;

(2) The EMT-P shall have been authorized by his or her ground or air ambulance service's administration and medical director under subsection 3 of section 190.103; and

(3) The EMT-P's ground or air ambulance service has developed and adopted standardized triage, treatment, and transport protocols under subsection 3 of section 190.103, which address the challenge of treating and transporting such patients. Such protocols shall:

(a) Be reviewed and approved by the state EMS medical director's advisory committee;

(b) Direct the EMT-P regarding the proper use of patient restraint and coordination with area law enforcement; and

(c) Be based upon current applicable national guidelines.

2. In any instance in which a good faith determination for a temporary hold of a patient has been made, such hold shall be made in a clinically appropriate and adequately justified manner, and shall be documented and attested to in writing. The writing shall be retained by the ambulance service and included as part of the patient's medical file.

3. EMT-Ps who have made a good faith decision for a temporary hold of a patient as authorized by this section shall no longer have to rely on the common law doctrine of implied consent and therefore shall not be civilly liable for a good faith determination made in accordance with this section and shall not have waived any sovereign immunity defense, official immunity defense, or Missouri public duty doctrine defense if employed at the time of the good faith determination by a government employer.

4. Any ground or air ambulance service that adopts the authority and protocols provided for by this section shall have a memorandum of understanding with applicable local law enforcement agencies in order to achieve a collaborative and coordinated response to patients displaying symptoms of either a likelihood of serious harm to themselves or others or significant incapacitation by alcohol or drugs, which require a crisis intervention response. The memorandum of understanding shall include, but not be limited to, the following:

(1) Administrative oversight, including coordination between ambulance services and law enforcement agencies;

(2) Patient restraint techniques and coordination of agency responses to situations in which patient restraint may be required;

(3) Field interaction between paramedics and law enforcement, including patient destination and transportation; and

(4) Coordination of program quality assurance.

5. The physical restraint of a patient by an emergency medical technician under the authority of this section shall be permitted only in order to provide for the safety of

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**bystanders, the patient, or emergency personnel due to an imminent or immediate danger, or upon approval by local medical control through direct communications. Restraint shall also be permitted through cooperation with on-scene law enforcement officers. All incidents involving patient restraint used under the authority of this section shall be reviewed by the ambulance service physician medical director.**

**190.165. SUSPENSION OR REVOCATION OF LICENSES, GROUNDS FOR — PROCEDURE.** — 1. The department may refuse to issue or deny renewal of any certificate, permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to implement its provisions as described in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate, permit or license required by sections 190.100 to 190.245 or any person who has failed to renew or has surrendered his or her certificate, permit or license for failure to comply with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to implement such sections. Those regulations shall be limited to the following:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 190.100 to 190.245;

(2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to take any examination given or required pursuant to sections 190.100 to 190.245;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to sections 190.100 to 190.245;

(7) Impersonation of any person holding a certificate, permit or license or allowing any person to use his or her certificate, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 190.100 to 190.245 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) For an individual being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice pursuant to sections 190.100 to 190.245;

(11) Issuance of a certificate, permit or license based upon a material mistake of fact;

(12) Violation of any professional trust, confidence, or legally protected privacy rights of a patient by means of an unauthorized or unlawful disclosure;

(13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(15) Refusal of any applicant or licensee to respond to reasonable department of health and senior services' requests for necessary information to process an application or to determine license status or license eligibility;

(16) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health or safety of a patient or the public;

(17) Repeated acts of negligence or recklessness in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245.

3. If the department conducts investigations, the department, prior to interviewing a licensee who is the subject of the investigation, shall explain to the licensee that he or she has the right to:

(1) Consult legal counsel or have legal counsel present;

(2) Have anyone present whom he or she deems to be necessary or desirable[, except for any holder of any certificate, permit, or license required by sections 190.100 to 190.245]; and

(3) Refuse to answer any question or refuse to provide or sign any written statement.

The assertion of any right listed in this subsection shall not be deemed by the department to be a failure to cooperate with any department investigation.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit. Notwithstanding any provision of law to the contrary, the department shall be authorized to impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the administrative hearing commission. **The administrative hearing commission shall hear all relevant evidence on remediation activities of the licensee and shall make a recommendation to the department of health and senior services as to licensure disposition based on such evidence.**

5. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of an applicant for the first time. Any individual whose license has been revoked twice within a ten-year period shall not be eligible for relicensure.

6. The department may notify the proper licensing authority of any other state in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

7. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections 190.100 to 190.245 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

8. The department of health and senior services may suspend any certificate, permit or license required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate or permit to the department. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

**190.173. CONFIDENTIALITY OF INFORMATION.** — 1. All complaints, investigatory reports, and information pertaining to any applicant, holder of any certificate, permit, or license, or other individual are confidential and shall only be disclosed upon written consent of the person whose records are involved or to other administrative or law enforcement agencies acting within the scope of their statutory authority. However, no applicant, holder of any certificate, permit, or license, or other individual shall have access to any complaints, investigatory reports, or information concerning an investigation in progress until such time as the investigation has been completed as required by subsection 1 of section 190.248.

2. Any information regarding the identity, name, address, license, final disciplinary action taken, currency of the license, permit, or certificate of an applicant for or a person possessing a license, permit, or certificate in accordance with sections 190.100 to 190.245 shall not be confidential.

3. **Any information regarding the physical address, mailing address, phone number, fax number, or email address of a licensed ambulance service or a certified training entity, including the name of the medical director and organizational contact information, shall not be confidential.**

4. This section shall not be construed to authorize the release of records, reports, or other information which may be held in department files for any holder of or applicant for any certificate, permit, or license that is subject to other specific state or federal laws concerning their disclosure.

5. **Nothing in this section shall prohibit the department from releasing aggregate information in accordance with section 192.067.**

**190.196. EMPLOYER TO COMPLY WITH REQUIREMENTS OF LICENSURE — REPORT OF CHARGES FILED AGAINST LICENSEE, WHEN.** — 1. No employer shall knowingly employ or permit any employee to perform any services for which a license, certificate or other authorization is required by sections 190.001 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the person so employed possesses all licenses, certificates or authorizations that are required.

2. Any person or entity that employs or supervises a person's activities as [a first] **an emergency medical responder, emergency medical dispatcher, emergency medical [technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic] technician, registered nurse, or physician** shall cooperate with the department's efforts to monitor and enforce compliance by those individuals subject to the requirements of sections 190.001 to 190.245.

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3. Any person or entity who employs individuals licensed by the department pursuant to sections 190.001 to 190.245 shall report to the department within seventy-two hours of their having knowledge of any charges filed against a licensee in their employ for possible criminal action involving the following felony offenses:

- (1) Child abuse or sexual abuse of a child;
- (2) Crimes of violence; or
- (3) Rape or sexual abuse.

4. Any licensee who has charges filed against him or her for the felony offenses in subsection 3 of this section shall report such an occurrence to the department within seventy-two hours of the charges being filed.

5. The department will monitor these reports for possible licensure action authorized pursuant to section 190.165.

**190.246. EPINEPHRINE AUTO-INJECTOR, POSSESSION AND USE LIMITATIONS — DEFINITIONS — USE OF DEVICE CONSIDERED FIRST AID — VIOLATIONS, PENALTY. — 1.** As used in this section, the following terms shall mean:

(1) "Eligible person, firm, organization or other entity", an ambulance service or emergency medical response agency, [a certified first] **an emergency medical** responder, [emergency medical technical-basic] or **an** emergency medical [technician-paramedic] **technician** who is employed by, or an enrolled member, person, firm, organization or entity designated by, rule of the department of health and senior services in consultation with other appropriate agencies. All such eligible persons, firms, organizations or other entities shall be subject to the rules promulgated by the director of the department of health and senior services;

(2) "Emergency health care provider":

(a) A physician licensed pursuant to chapter 334 with knowledge and experience in the delivery of emergency care; or

(b) A hospital licensed pursuant to chapter 197 that provides emergency care.

2. Possession and use of epinephrine auto-injector devices shall be limited as follows:

(1) No person shall use an epinephrine auto-injector device unless such person has successfully completed a training course in the use of epinephrine auto-injector devices approved by the director of the department of health and senior services. Nothing in this section shall prohibit the use of an epinephrine auto-injector device:

(a) By a health care professional licensed or certified by this state who is acting within the scope of his or her practice; or

(b) By a person acting pursuant to a lawful prescription;

(2) Every person, firm, organization and entity authorized to possess and use epinephrine auto-injector devices pursuant to this section shall use, maintain and dispose of such devices in accordance with the rules of the department;

(3) Every use of an epinephrine auto-injector device pursuant to this section shall immediately be reported to the emergency health care provider.

3. (1) Use of an epinephrine auto-injector device pursuant to this section shall be considered first aid or emergency treatment for the purpose of any law relating to liability.

(2) Purchase, acquisition, possession or use of an epinephrine auto-injector device pursuant to this section shall not constitute the unlawful practice of medicine or the unlawful practice of a profession.

(3) Any person otherwise authorized to sell or provide an epinephrine auto-injector device may sell or provide it to a person authorized to possess it pursuant to this section.

4. Any person, firm, organization or entity that violates the provisions of this section is guilty of a class B misdemeanor.

**190.900. REPLICA ENACTED — DEFINITIONS. — 1.** The "Recognition of EMS Personnel Licensure Interstate Compact" (REPLICA) is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows in sections 190.900 to 190.939.

**2.** As used in sections 190.900 to 190.939, the following terms mean:

(1) "Advanced emergency medical technician" or "AEMT", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;

(2) "Adverse action", any administrative, civil, equitable, or criminal action permitted by a state's laws that may be imposed against licensed EMS personnel by a state EMS authority or state court including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation, or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court judgments enforcing adverse actions by the state EMS authority;

(3) "Alternative program", a voluntary, nondisciplinary substance abuse recovery program approved by the state EMS authority;

(4) "Certification", the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination;

(5) "Commission", the national administrative body of which all states that have enacted the compact are members;

(6) "Emergency medical technician" or "EMT", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;

(7) "EMS", emergency medical services;

(8) "Home state", a member state where an individual is licensed to practice emergency medical services;

(9) "License", the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic;

(10) "Medical director", a physician licensed in a member state who is accountable for the care delivered by EMS personnel;

(11) "Member state", a state that has enacted this compact;

(12) "Paramedic", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;

(13) "Privilege to practice", an individual's authority to deliver emergency medical services in remote states as authorized under this compact;

(14) "Remote state", a member state in which an individual is not licensed;

(15) "Restricted", the outcome of an adverse action that limits a license or the privilege to practice;

(16) "Rule", a written statement by the interstate commission promulgated under section 190.930 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or

practice requirement of the commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule;

(17) "Scope of practice", defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform;

(18) "Significant investigatory information":

(a) Investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would result in the imposition of an adverse action on a license or privilege to practice; or

(b) Investigative information that indicates that the individual represents an immediate threat to public health and safety, regardless of whether the individual has been notified and had an opportunity to respond;

(19) "State", any state, commonwealth, district, or territory of the United States;

(20) "State EMS authority", the board, office, or other agency with the legislative mandate to license EMS personnel.

**190.903. HOME STATE LICENSURE.** — 1. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

2. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

3. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

(1) Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

(2) Has a mechanism in place for receiving and investigating complaints about individuals;

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

(4) No later than five years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with 5 CFR 731.202 and submit documentation of such as promulgated in the rules of the commission; and

(5) Complies with the rules of the commission.

**190.906. COMPACT PRIVILEGE TO PRACTICE.** — 1. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with section 190.903.

2. To exercise the privilege to practice under the terms and provisions of this compact, an individual shall:

(1) Be at least eighteen years of age;

(2) Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state-recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

(3) Practice under the supervision of a medical director.

3. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state, as may be defined in the rules of the commission.

4. Except as provided in subsection 3 of this section, an individual practicing in a remote state shall be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action, it shall promptly notify the home state and the commission.

5. If an individual's license in any home state is restricted, suspended, or revoked, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

6. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked, the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

**190.909. CONDITIONS OF PRACTICE IN A REMOTE STATE.** — An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the commission, and under the following circumstances:

- (1) The individual originates a patient transport in a home state and transports the patient to a remote state;
- (2) The individual originates in the home state and enters a remote state to pick up a patient and provides care and transport of the patient to the home state;
- (3) The individual enters a remote state to provide patient care or transport within that remote state;
- (4) The individual enters a remote state to pick up a patient and provides care and transport to a third member state; or
- (5) Other conditions as determined by rules promulgated by the commission.

**190.912. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT.** — Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply, and to the extent any terms or provisions of this compact conflict with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

**190.915. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES.** — 1. Member states shall consider a veteran, active military service member, or member of the National Guard and Reserves separating from an active duty tour, or a spouse thereof, who holds a current, valid, and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

2. Member states shall expedite the process of licensure applications submitted by veterans, active military service members, or members of the National Guard and Reserves separating from an active duty tour, or their spouses.

3. All individuals functioning with a privilege to practice under this section remain subject to the adverse action provisions of section 190.918.

**190.918. ADVERSE ACTIONS. — 1. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.**

2. If an individual's license in any home state is restricted, suspended, or revoked, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

(1) All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and the remote state's EMS authority.

(2) An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

3. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the commission in accordance with the rules of the commission.

4. A remote state may take adverse action on an individual's privilege to practice within that state.

5. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

6. A home state's EMS authority shall coordinate investigative activities, share information via the coordinated database, and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

7. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states shall require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

**190.921. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY. — A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:**

(1) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the remote state by any court of competent jurisdiction according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state's EMS authority shall pay any

witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence is located; and

(2) Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.

**190.924. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE.—1. The compact states hereby create and establish a joint public agency known as the "Interstate Commission for EMS Personnel Practice".**

**(1) The commission is a body politic and an instrumentality of the compact states.**

**(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.**

**(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.**

**2. Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his or her designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the governor of the state shall determine which entity shall be responsible for assigning the delegate.**

**(1) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws, and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.**

**(2) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.**

**(3) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 190.930.**

**(4) The commission may convene in a closed, nonpublic meeting if the commission must discuss:**

**(a) Noncompliance of a member state with its obligations under the compact;**

**(b) The employment, compensation, discipline or other personnel matters, practices, or procedures related to specific employees, or other matters related to the commission's internal personnel practices and procedures;**

**(c) Current, threatened, or reasonably anticipated litigation;**

**(d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;**

**(e) Accusing any person of a crime or formally censuring any person;**

**(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;**

**(g) Disclosure of information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;**

**(h) Disclosure of investigatory records compiled for law enforcement purposes;**

(i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

(j) Matters specifically exempted from disclosure by federal or member state statute.

(5) If a meeting or portion of a meeting is closed under this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

3. The commission shall, by a majority vote of the delegates, prescribe bylaws and rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact including, but not limited to:

(1) Establishing the fiscal year of the commission;

(2) Providing reasonable standards and procedures:

(a) For the establishment and meetings of other committees; and

(b) Governing any general or specific delegation of any authority or function of the commission;

(3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;

(4) Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the commission;

(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the commission;

(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;

(7) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations;

(8) Publishing its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any;

(9) Maintaining its financial records in accordance with the bylaws; and

(10) Meeting and taking such actions as are consistent with the provisions of this compact and the bylaws.

4. The commission shall have the following powers:

(1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be **binding on all member states**;

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

(2) To bring and prosecute legal proceedings or actions in the name of the commission; provided that, the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept, or contract for services of personnel including, but not limited to, employees of a member state;

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that, at all times the commission shall strive to avoid any appearance of impropriety and conflict of interest;

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed; provided that, at all times the commission shall strive to avoid any appearance of impropriety;

(8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(9) To establish a budget and make expenditures;

(10) To borrow money;

(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(12) To provide and receive information from, and to cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of EMS personnel licensure and practice.

5. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states; provided, that Missouri shall not be assessed more than ten thousand dollars annually calculated and the assessment amount shall not include an annual increase equivalent to the annual average of the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index. Missouri shall not authorize an annual assessment above this level.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, **except by and with the authority of the member state.**

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(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

6. (1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim, damage to or loss of property, personal injury, or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, the actual or alleged act, error, or omission did not result from the person's intentional, willful, or wanton misconduct.

**190.927. COORDINATED DATABASE. — 1. The commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.**

**2. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the commission, including:**

- (1) Identifying information;**
- (2) Licensure data;**
- (3) Significant investigatory information;**
- (4) Adverse actions against an individual's license;**
- (5) An indicator that an individual's privilege to practice is restricted, suspended, or revoked;**
- (6) Nonconfidential information related to alternative program participation;**
- (7) Any denial of application for licensure and the reasons for such denial; and**

(8) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

3. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

4. Member states contributing information to the coordinated database may designate information that shall not be shared with the public without the express permission of the contributing state.

5. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

**190.930. RULEMAKING.** — 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

2. If a majority of the legislatures of the member states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any member state.

3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule or rules shall be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

(2) On the website of each member state's EMS authority or the publication in which each state would otherwise publish proposed rules.

5. The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting at which the rule shall be considered and voted upon;

(2) The text of the proposed rule or amendment and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person; and

(4) The manner in which interested parties may submit notice to the commission of their intention to attend the public hearing and any written comments.

6. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments that shall be made available to the public.

7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least twenty-five persons;

(2) A governmental subdivision or agency; or

(3) An association having at least twenty-five members.

8. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

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(3) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided that, the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of commission or member state funds;
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (4) Protect public health and safety.

13. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

**190.933. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. — 1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.**

**2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceedings in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.**

3. The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

4. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission; and

(2) Provide remedial training and specific technical assistance regarding the default.

5. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

6. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

7. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

8. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state.

9. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

10. Upon a request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

11. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

12. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

13. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

14. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

**190.936. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, AND AMENDMENT.** — 1. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

2. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

3. Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

4. Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

5. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

**190.939. CONSTRUCTION AND SEVERABILITY.** — 1. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any member state thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

2. The state advisory council on emergency medical services established under section 190.101 shall review decisions of the interstate commission for emergency medical services personnel practice established under this compact and, upon approval by the commission of any action that will have the result of increasing the cost to the state of membership in the compact, the council may recommend to the general assembly that the state withdraw from the compact.

**191.630. DEFINITIONS.** — As used in sections 191.630 and 191.631, the following terms mean:

(1) "Communicable disease", acquired immunodeficiency syndrome (AIDS), cutaneous anthrax, hepatitis in any form, human immunodeficiency virus (HIV), measles, meningococcal disease, mumps, pertussis, pneumonic plague, rubella, severe acute respiratory syndrome (SARS-CoV), smallpox, tuberculosis, varicella disease, vaccinia, viral hemorrhagic fevers, and other such diseases as the department may define by rule or regulation;

(2) "Communicable disease tests", tests designed for detection of communicable diseases. Rapid testing of the source patient in accordance with the Occupational Safety and Health

Administration (OSHA) enforcement of the Centers for Disease Control and Prevention (CDC) guidelines shall be recommended;

- (3) "Coroner or medical examiner", the same meaning as defined in chapter 58;
- (4) "Department", the Missouri department of health and senior services;
- (5) "Designated infection control officer", the person or persons within the entity or agency who are responsible for managing the infection control program and for coordinating efforts surrounding the investigation of an exposure such as:
  - (a) Collecting, upon request, facts surrounding possible exposure of an emergency care provider or Good Samaritan to a communicable disease;
  - (b) Contacting facilities that receive patients or clients of potentially exposed emergency care providers or Good Samaritans to ascertain if a determination has been made as to whether the patient or client has had a communicable disease and to ascertain the results of that determination; and
  - (c) Notifying the emergency care provider or Good Samaritan as to whether there is reason for concern regarding possible exposure;
- (6) "Emergency care provider", a person who is serving as a licensed or certified person trained to provide emergency and nonemergency medical care as a first responder, emergency **medical responder**, [EMT-B, EMT-I, or EMT-P] **as defined in section 190.100, emergency medical technician**, as defined in section 190.100, firefighter, law enforcement officer, sheriff, deputy sheriff, registered nurse, physician, medical helicopter pilot, or other certification or licensure levels adopted by rule of the department;
- (7) "Exposure", a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties;
- (8) "Good Samaritan", any person who renders emergency medical assistance or aid within his or her level of training or skill until such time as he or she is relieved of those duties by an emergency care provider;
- (9) "Hospital", the same meaning as defined in section 197.020;
- (10) "Source patient", any person who is sick or injured and requiring the care or services of a Good Samaritan or emergency care provider, for whose blood or other potentially infectious materials have resulted in exposure.

**217.151. RESTRAINTS, USE OF ON PREGNANT OFFENDERS — DEFINITIONS — EXTRAORDINARY CIRCUMSTANCES — REQUIREMENTS. — 1. As used in this section, the following terms shall mean:**

- (1) **"Extraordinary circumstance", a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of a pregnant offender in her third trimester, a postpartum offender forty-eight hours postdelivery, the staff of the correctional center or medical facility, other offenders, or the public;**
- (2) **"Labor", the period of time before a birth during which contractions are present;**
- (3) **"Postpartum", the period of recovery immediately following childbirth, which is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a physician or nurse;**
- (4) **"Restraints", any physical restraint or other device used to control the movement of a person's body or limbs.**

**2. Unless extraordinary circumstances exist as determined by a corrections officer, a correctional center shall not use restraints on a pregnant offender in her third trimester**

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during transportation to and from visits to health care providers or court proceedings, or during medical appointments and examinations, labor, delivery, or forty-eight hours postdelivery.

3. In the event a corrections officer determines that extraordinary circumstances exist and restraints are necessary, the corrections officer shall fully document in writing within forty-eight hours of the incident the reasons he or she determined such extraordinary circumstances existed, the type of restraints used, and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances. Such documents shall be kept on file by the correctional center for at least ten years from the date the restraints were used.

4. Any time restraints are used on a pregnant offender in her third trimester or on a postpartum offender forty-eight hours postdelivery, the restraints shall be the least restrictive available and the most reasonable under the circumstances. In no case shall leg, ankle, or waist restraints or any mechanical restraints be used on any such offender, and if wrist restraints are used, such restraints shall be placed in the front of such offender's body to protect the offender and unborn child in the case of a forward fall.

5. If a doctor, nurse, or other health care provider treating the pregnant offender in her third trimester or the postpartum offender forty-eight hours postdelivery requests that restraints not be used, the corrections officer accompanying such offender shall immediately remove all restraints.

6. Pregnant offenders shall be transported in vehicles equipped with seatbelts.

7. The sentencing and corrections oversight commission established under section 217.147 and the advisory committee established under section 217.015 shall conduct biannual reviews of every report written on the use of restraints on a pregnant offender in her third trimester or on a postpartum offender forty-eight hours postdelivery in accordance with subsection 3 of this section to determine compliance with this section. The written reports shall be kept on file by the department for ten years.

8. The chief administrative officer, or equivalent position, of each correctional center shall:

(1) Ensure that employees of the correctional center are provided with training, which may include online training, on the provisions of this section and section 217.147; and

(2) Inform female offenders, in writing and orally, of any policies and practices developed in accordance with this section upon admission to the correctional center, including policies and practices in any offender handbook, and post the policies and practices in locations in the correctional center where such notices are commonly posted and will be seen by female offenders, including common housing areas and health care facilities.

9. The provisions of this section shall apply only to the department of corrections.

**287.243. LINE OF DUTY COMPENSATION — DEFINITIONS — CLAIM PROCEDURE — DISTRIBUTION — NO SUBROGATION RIGHTS FOR EMPLOYERS OR INSURERS — GRIEVANCE PROCEDURES — SUNSET DATE — FUND CREATED, USE OF MONEYS — RULEMAKING AUTHORITY.** — 1. This section shall be known and may be cited as the "Line of Duty Compensation Act".

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted

by the department of health and senior services[, division of regulation and licensure, 19 CSR 30-40.005, et seq.];

(2) "Air ambulance registered professional nurse", a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;

(3) **"Air ambulance registered respiratory therapist", a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;**

[(3)] (4) "Child", any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** who, at the time of the [law enforcement officer's, emergency medical technician's, air ambulance pilot's, air ambulance registered professional nurse's, or firefighter's] **public safety officer's** fatality is:

- (a) Eighteen years of age or under;
- (b) Over eighteen years of age and a student, as defined in 5 U.S.C. Section 8101; or
- (c) Over eighteen years of age and incapable of self-support because of physical or mental disability;

[(4)] (5) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;

[(5)] (6) "Firefighter", any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(7) **"Flight crew member", an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;**

[(6)] (8) "Killed in the line of duty", when any person defined in this section loses his or her life when:

- (a) Death is caused by an accident or the willful act of violence of another;
- (b) The [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** is in the active performance of his or her duties in his or her respective profession and there is a relationship between the accident or commission of the act of violence and the performance of the duty, even if the individual is off duty; the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** is traveling to or from employment; or the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** is taking any meal break or other break which takes place while that individual is on duty;
- (c) Death is the natural and probable consequence of the injury; and
- (d) Death occurs within three hundred weeks from the date the injury was received.

The term excludes death resulting from the willful misconduct or intoxication of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer**. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication;

[(7)] (9) "Law enforcement officer", any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

[(8)] (10) "Local governmental entity", includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(11) "**Public safety officer**", any law enforcement officer, firefighter, uniformed employee of the office of the state fire marshal, emergency medical technician, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed in the line of duty;

[(9)] (12) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

[(10)] (13) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by survivors of the deceased with the division of workers' compensation not later than one year from the date of death of a [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer**. If a claim is made within one year of the date of death of a [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. Any compensation awarded under the provisions of this section shall be distributed as follows:

(1) To the surviving spouse of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** if there is no child who survived the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer**;

(2) Fifty percent to the surviving child, or children, in equal shares, and fifty percent to the surviving spouse if there is at least one child who survived the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer**, and a surviving spouse of the [law enforcement officer,

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emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer**;

(3) To the surviving child, or children, in equal shares, if there is no surviving spouse of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer**;

(4) If there is no surviving spouse of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** and no surviving child:

(a) To the surviving individual, or individuals, in shares per the designation or, otherwise, in equal shares, designated by the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** to receive benefits under this subsection in the most recently executed designation of beneficiary of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** on file at the time of death with the public safety agency, organization, or unit; or

(b) To the surviving individual, or individuals, in equal shares, designated by the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** to receive benefits under the most recently executed life insurance policy of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** on file at the time of death with the public safety agency, organization, or unit if there is no individual qualifying under paragraph (a);

(5) To the surviving parent, or parents, in equal shares, of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** if there is no individual qualifying under subdivision (1), (2), (3), or (4) of this subsection; or

(6) To the surviving individual, or individuals, in equal shares, who would qualify under the definition of the term "child" but for age if there is no individual qualifying under subdivision (1), (2), (3), (4), or (5) of this subsection.

5. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.

6. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

7. Neither employers nor workers' compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or

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commission may allow as lien on the compensation, reasonable attorney's fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

8. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

9. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after June 19, 2019, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

10. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

11. There is hereby created in the state treasury the "Line of Duty Compensation Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for paying claims under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

12. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after June 19, 2009, shall be invalid and void.

**320.086. ACCESS TO CLOSED ARREST RECORDS NOT AUTHORIZED — ATTORNEY-CLIENT PRIVILEGE NOT RESTRICTED OR WAIVED — HEALTH INFORMATION, CLOSED RECORD. — 1.** Nothing contained in sections 320.081 to 320.086 shall allow access to records otherwise closed under sections 610.100 to 610.105[, RSMo Supp. 1982].

2. Nothing contained in sections 320.081 to 320.086 shall restrict or waive the attorney-client privilege.

**3. The portion of a record that is individually identifiable health information, as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191, as amended, may be closed records, as provided under sections 610.100 to 610.105, if maintained by fire departments and fire protection districts. Notwithstanding the foregoing,**

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**all fire departments and fire protection districts shall produce for every call to the department or district an "incident report", as defined in section 610.100, that shall include the date, time, specific location, and name of the owner of the specific location or any vehicle involved in the incident, if known. All incident reports shall be open records under section 610.100.**

**353.110. REAL PROPERTY EXEMPT FROM TAXATION — LIMITATION.** — 1. Once the requirements of this section have been complied with, the real property of urban redevelopment corporations acquired pursuant to this chapter shall not be subject to assessment or payment of general ad valorem taxes imposed by the cities affected by this law, or by the state or any political subdivision thereof, for a period not in excess of ten years after the date upon which such corporations become owners of such real property, except to such extent and in such amount as may be imposed upon such real property during such period measured solely by the amount of the assessed valuation of the land, exclusive of improvements, acquired pursuant to this chapter and owned by such urban redevelopment corporation, as was determined by the assessor of the county in which such real property is located, or, if not located within a county, then by the assessor of such city, for taxes due and payable thereon during the calendar year preceding the calendar year during which the corporation acquired title to such real property. The amounts of such tax assessments shall not be increased during such period so long as the real property is owned by an urban redevelopment corporation and used in accordance with a development plan authorized by the legislative authority of such cities, **except as provided under subsection 4 of this section.**

2. In the event, however, that any such real property was tax exempt immediately prior to ownership by any urban redevelopment corporation, such assessor or assessors shall, upon acquisition of title thereto by the urban redevelopment corporation, promptly assess such land, exclusive of improvements, at such valuation as shall conform to but not exceed the assessed valuation made during the preceding calendar year of other land, exclusive of improvements, adjacent thereto or in the same general neighborhood, and the amount of such assessed valuation shall not be increased during the period set pursuant to subsection 1 of this section so long as the real property is owned by an urban redevelopment corporation and used in accordance with a development plan authorized by the legislative authority of such cities. For the next ensuing period not in excess of fifteen years, ad valorem taxes upon such real property shall be measured by the assessed valuation thereof as determined by such assessor or assessors upon the basis of not to exceed fifty percent of the true value of such real property, including any improvements thereon, nor shall such valuations be increased above fifty percent of the true value of such real property from year to year during such next ensuing period so long as the real property is owned by an urban redevelopment corporation and used in accordance with an authorized development plan. After a period totaling not more than twenty-five years, such real property shall be subject to assessment and payment of all ad valorem taxes, based on the full true value of the real property; provided, that after the completion of the redevelopment project, as authorized by law or ordinance whenever any urban redevelopment corporation shall elect to pay full taxes, or at the expiration of the period, such real property shall be owned and operated free from any of the conditions, restrictions or provisions of this chapter, and of any ordinance, rule or regulation adopted pursuant thereto, any other law limiting the right of domestic and foreign insurance companies to own and operate real estate to the contrary notwithstanding.

3. No tax abatement or exemption authorized by this section shall become effective unless and until the governing body of the city:

(1) Furnishes each political subdivision whose boundaries for ad valorem taxation purposes include any portion of the real property to be affected by such tax abatement or exemption with a

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written statement of the impact on ad valorem taxes such tax abatement or exemption will have on such political subdivisions and written notice of the hearing to be held in accordance with subdivision (2) of this subsection. The written statement and notice required by this subdivision shall be furnished as provided by local ordinance before the hearing and shall include, but need not be limited to, an estimate of the amount of ad valorem tax revenues of each political subdivision which will be affected by the proposed tax abatement or exemption, based on the estimated assessed valuation of the real property involved as such property would exist before and after it is redeveloped;

(2) Conducts a public hearing regarding such tax abatement or exemption, at which hearing all political subdivisions described in subdivision (1) of this subsection shall have the right to be heard on such grant of tax abatement or exemption;

(3) Enacts an ordinance which provides for expiration of development rights, including the rights of eminent domain and tax abatement, in the event of failure of the urban redevelopment corporation to acquire ownership of property within the area of the development plan. Such ordinance shall provide for a duration of time within which such property must be acquired, and may allow for acquisition of property under the plan in phases.

4. (1) Notwithstanding any other provision of law to the contrary, payments in lieu of taxes may be imposed by contract between a city and an urban redevelopment corporation which receives tax abatement or exemption on property pursuant to this section. Such payments shall be made to the collector of revenue of the county or city not within a county by December thirty-first of each year payments are due. The governing body of the city shall furnish the collector a copy of any such contract requiring payment in lieu of taxes. The collector shall allocate all revenues received from such payment in lieu of taxes among all taxing authorities whose property tax revenues are affected by the exemption or abatement on the same pro rata basis and in the same manner as the ad valorem property tax revenues received by each taxing authority from such property in the year such payments are due.

(2) (a) **The provisions of subsection 1 of this section and subdivision (1) of this subsection notwithstanding, beginning August 28, 2018, any district or county imposing a property tax for the purposes of providing emergency services under chapter 190 or 321 shall be entitled to be reimbursed in an amount that is at least fifty percent but not more than one hundred percent of the amount of ad valorem property tax revenues that the district or county would have received in the absence of the tax abatement or exemption provided under this section.**

(b) **An ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall annually set the reimbursement rate under paragraph (a) of this subdivision prior to the time the assessment is determined by the assessor of the county in which such district is located, or, if not located within a county, then the assessor of such city. If the development plan or redevelopment project is amended by ordinance or by any other means after August 28, 2018, the ambulance or fire protection district board shall have the right to recalculate the reimbursement rate under this subdivision.**

5. The provisions of subsection 3 of this section shall not apply to any amendment or future amendment to a phased development plan approved by the governing body of the city prior to the effective date of the provisions of subsection 3 of this section and upon which construction has been in progress pursuant to such phased plan.

**577.029. BLOOD ALCOHOL CONTENT TESTS, HOW MADE, BY WHOM, WHEN — PERSON TESTED TO RECEIVE CERTAIN INFORMATION, WHEN. — A licensed physician, registered nurse,**

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phlebotomist, or trained medical technician, acting at the request and direction of the law enforcement officer **under section 577.020**, shall, **with the consent of the patient or a warrant issued by a court of competent jurisdiction**, withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his or her good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or her.

**590.1040. PEER SUPPORT COUNSELING SESSION COMMUNICATIONS, CONFIDENTIALITY OF — DEFINITIONS — APPLICABILITY. — 1. For purposes of this section, the following terms mean:**

(1) "Emergency services personnel", any employee or volunteer of an emergency services provider who is engaged in providing or supporting fire fighting, dispatching services, and emergency medical services;

(2) "Emergency services provider", any public employer, or ground or air ambulance service as those terms are used in chapter 190, that employs persons to provide fire fighting, dispatching services, and emergency medical services;

(3) "Employee assistance program", a program established by a law enforcement agency or emergency services provider to provide professional counseling or support services to employees of a law enforcement agency, emergency services provider, or a professional mental health provider associated with a peer support team;

(4) "Law enforcement agency", any public agency that employs law enforcement personnel;

(5) "Law enforcement personnel", any person who, by virtue of office or public employment, is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Missouri or ordinances of any municipality thereof, or with a duty to maintain or assert custody or supervision over persons accused or convicted of a crime, while acting within the scope of his or her authority as an employee or volunteer of a law enforcement agency;

(6) "Peer support counseling session", any session conducted by a peer support specialist that is called or requested in response to a critical incident or traumatic event involving the personnel of the law enforcement agency or emergency services provider;

(7) "Peer support specialist", a person who:

(a) Is designated by a law enforcement agency, emergency services provider, employee assistance program, or peer support team leader to lead, moderate, or assist in a peer support counseling session;

(b) Is a member of a peer support team; and

(c) Has received training in counseling and providing emotional and moral support to law enforcement officers or emergency services personnel who have been involved in emotionally traumatic incidents by reason of his or her employment;

(8) "Peer support team", a group of peer support specialists serving one or more law enforcement providers or emergency services providers.

**2. Any communication made by a participant or peer support specialist in a peer support counseling session, and any oral or written information conveyed in or as the result**

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of a peer support counseling session, are confidential and may not be disclosed by any person participating in the peer support counseling session.

3. Any communication relating to a peer support counseling session that is made between peer support specialists, between peer support specialists and the supervisors or staff of an employee assistance program, or between the supervisors or staff of an employee assistance program is confidential and may not be disclosed.

4. The provisions of this section shall apply only to peer support counseling sessions conducted by a peer support specialist.

5. The provisions of this section shall apply to all oral communications, notes, records, and reports arising out of a peer support counseling session. Any notes, records, or reports arising out of a peer support counseling session shall not be public records and shall not be subject to the provisions of chapter 610. Nothing in this section limits the discovery or introduction into evidence of knowledge acquired by any law enforcement personnel or emergency services personnel from observation made during the course of employment, or material or information acquired during the course of employment, that is otherwise subject to discovery or introduction into evidence.

6. The provisions of this section shall not apply to any:

(1) Threat of suicide or criminal act made by a participant in a peer support counseling session, or any information conveyed in a peer support counseling session relating to a threat of suicide or criminal act;

(2) Information relating to abuse of spouses, children, or the elderly, or other information that is required to be reported by law;

(3) Admission of criminal conduct;

(4) Disclosure of testimony by a participant who received peer support counseling services and expressly consented to such disclosure; or

(5) Disclosure of testimony by the surviving spouse or executor or administrator of the estate of a deceased participant who received peer support counseling services and such surviving spouse or executor or administrator expressly consented to such disclosure.

7. The provisions of this section shall not prohibit any communications between peer support specialists who conduct peer support counseling sessions or any communications between peer support specialists and the supervisors or staff of an employee assistance program.

8. The provisions of this section shall not prohibit communications regarding fitness of an employee for duty between an employee assistance program and an employer.

Approved July 6, 2018

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HCS SB 871

**Enacts provisions relating to court administration.**

AN ACT to repeal sections 455.513, 478.375, 478.600, 478.625, 483.075, 488.2250, 516.105, and 537.100, RSMo, and to enact in lieu thereof seven new sections relating to court administration.

SECTION

A. Enacting clause.

455.513 Ex parte orders, issued immediately, when — for good cause shown, defined — investigation by children's division, when — report due when, available to whom — transfer to juvenile court, when.

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Matter in bold-face type is proposed language.

- 478.600 Circuit No. 11, number of judges, divisions — when judges elected — drug commissioner to become associate circuit judge position.
- 478.625 Circuit No. 19, number of judges, divisions — when judges elected.
- 483.075 Duties of clerk — when county clerk replaces circuit clerk, exception.
- 488.2250 Fees for appeal transcript of testimony — judge may order transcript, when.
- 516.105 Actions against health care and mental health providers (medical malpractice).
- 537.100 Limitation of action — effect of absence of defendant and nonsuit.
- 478.375 6th Circuit — additional judge, when.

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

**SECTION A. ENACTING CLAUSE.** — Sections 455.513, 478.375, 478.600, 478.625, 483.075, 488.2250, 516.105, and 537.100, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 455.513, 478.600, 478.625, 483.075, 488.2250, 516.105, and 537.100, to read as follows:

**455.513. EX PARTE ORDERS, ISSUED IMMEDIATELY, WHEN — FOR GOOD CAUSE SHOWN, DEFINED — INVESTIGATION BY CHILDREN'S DIVISION, WHEN — REPORT DUE WHEN, AVAILABLE TO WHOM — TRANSFER TO JUVENILE COURT, WHEN. — 1. The court may immediately issue an ex parte order of protection** upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that:

(1) No prior order regarding custody **involving the respondent and the child** is pending or has been made; or [that]

(2) The respondent is less than seventeen years of age], the court may immediately issue an ex parte order of protection].

An immediate and present danger of domestic violence, stalking, or sexual assault to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court may issue an ex parte order and shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035.

**478.600. CIRCUIT NO. 11, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED — DRUG COMMISSIONER TO BECOME ASSOCIATE CIRCUIT JUDGE POSITION. — 1.** There shall be four circuit judges in the eleventh judicial circuit. These judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five associate circuit judge position and the division seven associate circuit

judge position shall become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five and seven shall be elected for a six-year term in 2006.

3. Beginning January 1, 2007, the family court commissioner positions in the eleventh judicial circuit appointed under section 487.020 shall become associate circuit judge positions in all respects and shall be designated as divisions nine and ten respectively. These positions may retain the duties and responsibilities with regard to the family court. The associate circuit judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

4. Beginning on January 1, 2007, the drug court commissioner position in the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge position in all respects and shall be designated as division eleven. This position retains the duties and responsibilities with regard to the drug court. Such associate circuit judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320. **Beginning in fiscal year 2019, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2020. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320.**

**478.625. CIRCUIT NO. 19, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED. —**

1. Beginning on January 1, 2003, there shall be three circuit judges in the nineteenth judicial circuit consisting of the county of Cole.

2. One circuit judge shall be first elected in 1982. The second circuit judge shall be first elected in 1984. The third circuit judge shall be first elected in 2002.

3. Effective January 1, [2003] **2021, in compliance with section 478.320**, there shall be [one less] **two** associate circuit [judge] **judges** in Cole County [than is provided pursuant to section 478.320]. **The second associate circuit judge shall be first elected in 2020.**

**483.075. DUTIES OF CLERK — WHEN COUNTY CLERK REPLACES CIRCUIT CLERK, EXCEPTION. —** 1. Every clerk shall record the judgments, rules, orders and other proceedings of the court; issue and attest all process when required by law and affix the seal of his office thereto, or if none be provided, then his private seal; keep a perfect account of all moneys coming into his hands on account of costs or otherwise, and punctually pay over the same.

2. Provided, that where the clerk of the circuit court is a party, plaintiff or defendant, whether singly or jointly with others, to a suit or action, the writ of summons and all other process shall be issued by the clerk of the county commission, the reason therefor being noted on said process, and said latter named clerk shall, on the trial of said cause, act as temporary clerk of the circuit court and otherwise perform in said cause all the duties of the circuit court clerk. **This subsection shall not apply where the clerk of the circuit court is named as a party under sections 610.130 to 610.145 or other sections relating to the expungement of criminal records.**

**488.2250. FEES FOR APPEAL TRANSCRIPT OF TESTIMONY — JUDGE MAY ORDER TRANSCRIPT, WHEN.** — 1. For all appeal transcripts of testimony given [or proceedings in any circuit court], the court reporter shall receive the sum of three dollars and fifty cents per legal page for the preparation of a paper and an electronic version of the transcript.

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter's fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the party requesting their preparation and production, who shall reimburse the court reporter [the sum provided in subsection 1 of this section].

**516.105. ACTIONS AGAINST HEALTH CARE AND MENTAL HEALTH PROVIDERS (MEDICAL MALPRACTICE).** — 1. All actions against physicians, hospitals, dentists, registered or licensed practical nurses, optometrists, podiatrists, pharmacists, chiropractors, professional physical therapists, mental health professionals licensed under chapter 337, and any other entity providing health care services and all employees of any of the foregoing acting in the course and scope of their employment, for damages for malpractice, negligence, error or mistake related to health care shall be brought within two years from the date of occurrence of the act of neglect complained of, except that:

(1) In cases in which the act of neglect complained of is introducing and negligently permitting any foreign object to remain within the body of a living person, the action shall be brought within two years from the date of the discovery of such alleged negligence, or from the date on which the patient in the exercise of ordinary care should have discovered such alleged negligence, whichever date first occurs; and

(2) In cases in which the act of neglect complained of is the negligent failure to inform the patient of the results of medical tests, the action for failure to inform shall be brought within two years from the date of the discovery of such alleged negligent failure to inform, or from the date on which the patient in the exercise of ordinary care should have discovered such alleged negligent failure to inform, whichever date first occurs; except that, no such action shall be brought for any negligent failure to inform about the results of medical tests performed more than two years before August 28, 1999. For purposes of this subdivision, the act of neglect based on the negligent failure to inform the patient of the results of medical tests shall not include the act of informing the patient of the results of negligently performed medical tests or the act of informing the patient of erroneous test results; and

(3) In cases in which the person bringing the action is a minor less than eighteen years of age, such minor shall have until his or her twentieth birthday to bring such action.

In no event shall any action for damages for malpractice, error, or mistake be commenced after the expiration of ten years from the date of the act of neglect complained of or for two years from a minor's eighteenth birthday, whichever is later.

**2. Any service on a defendant by a plaintiff after the statute of limitations set forth in subsection 1 of this section has expired or after the expiration of any extension of the time provided to commence an action pursuant to law shall be made within one hundred eighty days of the filing of the petition. If such service is not made on a defendant within one hundred eighty days of the filing of the petition, the court shall dismiss the action against the defendant. The dismissal shall be without prejudice unless the plaintiff has previously taken or suffered a nonsuit, in which case the dismissal shall be with prejudice.**

**537.100. LIMITATION OF ACTION — EFFECT OF ABSENCE OF DEFENDANT AND NONSUIT. —**

**1.** Every action instituted under section 537.080 shall be commenced within three years after the cause of action shall accrue; provided, that if any defendant, whether a resident or nonresident of the state at the time any such cause of action accrues, shall then or thereafter be absent or depart from the state, so that personal service cannot be had upon such defendant in the state in any such action heretofore or hereafter accruing, the time during which such defendant is so absent from the state shall not be deemed or taken as any part of the time limited for the commencement of such action against him; and provided, that if any such action shall have been commenced within the time prescribed in this section, and the plaintiff therein take or suffer a nonsuit, or after a verdict for him the judgment be arrested, or after a judgment for him the same be reversed on appeal or error, such plaintiff may commence a new action from time to time within one year after such nonsuit suffered or such judgment arrested or reversed; and in determining whether such new action has been begun within the period so limited, the time during which such nonresident or absent defendant is so absent from the state shall not be deemed or taken as any part of such period of limitation.

**2. Any service on a defendant by a plaintiff after the statute of limitations set forth in subsection 1 of this section has expired or after the expiration of any extension of the time provided to commence an action pursuant to law shall be made within one hundred eighty days of the filing of the petition. If such service is not made on a defendant within one hundred eighty days of the filing of the petition, the court shall dismiss the action against the defendant. The dismissal shall be without prejudice unless the plaintiff has previously taken or suffered a nonsuit, in which case the dismissal shall be with prejudice.**

**[478.375. 6TH CIRCUIT — ADDITIONAL JUDGE, WHEN. —** At such time as a new jail or law enforcement center is constructed within the sixth judicial circuit, a new circuit judgeship shall be added.]

Approved June 29, 2018

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CCS HCS SS SB 881

**Enacts provisions relating to transportation.**

AN ACT to repeal sections 21.795, 68.075, 70.370, 71.012, 71.015, 137.010, 137.016, 137.017, 226.770, 226.780, 227.240, 301.010, 301.020, 301.030, 301.055, 301.074, 301.075, 301.130, 301.140, 301.142, 301.145, 301.350, 302.170, 302.173, 304.005, 304.060, 304.180, 304.232, 307.175, and 307.350, RSMo, and to enact in lieu thereof thirty-one new sections relating to transportation, with penalty provisions.

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

## SECTION

- A. Enacting clause.
- 21.795 Joint committee on transportation oversight, members, quorum — report, when, contents — meetings, examination of reports, records required to be submitted.
- 68.075 AIM zones — definitions — establishment, boundaries — retention of tax withholdings on new jobs, amount — fund created, use of moneys — approval of projects — expiration date.
- 70.370 Compact between Missouri and Illinois — creation and powers of district. (St. Louis area)
- 71.012 Annexation procedure, hearing, exceptions (Perry County, Randolph County) — contiguous and compact defined — common interest community, cooperative and planned community, defined — objection, procedure.
- 71.015 Objections to annexation, satisfaction of objections prior to annexation, procedure — certain cities, elections for annexation, procedure — cause of action for deannexation authorized.
- 137.010 Definitions.
- 137.016 Real property, subclasses of, defined — political subdivision may adjust operating levy to recoup revenue, when — reclassification to apply, when — placement of certain property within proper subclass, factors considered.
- 137.017 Agricultural and horticultural property, how assessed.
- 226.770 Authority to contract with public agencies for funds.
- 226.780 Expenditures limited to federal funds, when.
- 227.240 Location and removal of public utility equipment — lines in right-of-way permitted — penalty for violation.
- 227.601 Concession agreements, projects owned by political subdivision — approval — definitions — requirements — exemptions.
- 301.010 Definitions.
- 301.020 Application for registration of motor vehicles, contents — certain vehicles, special provisions — penalty for failure to comply — optional blindness assistance donation — donation to organ donor program permitted.
- 301.030 Motor vehicle registration periods — local commercial plates, requirements — proration authorized for larger commercial vehicles.
- 301.055 Annual registration fees — motor vehicles other than commercial.
- 301.074 Duration of license period — annual proof of inspection and disability, exceptions — limitation on issuance.
- 301.075 No fee for one set of disabled veteran plates — fee for subsequent sets.
- 301.130 License plates, required slogan and information — special plates — plates, how displayed — tabs to be used — rulemaking authority, procedure.
- 301.140 Plates removed on transfer or sale of vehicles — use by purchaser — reregistration — use of dealer plates — temporary permits, fees — credit, when — additional temporary license plate may be purchased, when — salvage vehicles, temporary permits — rulemaking authority.
- 301.142 Plates for disabled and placard for windshield — definitions — physician statements, requirements — issued when — death of disabled person, effect — lost or stolen placard, replacement of, fee — penalties for certain fraudulent acts.
- 301.145 Congressional Medal of Honor, special license plates.
- 301.350 Books and records, motor vehicles — audit by state auditor, when.
- 302.170 Federal REAL ID Act, compliance with — definitions — retention of documents — inapplicability, when — issuance of compliant licenses and ID cards, procedure — biometric data restrictions — privacy — violations, civil damages and criminal penalties — data retention — expiration date.
- 302.173 Driver's examination required, when — exceptions — procedure — military motorcycle rider training, no further driving test required.
- 304.005 Autocycle — defined—protective headgear not required — valid driver's license required to operate.
- 304.060 School buses and other district vehicles, use to be regulated by board — field trips in common carriers, regulation authorized — violation by employee, effect — design of school buses, regulated by board — St. Louis County buses may use word "special".
- 304.180 Regulations as to weight — axle load, tandem axle defined — transport of specific items, total gross weight permitted — requirements during disasters — emergency vehicles, maximum gross weight — natural gas fueled vehicles, increase in maximum gross weight, when.

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

- 304.232 Municipal law enforcement officers, state highway patrol to approve certification procedures — fees — requirements — random roadside inspections prohibited, when — rulemaking authority.
- 307.175 Sirens and flashing lights, use of, when — permits — violation, penalty.
- 307.350 Motor vehicles, biennial inspection required, exceptions — authorization to operate inspection station for inspection authorized — violation, penalty.

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

**SECTION A. ENACTING CLAUSE.** — Sections 21.795, 68.075, 70.370, 71.012, 71.015, 137.010, 137.016, 137.017, 226.770, 226.780, 227.240, 301.010, 301.020, 301.030, 301.055, 301.074, 301.075, 301.130, 301.140, 301.142, 301.145, 301.350, 302.170, 302.173, 304.005, 304.060, 304.180, 304.232, 307.175, and 307.350, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 21.795, 68.075, 70.370, 71.012, 71.015, 137.010, 137.016, 137.017, 226.770, 226.780, 227.240, 227.601, 301.010, 301.020, 301.030, 301.055, 301.074, 301.075, 301.130, 301.140, 301.142, 301.145, 301.350, 302.170, 302.173, 304.005, 304.060, 304.180, 304.232, 307.175, and 307.350, to read as follows:

**21.795. JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT, MEMBERS, QUORUM — REPORT, WHEN, CONTENTS — MEETINGS, EXAMINATION OF REPORTS, RECORDS REQUIRED TO BE SUBMITTED.** — 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Transportation Oversight" to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. Of the fourteen members to be appointed to the joint committee, the seven senate members of the joint committee shall be appointed by the president pro tem of the senate and minority leader of the senate and the seven house members shall be appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives. The seven senate members shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the senate bears to the total membership of the senate. No major party shall be represented by more than four members from the house of representatives. The ex officio members shall be the state auditor, the director of the oversight division of the committee on legislative research, and the commissioner of the office of administration or the designee of such auditor, director or commissioner. The joint committee shall be chaired jointly by both chairs of the senate and house transportation committees. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members, other than the ex officio members, shall be required for the determination of any matter within the committee's duties.

2. The department of transportation shall submit a written report prior to December thirty-first of each year to the governor and the lieutenant governor. The report shall be posted to the department's internet website so that general assembly members may elect to access a copy of the report electronically. The written report shall contain the following:

(1) A comprehensive financial report of all funds for the preceding state fiscal year which shall include a report by independent certified public accountants, selected by the commissioner of the office of administration, attesting that the financial statements present fairly the financial position of the department in conformity with generally accepted government accounting principles]. This report shall include amounts of:

(a) State revenues by sources, including all new state revenue derived from highway users which results from action of the general assembly or voter-approved measures taken after August

28, 2003, and projects funded in whole or in part from such new state revenue, and amounts of federal revenues by source;

(b) Any other revenues available to the department by source;

(c) Funds appropriated, the amount the department has budgeted and expended for the following: contracts, right-of-way purchases, preliminary and construction engineering, maintenance operations and administration;

(d) Total state and federal revenue compared to the revenue estimate in the fifteen-year highway plan as adopted in 1992. All expenditures made by, or on behalf of, the department for personal services including fringe benefits, all categories of expense and equipment, real estate and capital improvements shall be assigned to the categories listed in this subdivision in conformity with generally accepted government accounting principles;

(2) A detailed explanation of the methods or criteria employed to select construction projects, including a listing of any new or reprioritized projects not mentioned in a previous report, and an explanation as to how the new or reprioritized projects meet the selection methods or criteria;

(3) The proposed allocation and expenditure of moneys and the proposed work plan for the current fiscal year, at least the next four years, and for any period of time expressed in any public transportation plan approved by either the general assembly or by the voters of Missouri. This proposed allocation and expenditure of moneys shall include the amounts of proposed allocation and expenditure of moneys in each of the categories listed in subdivision (1) of this subsection;

(4) The amounts which were planned, estimated and expended for projects in the state highway and bridge construction program or any other projects relating to other modes of transportation in the preceding state fiscal year and amounts which have been planned, estimated or expended by project for construction work in progress;

(5) The current status as to completion, by project, of the fifteen-year road and bridge program adopted in 1992. The first written report submitted pursuant to this section shall include the original cost estimate, updated estimate and final completed cost by project. Each written report submitted thereafter shall include the cost estimate at the time the project was placed on the most recent five-year highway and bridge construction plan and the final completed cost by project;

(6) The reasons for cost increases or decreases exceeding five million dollars or ten percent relative to cost estimates and final completed costs for projects in the state highway and bridge construction program or any other projects relating to other modes of transportation completed in the preceding state fiscal year. Cost increases or decreases shall be determined by comparing the cost estimate at the time the project was placed on the most recent five-year highway and bridge construction plan and the final completed cost by project. The reasons shall include the amounts resulting from inflation, department-wide design changes, changes in project scope, federal mandates, or other factors;

(7) Specific recommendations for any statutory or regulatory changes necessary for the efficient and effective operation of the department;

(8) An accounting of the total amount of state, federal and earmarked federal highway funds expended in each district of the department of transportation; and

(9) Any further information specifically requested by the joint committee on transportation oversight.];

**(2) A copy of the department's most current and annual publication titled "Citizen's Guide to Transportation Funding in Missouri";**

**(3) A copy of the department's most current and annual publication titled "Financial Snapshot - An appendix to the Citizen's Guide to Transportation Funding in Missouri";**

**(4) A copy of the department's most current and annual publication titled "MoDOT Results: Accountability. Innovation. Efficiency.".**

3. Prior to February fifteenth of each year, the committee shall hold an annual meeting and call before its members, officials or employees of the state highways and transportation commission or department of transportation, as determined by the committee, for the sole purpose of receiving and examining the report required pursuant to subsection 2 of this section. The committee shall not have the power to modify projects or priorities of the state highways and transportation commission or department of transportation. The committee may make recommendations to the state highways and transportation commission or the department of transportation. Disposition of those recommendations shall be reported by the commission or the department to the joint committee on transportation oversight.

4. In addition to the annual meeting required by subsection 3 of this section, the committee shall meet two times each year. The co-chairs of the committee shall establish an agenda for each meeting that may include, but not be limited to, the following items to be discussed with the committee members throughout the year during the scheduled meeting:

- (1) Presentation of a prioritized plan for all modes of transportation;
- (2) Discussion of department efficiencies and expenditure of cost-savings within the department;
- (3) Presentation of a status report on department of transportation revenues and expenditures, including a detailed summary of projects funded by new state revenue as provided in paragraph (a) of subdivision (1) of subsection 2 of this section; and

(4) Implementation of any actions as may be deemed necessary by the committee as authorized by law. The co-chairs of the committee may call special meetings of the committee with ten days' notice to the members of the committee, the director of the department of transportation, and the department of transportation.

5. The committee shall also review all applications for the development of specialty plates submitted to it by the department of revenue. The committee shall approve such application by a majority vote. The committee shall approve any application unless the committee receives:

- (1) A signed petition from five house members or two senators that they are opposed to the approval of the proposed license plate and the reason for such opposition;
- (2) Notification that the organization seeking authorization to establish a new specialty license plate has not met all the requirements of section 301.3150;
- (3) A proposed new specialty license plate containing objectionable language or design;
- (4) A proposed license plate not meeting the requirements of any reason promulgated by rule.

The committee shall notify the director of the department of revenue upon approval or denial of an application for the development of a specialty plate.

6. The committee shall submit records of its meetings to the secretary of the senate and the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023.

**68.075. AIM ZONES — DEFINITIONS — ESTABLISHMENT, BOUNDARIES — RETENTION OF TAX WITHHOLDINGS ON NEW JOBS, AMOUNT — FUND CREATED, USE OF MONEYS — APPROVAL OF PROJECTS — EXPIRATION DATE.** — 1. This section shall be known and may be cited as the "Advanced Industrial Manufacturing Zones Act".

2. As used in this section, the following terms shall mean:

- (1) "AIM zone", an area identified through a resolution passed by the port authority board of commissioners appointed under section 68.045 that is being developed or redeveloped for any purpose so long as any infrastructure and building built or improved is in the development area.

The port authority board of commissioners shall file an annual report indicating the established AIM zones with the department of revenue;

(2) "County average wage", the average wage in each county as determined by the Missouri department of economic development for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility;

(3) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job. An employee that spends less than fifty percent of the employee's work time at the facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the county average wage;

(4) **"Related facility", a facility operated by a company or a related company prior to the establishment of the AIM zone in question located within any port district, as defined under section 68.015, which is directly related to the operations of the facility within the new AIM zone.**

3. Any port authority located in this state may establish an AIM zone. Such zone may only include the area within the port authority's jurisdiction, ownership, or control, and may include any such area. The port authority shall determine the boundaries for each AIM zone, and more than one AIM zone may exist within the port authority's jurisdiction or under the port authority's ownership or control, and may be expanded or contracted by resolution of the port authority board of commissioners.

4. Fifty percent of the state tax withholdings imposed by sections 143.191 to 143.265 on new jobs within such zone after development or redevelopment has commenced shall not be remitted to the general revenue fund of the state of Missouri. Such moneys shall be deposited into the port authority AIM zone fund established under subsection 5 of this section for the purpose of continuing to expand, develop, and redevelop AIM zones identified by the port authority board of commissioners and may be used for managerial, engineering, legal, research, promotion, planning, satisfaction of bonds issued under section 68.040, and any other expenses.

5. There is hereby created in the state treasury the "Port Authority AIM Zone Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180 to the port authorities from which the funds were collected, less the pro-rata portion appropriated by the general assembly to be used solely for the administration of this section which shall not exceed ten percent of the total amount collected within the zones of a port authority. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. The port authority shall approve any projects that begin construction and disperse any money collected under this section. The port authority shall submit an annual budget for the funds to the department of economic development explaining how and when such money will be spent.

7. The provision of section 23.253 notwithstanding, no AIM zone may be established after August 28, 2023. Any AIM zone created prior to that date shall continue to exist and be

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Matter in bold-face type is proposed language.

coterminous with the retirement of all debts incurred under subsection 4 of this section. No debts may be incurred or reauthorized using AIM zone revenue after August 28, 2023.

**70.370. COMPACT BETWEEN MISSOURI AND ILLINOIS — CREATION AND POWERS OF DISTRICT. (ST. LOUIS AREA)** — Within sixty days after this section becomes effective, the governor by and with the advice and consent of the senate shall appoint three commissioners to enter into a compact on behalf of the state of Missouri with the state of Illinois. If the senate is not in session at the time for making any appointment, the governor shall make a temporary appointment as in case of a vacancy. Any two of the commissioners so appointed together with the attorney general of the state of Missouri may act to enter into the following compact:

COMPACT BETWEEN MISSOURI AND ILLINOIS  
CREATING THE BI-STATE DEVELOPMENT AGENCY  
AND THE BI-STATE METROPOLITAN DISTRICT

The states of Missouri and Illinois enter into the following agreement:

ARTICLE I

They agree to and pledge each to the other faithful cooperation in the future planning and development of the bi-state metropolitan district, holding in high trust for the benefit of its people and of the nation the special blessings and natural advantages thereof.

ARTICLE II

To that end the two states create a district to be known as the "Bi-State Metropolitan Development District" (herein referred to as "The District" ) which shall embrace the following territory: The City of St. Louis and the counties of St. Louis [and], St. Charles [and], Jefferson, **and Franklin** in Missouri[,] and the counties of Madison, St. Clair, and Monroe in Illinois.

ARTICLE III

There is created "The Bi-State Development Agency of the Missouri-Illinois Metropolitan District" (herein referred to as "The Bi-State Agency" ) which shall be a body corporate and politic. The bi-state agency shall have the following powers:

- (1) To plan, construct, maintain, own and operate bridges, tunnels, airports and terminal facilities and to plan and establish policies for sewage and drainage facilities;
- (2) To make plans for submission to the communities involved for coordination of streets, highways, parkways, parking areas, terminals, water supply and sewage and disposal works, recreational and conservation facilities and projects, land use pattern and other matters in which joint or coordinated action of the communities within the areas will be generally beneficial;
- (3) To charge and collect fees for use of the facilities owned and operated by it;
- (4) To issue bonds upon the security of the revenues to be derived from such facilities; and, or upon any property held or to be held by it;
- (5) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies; or by the federal government or any agency or officer thereof;
- (6) To disburse funds for its lawful activities, and fix salaries and wages of its officers and employees;
- (7) To perform all other necessary and incidental functions; and
- (8) To exercise such additional powers as shall be conferred on it by the legislature of either state concurred in by the legislature of the other or by act of Congress.

No property now or hereafter vested in or held by either state, or by any county, city, borough, village, township or other political subdivision, shall be taken by the bi-state agency without the authority or consent of such state, county, city, borough, village, township or other political

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Matter in bold-face type is proposed language.

subdivision, nor shall anything herein impair or invalidate in any way any bonded indebtedness of such state, county, city, borough, village, township or other political subdivision, nor impair the provisions of law regulating the payment into sinking funds of revenues derived from municipal property, or dedicating the revenues derived from any municipal property to a specific purpose.

Unless and until otherwise provided, it shall make an annual report to the governor of each state, setting forth in detail the operations and transactions conducted by it pursuant to this agreement and any legislation thereunder.

Nothing contained in this compact shall impair the powers of any municipality to develop or improve terminal or other facilities.

The bi-state agency shall from time to time make plans for the development of the district; and when such plans are duly approved by the legislatures of the two states, they shall be binding upon both states with the same force and effect as if incorporated in this compact.

The bi-state agency may from time to time make recommendations to the legislatures of the two states or to the Congress of the United States, based upon study and analysis, for the improvement of transportation, terminal, and other facilities in the district.

The bi-state agency may petition any interstate commerce commission (or like body), public service commission, public utilities commission (or like body), or any other federal, municipal, state or local authority, administrative, judicial or legislative, having jurisdiction in the premises, for the adoption and execution of any physical improvements, change in method, rate of transportation, system of handling freight, warehousing, docking, lightering, or transfer of freight, which, in the opinion of the bi-state agency, may be designed to improve or better the handling of commerce in and through the district, or improve terminal and transportation facilities therein. It may intervene in any proceeding affecting the commerce of the district.

#### ARTICLE IV

The bi-state agency shall consist of ten commissioners, five of whom shall be resident voters of the state of Missouri and five of whom shall be resident voters of the state of Illinois. All commissioners shall reside within the bi-state district, the Missouri members to be chosen by the state of Missouri and the Illinois members by the state of Illinois in the manner and for the terms fixed by the legislature of each state except as herein provided.

#### ARTICLE V

The bi-state agency shall elect from its number a chairman, a vice chairman, and may appoint such officers and employees as it may require for the performance of its duties, and shall fix and determine their qualifications and duties.

Until otherwise determined by the legislatures of the two states no action of the bi-state agency shall be binding unless taken at a meeting at which at least three members from each state are present, and unless a majority of the members from each state present at such meeting shall vote in favor thereof. Each state reserves the right hereafter to provide by law for the exercise of the veto power by the governor thereof over any action of any commissioner appointed therefrom.

Until otherwise determined by the action of the legislature of the two states, the bi-state agency shall not incur any obligations for salaries, office or other administrative expenses, prior to the making of appropriations adequate to meet the same.

The bi-state agency is hereby authorized to make suitable rules and regulations not inconsistent with the constitution or laws of the United States or of either state, or of any political subdivision thereof, and subject to the exercise of the power of Congress, for the improvement of the district, which when concurred in or authorized by the legislatures of both states, shall be binding and effective upon all persons and corporations affected thereby.

The two states shall provide penalties for violations of any order, rule or regulation of the bi-state agency, and for the manner of enforcing same.

ARTICLE VI

The bi-state agency is authorized and directed to proceed with the development of the district in accordance with the articles of this compact as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States or of either state, to effectuate the same, except the power to levy taxes or assessments.

It shall render such advice, suggestion and assistance to all municipal officials as will permit all local and municipal improvements, so far as practicable, to fit in with the plan.

ARTICLE VII

In witness thereof, we have hereunto set our hands and seals under authority vested in us by law.

(Signed)

In the presence of:

(Signed)

**71.012. ANNEXATION PROCEDURE, HEARING, EXCEPTIONS (PERRY COUNTY, RANDOLPH COUNTY) — CONTIGUOUS AND COMPACT DEFINED — COMMON INTEREST COMMUNITY, COOPERATIVE AND PLANNED COMMUNITY, DEFINED — OBJECTION, PROCEDURE. — 1.** Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. **The term "contiguous and compact" shall include a situation whereby the unincorporated area proposed to be annexed would be contiguous and compact to the existing corporate limits of the city, town, or village but for an intervening state highway or interstate highway as defined in section 304.001, or railroad right-of-way, regardless of whether any other city, town, or village has annexed such state or interstate highway or railroad right-of-way or otherwise has an easement in such state or interstate highway or railroad right-of-way.** The term contiguous and compact does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and the Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

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Matter in bold-face type is proposed language.

2. (1) When a notarized petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge

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such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

**71.015. OBJECTIONS TO ANNEXATION, SATISFACTION OF OBJECTIONS PRIOR TO ANNEXATION, PROCEDURE — CERTAIN CITIES, ELECTIONS FOR ANNEXATION, PROCEDURE — CAUSE OF ACTION FOR DEANNEXATION AUTHORIZED.** — 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that:

(a) The land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation; or

(b) **The land to be annexed would be contiguous and compact to the existing city, town, or village limits but for an intervening state highway or interstate highway as defined in section 304.001, or railroad right-of-way, and the shared border of the land to be annexed and existing city, town, or village composes at least fifteen percent of the total perimeter of the land to be annexed. For purposes of calculating the length of such border under this paragraph, the border between the land to be annexed and the existing city, town, or village shall be deemed to be:**

**a. If an intervening state highway or interstate highway, the centerline; or**

**b. If a railroad right-of-way, the midpoint between the outermost rails if there are rails or the best estimate of the middle of the right-of-way if there are no rails.**

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, and refuse collection;

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980,

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shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required.

If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 or 71.014. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within

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three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court not later than four years after the effective date of the annexation by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area.

4. Except for a cause of action for deannexation under subdivision (2) of subsection 3 of this section, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of the adoption of the annexation ordinance.

**137.010. DEFINITIONS.** — The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) "Grain and other agricultural crops in an unmanufactured condition" shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term "processing" shall not include hulling, cleaning, drying, grating, or polishing;

(2) "Hydroelectric power generating equipment", very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) "Intangible personal property", for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

(4) "Real property" includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, hydroelectric power generating equipment, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for transportation or storage of liquid and gaseous products, including, but not limited to, petroleum products, natural gas, propane or LP gas equipment, water, and sewage;

(5) **"Reliever airport", any land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the National Plan of Integrated Airport Systems that may receive federal airport improvement project funds through the Federal Aviation Administration;**

(6) "Tangible personal property" includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel

and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.

**137.016. REAL PROPERTY, SUBCLASSES OF, DEFINED — POLITICAL SUBDIVISION MAY ADJUST OPERATING LEVY TO RECOUP REVENUE, WHEN — RECLASSIFICATION TO APPLY, WHEN — PLACEMENT OF CERTAIN PROPERTY WITHIN PROPER SUBCLASS, FACTORS CONSIDERED.** — 1. As used in Section 4(b) of Article X of the Missouri Constitution, the following terms mean:

(1) "Residential property", all real property improved by a structure which is used or intended to be used for residential living by human occupants, vacant land in connection with an airport, land used as a golf course, manufactured home parks, bed and breakfast inns in which the owner resides and uses as a primary residence with six or fewer rooms for rent, and time-share units as defined in section 407.600, except to the extent such units are actually rented and subject to sales tax under subdivision (6) of subsection 1 of section 144.020, but residential property shall not include other similar facilities used primarily for transient housing. For the purposes of this section, "transient housing" means all rooms available for rent or lease for which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to subdivision (6) of subsection 1 of section 144.020;

(2) "Agricultural and horticultural property", all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and management of livestock which shall include breeding, showing, and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily associated with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also include land devoted to and qualifying for payments or other compensation under a soil conservation or agricultural assistance program under an agreement with an agency of the federal government. Agricultural and horticultural property shall further include [land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the National Plan of Integrated Airports System, to receive federal airport improvement project funds through the Federal Aviation Administration] **any reliever airport**. Real property classified as forest croplands shall not be agricultural or horticultural property so long as it is classified as forest croplands and shall be taxed in accordance with the laws enacted to implement Section 7 of Article X of the Missouri Constitution. Agricultural and horticultural property shall also include any sawmill or planing mill defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421;

(3) "Utility, industrial, commercial, railroad and other real property", all real property used directly or indirectly for any commercial, mining, industrial, manufacturing, trade, professional, business, or similar purpose, including all property centrally assessed by the state tax commission but shall not include floating docks, portions of which are separately owned and the remainder of which is designated for common ownership and in which no one person or business entity owns more than five individual units. All other real property not included in the property listed in subclasses (1) and (2) of Section 4(b) of Article X of the Missouri Constitution, as such property is defined in this section, shall be deemed to be included in the term "utility, industrial, commercial, railroad and other real property".

2. Pursuant to Article X of the state constitution, any taxing district may adjust its operating levy to recoup any loss of property tax revenue, except revenues from the surtax imposed pursuant to Article X, Subsection 2 of Section 6 of the constitution, as the result of changing the classification of structures intended to be used for residential living by human occupants which

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contain five or more dwelling units if such adjustment of the levy does not exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this section, loss in revenue shall include the difference between the revenue that would have been collected on such property under its classification prior to enactment of this section and the amount to be collected under its classification under this section. The county assessor of each county or city not within a county shall provide information to each taxing district within its boundaries regarding the difference in assessed valuation of such property as the result of such change in classification.

3. All reclassification of property as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units shall apply to assessments made after December 31, 1994.

4. Where real property is used or held for use for more than one purpose and such uses result in different classifications, the county assessor shall allocate to each classification the percentage of the true value in money of the property devoted to each use; except that, where agricultural and horticultural property, as defined in this section, also contains a dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately surrounding such farm dwelling shall be residential property, as defined in this section. **This subsection shall not apply to any reliever airport.**

5. All real property which is vacant, unused, or held for future use; which is used for a private club, a not-for-profit or other nonexempt lodge, club, business, trade, service organization, or similar entity; or for which a determination as to its classification cannot be made under the definitions set out in subsection 1 of this section, shall be classified according to its immediate most suitable economic use, which use shall be determined after consideration of:

- (1) Immediate prior use, if any, of such property;
- (2) Location of such property;
- (3) Zoning classification of such property; except that, such zoning classification shall not be considered conclusive if, upon consideration of all factors, it is determined that such zoning classification does not reflect the immediate most suitable economic use of the property;
- (4) Other legal restrictions on the use of such property;
- (5) Availability of water, electricity, gas, sewers, street lighting, and other public services for such property;
- (6) Size of such property;
- (7) Access of such property to public thoroughfares; and
- (8) Any other factors relevant to a determination of the immediate most suitable economic use of such property.

6. All lands classified as forest croplands shall not, for taxation purposes, be classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in Section 4(b) of Article X of the Missouri Constitution and defined in this section, but shall be taxed in accordance with the laws enacted to implement Section 7 of Article X of the Missouri Constitution.

**137.017. AGRICULTURAL AND HORTICULTURAL PROPERTY, HOW ASSESSED.** — 1. For general property assessment purposes, the true value in money of land which is in use as agricultural and horticultural property, as defined in section 137.016, shall be that value which such land has for agricultural or horticultural use. The true value of buildings or other structures customarily associated with farming, agricultural, and horticultural uses, excluding residential dwellings and related land, shall be added to the use value of the agricultural and horticultural land to determine the value of the agricultural and horticultural property under sections 137.017 to 137.021.

2. After it has been established that the land is actually agricultural and horticultural property, as defined in section 137.016, and is being valued and assessed accordingly, the land shall remain in this category as long as the owner of the land complies with the provisions of sections 137.017 to 137.021.

3. Continuance of valuation and assessment for general property taxation under the provisions of sections 137.017 to 137.021 shall depend upon continuance of the land being used as agricultural and horticultural property, as defined in section 137.016, and compliance with the other requirements of sections 137.017 to 137.021 and not upon continuance in the same owner of title to the land.

4. For general property assessment purposes, the true value in money of vacant and unused land which is classified as agricultural and horticultural property under subsection 3 of section 137.016 shall be its fair market value. **This subsection shall not apply to any reliever airport.**

**5. For general property assessment purposes, the true value in money of a reliever airport shall be that value which such land has for agricultural or horticultural use.**

**226.770. AUTHORITY TO CONTRACT WITH PUBLIC AGENCIES FOR FUNDS.** — The state highways and transportation commission is authorized to enter into any necessary agreements[, not involving any state funds,] with the Secretary of Commerce or other public agency necessary to obtaining of available funds for the purposes described in Title 23, Sections 136 and 319, of the United States Code, as revised in 1965.

**226.780. EXPENDITURES LIMITED TO FEDERAL FUNDS, WHEN.** — For the purposes set out in [sections 226.750 to] **section 226.790**, no state funds shall be expended and all expenditures under such sections shall be limited to funds granted to the state by the federal government for such purposes.

**227.240. LOCATION AND REMOVAL OF PUBLIC UTILITY EQUIPMENT — LINES IN RIGHT-OF-WAY PERMITTED — PENALTY FOR VIOLATION.** — 1. The location and removal of all telephone, cable television, and electric light and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected or constructed, or hereafter to be erected or constructed by any corporation, municipality, public water supply district, sewer district, association or persons, within the right-of-way of any state highway, insofar as the public travel and traffic is concerned, and insofar as the same may interfere with the construction or maintenance of any such highway, shall be under the control and supervision of the state highways and transportation commission.

2. A cable television corporation or company shall be permitted to place its lines within the right-of-way of any state highway, consistent with the rules and regulations of the state highways and transportation commission. The state highways and transportation commission shall establish a system for receiving and resolving complaints with respect to cable television lines placed in, or removed from, the right-of-way of a state highway.

3. **The department of transportation utility corridor established for the placement of utility facilities on the right-of-way of highways in the state highway system shall be up to twelve feet in width when space is reasonably available, with the location of the utility corridor to be determined by the state highways and transportation commission. The commission shall promulgate rules setting forth a standardized statewide system for requesting and issuing variances to requirements set forth in this section.**

4. The commission or some officer selected by the commission shall serve a written notice upon the entity, person or corporation owning or maintaining any such lines, poles, wires, conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places on the right-

of-way at which such lines, poles, wires, conduits, pipelines or tramways may be maintained. The notice shall also state the time when the work of hard surfacing said roads is proposed to commence, and shall further state that a hearing shall be had upon the proposed plan of location and matters incidental thereto, giving the place and date of such hearing. Immediately after such hearing the said owner shall be given a notice of the findings and orders of the commission and shall be given a reasonable time thereafter to comply therewith; provided, however, that the effect of any change ordered by the commission shall not be to remove all or any part of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way of the highway. The removal of the same shall be made at the cost and expense of the owners thereof unless otherwise provided by said commission, and in the event of the failure of such owners to remove the same at the time so determined they may be removed by the state highways and transportation commission, or under its direction, and the cost thereof collected from such owners, and such owners shall not be liable in any way to any person for the placing and maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed by the commission.

[4.] 5. The commission is authorized in the name of the state of Missouri to institute and maintain, through the attorney general, such suits and actions as may be necessary to enforce the provisions of this section. Any corporation, association or the officers or agents of such corporations or associations, or any other person who shall erect or maintain any such lines, poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which are hard-surfaced, which are not in accordance with such orders of the commission, shall be deemed guilty of a misdemeanor.

**227.601. CONCESSION AGREEMENTS, PROJECTS OWNED BY POLITICAL SUBDIVISION — APPROVAL — DEFINITIONS — REQUIREMENTS — EXEMPTIONS. — 1. Notwithstanding any provision of sections 227.600 to 227.669 to the contrary, the process and approval for concession agreements to build, maintain, operate, or finance projects owned by a political subdivision shall be approved by the governing body of such political subdivision and shall not be subject to approval by the commission. Notwithstanding the provisions of subsection 5 of this section, the sale or conveyance of any project owned by a political subdivision shall be subject to voter approval if required by law.**

**2. As used in this section, the following terms shall mean:**

(1) "Competitive bidding process", a request for proposal for the financing, development, or operation of the project, including any deadline for submission of such proposals, and notice of the request, which shall be published once a week for two consecutive weeks in:

(a) A newspaper of general circulation in the city where the proposed project is located;  
 (b) At least one construction industry trade publication that is nationally distributed; and  
 (c) Such other publications or manner as the governing body of the political subdivision may determine;

(2) "Concession agreement", a license or lease between a private partner and a political subdivision for the development, finance, operation, or maintenance of a project, as such term is defined in section 227.600.

**3. Notwithstanding any provision of law to the contrary, political subdivisions may enter into concession agreements, provided that:**

(1) The term of the concession agreement shall be for a term not exceeding thirty years;  
 (2) The political subdivision shall retain oversight of operations of any such project;  
 (3) The political subdivision shall retain oversight of rate setting methodology;

(4) The political subdivision shall have the right to terminate the agreement if the private partner does not comply with the concession agreement; and

(5) The concession agreement is supported by a preliminary engineering and financial feasibility study, including an estimate of the costs of the project and the rate impact on customers during the life of the agreement.

4. The commission shall not be required to oversee, or issue an annual report under section 227.669 for, projects approved by political subdivisions, provided that any political subdivision entering into a concession agreement shall use a public-private partnership framework that shall include a competitive bidding process.

5. Except as provided in subsection 1 of this section, the provisions of sections 71.530, 71.550, 78.190, 78.630, 81.190, 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not apply to concession agreements that are approved as provided in this section.

6. Nothing in this section or chapter shall be construed to authorize or implement the design or construction of toll roads or bridges.

**301.010. DEFINITIONS.** — As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;

(2) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards;

(3) "Automobile transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units;

[(3)] (4) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

[(4)] (5) "Backhaul", the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route;

[(5)] (6) "Boat transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used specifically to transport assembled boats and boat hulls. Boats may be partially disassembled to facilitate transporting;

[(6)] (7) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

[(7)] (8) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

[(8)] (9) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

[(9)] (10) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

[(10)] (11) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

[(11)] (12) "Director" or "director of revenue", the director of the department of revenue;

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[(12)] **(13)** "Driveaway operation":

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

[(13)] **(14)** "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

[(14)] **(15)** "Farm tractor", a tractor used exclusively for agricultural purposes;

[(15)] **(16)** "Fleet", any group of ten or more motor vehicles owned by the same owner;

[(16)] **(17)** "Fleet vehicle", a motor vehicle which is included as part of a fleet;

[(17)] **(18)** "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

[(18)] **(19)** "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

[(19)] **(20)** "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

[(20)] **(21)** "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

[(21)] **(22)** "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

[(22)] **(23)** "Intersecting highway", any highway which joins another, whether or not it crosses the same;

[(23)] **(24)** "Junk vehicle", a vehicle which:

(a) Is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap; or

(b) Has been designated as junk or a substantially equivalent designation by this state or any other state;

[(24)] **(25)** "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

[(25)] **(26)** "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation.

Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

[(26)] **(27)** "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

[(27)] **(28)** "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from such site with an extended distance local log truck permit, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than [two] **three** axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

[(28)] **(29)** "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated at a forested site and in an area extending not more than a one hundred mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from such site with an extended distance local log truck permit, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than [two] **three** axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

[(29)] **(30)** "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

[(30)] **(31)** "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

[(31)] **(32)** "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

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[(32)] **(33)** "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

[(33)] **(34)** "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

[(34)] **(35)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

[(35)] **(36)** "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

[(36)] **(37)** "Motorcycle", a motor vehicle operated on two wheels;

[(37)] **(38)** "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

[(38)] **(39)** "Motortricycle", a motor vehicle **upon which the operator straddles or sits astride that is designed to be controlled by handle bars and is** operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

[(39)] **(40)** "Municipality", any city, town or village, whether incorporated or not;

[(40)] **(41)** "Nonresident", a resident of a state or country other than the state of Missouri;

[(41)] **(42)** "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(42)] **(43)** "Operator", any person who operates or drives a motor vehicle;

[(43)] **(44)** "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner;

[(44)] **(45)** "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

[(45)] **(46)** "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

[(46)] **(47)** "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

[(47)] **(48)** "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

[(48)] **(49)** "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven

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inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or more nonhighway tires and which may have access to ATV trails;

[(49)] **(50)** "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

[(50)] **(51)** "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a "double saddlemount combination". When three vehicles are towed in this manner, the combination is called a "triple saddlemount combination";

[(51)] **(52)** "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

[(52)] **(53)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;

[(53)] **(54)** "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

[(54)] **(55)** "Scrap processor", a business that, through the use of fixed or mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or transportation to a shredder or scrap metal operator for recycling;

[(55)] **(56)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

[(56)] **(57)** "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

[(57)] **(58)** "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

[(58)] **(59)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

[(59)] **(60)** "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

[(60)] **(61)** "Towaway trailer transporter combination", a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers;

[(61)] **(62)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

[(62)] **(63)** "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers as defined in this section and shall not include manufactured homes as defined in section 700.010;

[(63)] **(64)** "Trailer transporter towing unit", a power unit that is not used to carry property when operating in a towaway trailer transporter combination;

[(64)] **(65)** "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[(65)] **(66)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

[(66)] **(67)** "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

[(67)] **(68)** "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. Business does not include isolated sales at a swap meet of less than three days;

[(68)] (69) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

[(69)] (70) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

[(70)] (71) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

[(71)] (72) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

[(72)] (73) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

**301.020. APPLICATION FOR REGISTRATION OF MOTOR VEHICLES, CONTENTS — CERTAIN VEHICLES, SPECIAL PROVISIONS — PENALTY FOR FAILURE TO COMPLY — OPTIONAL BLINDNESS ASSISTANCE DONATION — DONATION TO ORGAN DONOR PROGRAM PERMITTED.**

— 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

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(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, **autocycle**, bus, or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness

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education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

**301.030. MOTOR VEHICLE REGISTRATION PERIODS — LOCAL COMMERCIAL PLATES, REQUIREMENTS — PRORATION AUTHORIZED FOR LARGER COMMERCIAL VEHICLES. — 1.** The director shall provide for the retention of license plates by the owners of motor vehicles, other than commercial motor vehicles, and shall establish a system of registration on a monthly series basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve months of the calendar year. For the purpose of assigning license plate numbers, each type of motor vehicle shall be considered a separate class. Commencing July 1, 1949, motor vehicles, other than commercial motor vehicles, shall be registered for a period of twelve consecutive calendar months. There are established twelve registration periods, each of which shall start on the first day of each calendar month of the year and shall end on the last date of the twelfth month from the date of beginning.

2. Motor vehicles, other than commercial motor vehicles, operated for the first time upon the public highways of this state, to and including the fifteenth day of any given month, shall be subject to registration and payment of a fee for the twelve-month period commencing the first day of the month of such operation; motor vehicles, other than commercial motor vehicles, operated for the first time on the public highways of this state after the fifteenth day of any given month shall be subject to registration and payment of a fee for the twelve-month period commencing the first day of the next following calendar month.

3. All commercial motor vehicles and trailers, except those licensed under section 301.035 and those operated under agreements as provided for in sections 301.271 to 301.279, shall be registered either on a calendar year basis or on a prorated basis as provided in this section. The fees for commercial motor vehicles, trailers, semitrailers, and driveaway vehicles, other than those to be operated under agreements as provided for in sections 301.271 to 301.279 shall be payable not later than the last day of February of each year, except when such vehicle is licensed between April first and July first the fee shall be three-fourths the annual fee, when licensed between July first and October first the fee shall be one-half the annual fee and when licensed on or after October first the fee shall be one-fourth the annual fee. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Local commercial motor vehicle license plates may also be so stamped, marked or designed as to indicate they are to be used only on local commercial motor vehicles and, in addition to such stamp, mark or design, the letter "F"

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shall also be displayed on local commercial motor vehicle license plates issued to motor vehicles used for farm or farming transportation operations as defined in section 301.010 in the manner prescribed by the advisory committee established in section 301.129. In addition, all commercial motor vehicle license plates may be so stamped or marked with a letter, figure or other emblem as to indicate the gross weight for which issued.

4. The director shall, upon application, issue registration and license plates for nine thousand pounds gross weight for property-carrying commercial motor vehicles referred to herein, upon payment of the fees prescribed for twelve thousand pounds gross weight as provided in section 301.057.

**5. Notwithstanding any other provision of law to the contrary, any motorcycle or motortricycle registration issued by the Missouri department of revenue shall expire on June thirtieth.**

**301.055. ANNUAL REGISTRATION FEES — MOTOR VEHICLES OTHER THAN COMMERCIAL.**

— 1. The annual registration fee for motor vehicles other than commercial motor vehicles is:

Less than 12 horsepower	\$18.00
12 horsepower and less than 24 horsepower	21.00
24 horsepower and less than 36 horsepower	24.00
36 horsepower and less than 48 horsepower	33.00
48 horsepower and less than 60 horsepower	39.00
60 horsepower and less than 72 horsepower	45.00
72 horsepower and more	51.00
Motorcycles	8.50
Motortricycles	10.00
<b>Autocycles</b>	<b>10.00</b>

2. **Notwithstanding any other provision of law, the registration of any autocycle registered as a motorcycle or motortricycle prior to August 28, 2018, shall remain in effect until the expiration of the registration period for such vehicle at which time the owner shall be required to renew the motor vehicle's registration under the autocycle classification and pay the appropriate registration fee.**

**301.074. DURATION OF LICENSE PERIOD — ANNUAL PROOF OF INSPECTION AND DISABILITY, EXCEPTIONS — LIMITATION ON ISSUANCE.** — License plates issued under sections 301.071 to 301.075 shall be valid for the duration of the veteran's disability. Each such applicant issued license plates under these provisions shall annually furnish proof of vehicle inspection and proof of disability to the director, except that an applicant whose service connected disability qualifying him for special license plates consists in whole or in part of loss of an eye or a limb or an applicant with a one hundred percent permanent disability, as established by a physician's signed statement to that effect, need only furnish proof of disability to the director when initially applying for the special license plates and not thereafter, but in such case proof that the veteran is alive shall be required annually. [Each person qualifying under sections 301.071 to 301.075 may license only one motor vehicle under these provisions.] No commercial motor vehicle in excess of twenty-four thousand pounds gross weight may be licensed under the provisions of sections 301.071 to 301.075.

**301.075. NO FEE FOR ONE SET OF DISABLED VETERAN PLATES — FEE FOR SUBSEQUENT SETS.** — There shall be no fee charged for **one set of license plates issued to an eligible person** under the provisions of [this] **sections 301.071 to 301.075. A second or subsequent set of license plates issued to the eligible person under these sections shall be subject to regular registration fees and the fee required for personalized license plates under section 301.144.**

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**301.130. LICENSE PLATES, REQUIRED SLOGAN AND INFORMATION — SPECIAL PLATES — PLATES, HOW DISPLAYED — TABS TO BE USED — RULEMAKING AUTHORITY, PROCEDURE. —**

1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW-ME STATE" and special plates for members of the National Guard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, **autocycles**, motorscooters, and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle, except as provided in this subsection. The applicant for registration of any property-carrying commercial vehicle registered at a gross weight in excess of twelve thousand pounds may request and be issued two license plates for such vehicle, and if such plates are issued, the director of revenue shall provide for distinguishing marks on the plates indicating one plate is for the front and the other is for the rear of such vehicle. The director may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.

4. The plates issued to manufacturers and dealers shall bear the letters and numbers as prescribed by section 301.560, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue or the state highways and transportation commission and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles, **autocycles**, and motorscooters shall be displayed on the rear of such vehicles either horizontally or vertically, with the letters and numbers plainly visible. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be

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displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs positively correlate with the license plate or plates issued by the department of revenue for such vehicle. Such tabs shall be produced in each license bureau office.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for twenty-four thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030. On and after August 28, 2016,

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owners of motor vehicles, other than apportioned motor vehicles or commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight, may apply for any preexisting or hereafter statutorily created special personalized license plates.

9. No later than January 1, 2019, the director of revenue shall commence the reissuance of new license plates of such design as approved by the advisory committee under section 301.125 consistent with the terms, conditions, and provisions of section 301.125 and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire during the period of reissuance, applicants for registration of trailers or semitrailers with license plates that expire during the period of reissuance and applicants for registration of vehicles that are to be issued new license plates during the period of reissuance shall pay the cost of the plates required by this subsection. The additional cost prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection. Except for new, replacement, and transfer applications, permanent nonexpiring license plates issued to commercial motor vehicles and trailers registered under section 301.041 are exempt from the provisions of this subsection.

**301.140. PLATES REMOVED ON TRANSFER OR SALE OF VEHICLES — USE BY PURCHASER — REREGISTRATION — USE OF DEALER PLATES — TEMPORARY PERMITS, FEES — CREDIT, WHEN — ADDITIONAL TEMPORARY LICENSE PLATE MAY BE PURCHASED, WHEN — SALVAGE VEHICLES, TEMPORARY PERMITS — RULEMAKING AUTHORITY.** — 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days, or no more than ninety days if the dealer is selling the motor vehicle under the provisions of section 301.213. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the

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vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days, or no more than ninety days if issued by a dealer selling the motor vehicle under the provisions of section 301.213, from the date of purchase. The temporary permit authorized under this section may be purchased by the purchaser of a motor vehicle or trailer from the central office of the department of revenue or from an authorized agent of the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The director of the department of revenue or a producer authorized by the director of the department of revenue may make temporary permits available to registered dealers in this state, authorized agents of the department of revenue or the department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit. The director of the department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the director of the department of revenue under section 301.190. No motor vehicle dealer, authorized agent or the department of revenue shall charge more than five dollars for each permit issued. The permit shall be valid for a period of thirty days, or no more than ninety days if issued by a dealer selling the motor vehicle under the provisions of section 301.213, from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.

5. The permit shall be issued on a form prescribed by the director of the department of revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer purchased to enable the applicant to temporarily operate the motor vehicle while proper title and registration plates are being obtained, or while awaiting receipt of registration plates, and shall be displayed on no other

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motor vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable, [and] shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer, **and shall be returned to the department or to the department's agent upon the issuance of such proper registration plates. Any temporary permit returned to the department or to the department's agent shall be immediately destroyed. The provisions of this subsection shall not apply to temporary permits issued for commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight.** The director of the department of revenue shall determine the size, material, design, numbering configuration, construction, and color of the permit. The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained.

6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection by proper officers, an accurate record of each permit issued by recording the permit number, the motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and manufacturer's vehicle identification number, and the permit's date of issuance and expiration date. Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri.

7. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of motor vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

8. [The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.]

9.] An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 4 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

[10.] **9.** Notwithstanding the provisions of section 301.217, the director may issue a temporary permit to an individual who possesses a salvage motor vehicle which requires an inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for which the permit has been issued shall be limited to the most direct route from the residence, maintenance, or storage facility of the individual in possession of such motor vehicle to the nearest authorized inspection facility and return to the originating location. Notwithstanding any other requirements for the issuance of a temporary permit under this section, an individual obtaining a temporary permit for the purpose of operating a motor vehicle to and from an examination facility as prescribed in this subsection shall also

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purchase the required motor vehicle examination form which is required to be completed for an examination under subsection 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor vehicle safety inspection for such vehicle as required in section 307.350.

[11.] **10.** The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

[12.] **11.** The repeal and reenactment of this section shall become effective on the date the department of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits prior to July 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

**301.142. PLATES FOR DISABLED AND PLACARD FOR WINDSHIELD — DEFINITIONS — PHYSICIAN STATEMENTS, REQUIREMENTS — ISSUED WHEN — DEATH OF DISABLED PERSON, EFFECT — LOST OR STOLEN PLACARD, REPLACEMENT OF, FEE — PENALTIES FOR CERTAIN FRAUDULENT ACTS. — 1.** As used in sections 301.141 to 301.143, the following terms mean:

- (1) "Department", the department of revenue;
- (2) "Director", the director of the department of revenue;
- (3) "Other authorized health care practitioner" includes advanced practice registered nurses licensed pursuant to chapter 335, physician assistants licensed pursuant to chapter 334, chiropractors licensed pursuant to chapter 331, podiatrists licensed pursuant to chapter 330, assistant physicians, physical therapists licensed pursuant to chapter 334, and optometrists licensed pursuant to chapter 336;
- (4) "Physically disabled", a natural person who is blind, as defined in section 8.700, or a natural person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:
  - (a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or
  - (b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
  - (c) Is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
  - (d) Uses portable oxygen; or
  - (e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
  - (f) A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;
- (5) "Physician", a person licensed to practice medicine pursuant to chapter 334;

(6) "Physician's statement", a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section;

(7) "Temporarily disabled person", a disabled person as defined in this section whose disability or incapacity is expected to last no more than one hundred eighty days;

(8) "Temporary windshield placard", a placard to be issued to persons who are temporarily disabled persons as defined in this section, certification of which shall be indicated on the physician's statement;

(9) "Windshield placard", a placard to be issued to persons who are physically disabled as defined in this section, certification of which shall be indicated on the physician's statement.

2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician's statement for only those physical health care conditions for which such health care practitioner is legally authorized to diagnose and treat.

3. A physician's statement shall:

(1) Be on a form prescribed by the director of revenue;

(2) Set forth the specific diagnosis and medical condition which renders the person physically disabled or temporarily disabled as defined in this section;

(3) Include the physician's or other authorized health care practitioner's license number; and

(4) Be personally signed by the issuing physician or other authorized health care practitioner.

4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability which period may not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days.

5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.

6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days proceeding the date the application is made and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color

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scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. **If at any time an individual who obtained disabled license plates issued under this subsection no longer occupies a residence with a physically disabled person, or no longer owns a vehicle that is operated at least fifty percent of the time by a physically disabled person, such individual shall surrender the disabled license plates to the department within thirty days of becoming ineligible for their use.**

8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person, **and shall be surrendered to the department, within thirty days, if a group, organization, or entity that obtained the removable windshield placard due to the transportation of more than one physically disabled person no longer transports more than one disabled person.** When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The removable windshield placard shall be renewed every four years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates.

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary

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windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

13. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician or other authorized health care practitioner which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section.

14. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

15. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

16. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every [fourth] **eight** year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director may stagger the requirement of a physician's statement on all renewals for the initial implementation of a [four-year] **eight-year** period.

18. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, or the Missouri state board of nursing established in section 335.021, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining a disabled license plate or placard presents

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proof of disability in the form of a statement from the United States Veterans' Administration verifying that the person is permanently disabled, the applicant shall be exempt from the [four-year] **eight-year** certification requirement of this subsection for renewal of the plate or placard. Initial applications shall be accompanied by the physician's statement required by this section. Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who provided the physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled persons license plates or windshield placards.

19. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section.

20. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420.

21. The director of revenue shall retain all physicians' statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.

22. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

23. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of the decedent or such other person who may come into or otherwise take possession of the disabled license plates or disabled windshield placard shall return the same to the director of revenue under penalty of law. Failure to return such plates or placards shall constitute a class B misdemeanor.

24. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

25. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

26. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be four dollars.

27. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.

**301.145. CONGRESSIONAL MEDAL OF HONOR, SPECIAL LICENSE PLATES.** — Any person who has been awarded the Congressional Medal of Honor may apply for special motor vehicle license plates for any vehicle he or she owns, either solely or jointly, other than commercial vehicles weighing over twenty-four thousand pounds, as provided in this section. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of receipt of the Congressional Medal of Honor as the director may require. The director shall then issue license plates bearing the words "CONGRESSIONAL MEDAL OF HONOR" in a [form] **manner** prescribed by the [advisory committee established in section 301.129, except that] **director of revenue**. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. **There shall be no fee charged in addition to regular registration fees for license plates issued under this section.**

**301.350. BOOKS AND RECORDS, MOTOR VEHICLES — AUDIT BY STATE AUDITOR, WHEN.**  
— 1. Upon receipt of an application for registration of a motor vehicle, trailer, manufacturer or dealer, as provided in this chapter, the director of revenue shall file such application and register such motor vehicle, trailer, manufacturer or dealer, together with the facts stated in the application, under a distinctive number assigned to such motor vehicle, trailer, manufacturer or dealer. Separate records shall be kept as follows:

- (1) Motor vehicles registered by owners;
- (2) Commercial motor vehicles;
- (3) Trailers;
- (4) Motorcycles and motor tricycles;
- (5) **Autocycles;**
- (6) Manufacturers and dealers.

2. The director of revenue may keep such other classifications and records as he may deem necessary and may enter contracts or agreements or otherwise make arrangements for computerized access to odometer and title information.

3. All of such books and records shall be kept open to public inspection during reasonable business hours.

4. The governor may cause the records of the department of revenue to be audited by the state auditor at any time.

**302.170. FEDERAL REAL ID ACT, COMPLIANCE WITH — DEFINITIONS — RETENTION OF DOCUMENTS — INAPPLICABILITY, WHEN — ISSUANCE OF COMPLIANT LICENSES AND ID CARDS, PROCEDURE — BIOMETRIC DATA RESTRICTIONS — PRIVACY — VIOLATIONS, CIVIL DAMAGES AND CRIMINAL PENALTIES — DATA RETENTION — EXPIRATION DATE.** — 1. As used in this section, the following terms shall mean:

- (1) "Biometric data", shall include, but not be limited to, the following:
  - (a) Facial feature pattern characteristics;
  - (b) Voice data used for comparing live speech with a previously created speech model of a person's voice;

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- (c) Iris recognition data containing color or texture patterns or codes;
  - (d) Retinal scans, reading through the pupil to measure blood vessels lining the retina;
  - (e) Fingerprint, palm prints, hand geometry, measure of any and all characteristics of biometric information, including shape and length of fingertips, or recording ridge pattern or fingertip characteristics;
  - (f) Eye spacing;
  - (g) Characteristic gait or walk;
  - (h) DNA;
  - (i) Keystroke dynamic, measuring pressure applied to key pads or other digital receiving devices;
- (2) "Commercial purposes", shall not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under Missouri law or the federal Drivers Privacy Protection Act;

(3) "Source documents", original or certified copies, where applicable, of documents presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply for a driver's license or nondriver's license. Source documents shall also include any documents required for the issuance of driver's licenses or nondriver's licenses by the department of revenue under the provisions of this chapter or accompanying regulations.

2. Except as provided in subsection 3 of this section and as required to carry out the provisions of subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or nondriver's licenses or use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format. Documents retained as provided or required by [subsections 3 and] **subsection 4** of this section shall be stored solely on a system not connected to the internet nor to a wide area network that connects to the internet. Once stored on such system, the documents and data shall be purged from any systems on which they were previously stored so as to make them irretrievable.

3. The provisions of this section shall not apply to:

- (1) Original application forms, which may be retained but not scanned except as provided in this section;
- (2) Test score documents issued by state highway patrol driver examiners;
- (3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States;
- (4) Any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, including but not limited to documents required by federal law for the issuance of a commercial driver's license and a commercial driver instruction permit; [and]
- (5) **Documents submitted by a commercial driver's license applicant who is a Missouri resident and is active duty military or a veteran, as "veteran" is defined in 38 U.S.C. 101, which allows for waiver of the commercial driver's license knowledge test, skills test, or both; and**

(6) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver's license, nondriver's license, or instruction permit.

4. (1) To the extent not prohibited under subsection 13 of this section, the department of revenue shall amend procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or regulations promulgated under the authority granted in such Act, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance of the Act, unless such action **conflicts with Missouri law.**

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(2) The department of revenue shall issue driver's licenses or identification cards that are compliant with the federal REAL ID Act of 2005, as amended, to all applicants for driver's licenses or identification cards unless an applicant requests a driver's license or identification card that is not REAL ID compliant. Except as provided in subsection 3 of this section and as required to carry out the provisions of this subsection, the department of revenue shall not retain the source documents of individuals applying for driver's licenses or identification cards not compliant with REAL ID. Upon initial application for a driver's license or identification card, the department shall inform applicants of the option of being issued a REAL ID compliant driver's license or identification card or a driver's license or identification card that is not compliant with REAL ID. The department shall inform all applicants:

(a) With regard to the REAL ID compliant driver's license or identification card:

a. Such card is valid for official state purposes and for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Electronic copies of source documents will be retained by the department and destroyed after the minimum time required for **digital** retention by the federal REAL ID Act of 2005, as amended;

c. The facial image capture will only be retained by the department if the application is finished and submitted to the department; and

d. Any other information the department deems necessary to inform the applicant about the REAL ID compliant driver's license or identification card under the federal REAL ID Act;

(b) With regard to a driver's license or identification card that is not compliant with the federal REAL ID Act:

a. Such card is valid for official state purposes, but it is not valid for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Source documents will be verified but no copies of such documents will be retained by the department unless permitted under subsection 3 of this section, except as necessary to process a request by a license or card holder or applicant;

c. Any other information the department deems necessary to inform the applicant about the driver's license or identification card.

5. The department of revenue shall not use, collect, obtain, share, or retain biometric data nor shall the department use biometric technology to produce a driver's license or nondriver's license or to uniquely identify licensees or license applicants. This subsection shall not apply to digital images nor licensee signatures required for the issuance of driver's licenses and nondriver's licenses or to biometric data collected from employees of the department of revenue, employees of the office of administration who provide information technology support to the department of revenue, contracted license offices, and contracted manufacturers engaged in the production, processing, or manufacture of driver's licenses or identification cards in positions which require a background check in order to be compliant with the federal REAL ID Act or any rules or regulations promulgated under the authority of such Act. Except as otherwise provided by law, applicants' source documents and Social Security numbers shall not be stored in any database accessible by any other state or the federal government. Such database shall contain only the data fields included on driver's licenses and nondriver identification cards compliant with the federal REAL ID Act, and the driving records of the individuals holding such driver's licenses and nondriver identification cards.

6. Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of lawful presence for issuance or renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her

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privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license.

7. No citizen of this state shall have his or her privacy compromised by the state or agents of the state. The state shall within reason protect the sovereignty of the citizens the state is entrusted to protect. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600, or for the purposes set forth in section 32.091, or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records except as provided in this section.

8. Other than to process a request by a license or card holder or applicant, no person shall access, distribute, or allow access to or distribution of any written, digital, or electronic data collected or retained under this section without the express permission of the applicant or a court order, except that such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. A first violation of this subsection shall be a class A misdemeanor. A second violation of this subsection shall be a class E felony. A third or subsequent violation of this subsection shall be a class D felony.

9. Any person harmed or damaged by any violation of this section may bring a civil action for damages, including noneconomic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.

10. The department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

11. Biometric data, digital images, source documents, and licensee signatures, or any copies of the same, required to be collected or retained to comply with the requirements of the federal REAL ID Act of 2005 shall be **digitally** retained for no longer than the minimum duration required to maintain compliance, and immediately thereafter shall be securely destroyed so as to make them irretrievable.

12. No agency, department, or official of this state or of any political subdivision thereof shall use, collect, obtain, share, or retain radio frequency identification data from a REAL ID compliant driver's license or identification card issued by a state, nor use the same to uniquely identify any individual.

13. Notwithstanding any provision of law to the contrary, the department of revenue shall not amend procedures for applying for a driver's license or identification card, nor promulgate any rule or regulation, for purposes of complying with modifications made to the federal REAL ID Act of 2005

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after August 28, 2017, imposing additional requirements on applications, document retention, or issuance of compliant licenses or cards, including any rules or regulations promulgated under the authority granted under the federal REAL ID Act of 2005, as amended, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance thereof.

14. If the federal REAL ID Act of 2005 is modified or repealed such that driver's licenses and identification cards issued by this state that are not compliant with the federal REAL ID Act of 2005 are once again sufficient for federal identification purposes, the department shall not issue a driver's license or identification card that complies with the federal REAL ID Act of 2005 and shall securely destroy, within thirty days, any source documents retained by the department for the purpose of compliance with such Act.

15. The provisions of this section shall expire five years after August 28, 2017.

**302.173. DRIVER'S EXAMINATION REQUIRED, WHEN — EXCEPTIONS — PROCEDURE — MILITARY MOTORCYCLE RIDER TRAINING, NO FURTHER DRIVING TEST REQUIRED.** — 1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state, another state, or a country which has a reciprocal agreement with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 shall be examined as herein provided. Any person who has failed to renew such person's license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the Armed Forces, their adult dependents or any active member of the Peace Corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the Armed Forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person's honorable discharge without submitting to any examination of such person's ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to submit to any examination of his or her ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder, other than a test of the applicant's ability to understand highway signs regulating, warning or directing traffic and the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. The examination shall be made available in each county. Reasonable notice of the time and place of the examination shall be given the applicant by the person or officer designated to conduct it. The complete examination shall include a test of the applicant's natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand highway signs regulating, warning or directing traffic, the applicant's practical knowledge of the traffic laws of this state, and an actual demonstration of ability to exercise due care in the operation of a motor vehicle of the classification for which the license is sought. When an applicant for a license has a license from a state which has requirements for issuance of a license comparable to the Missouri requirements or a license from a country which has a reciprocal agreement with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 and such license has not expired more than six months prior to the date

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of application for the Missouri license, the director may waive the test of the applicant's practical knowledge of the traffic laws of this state, and the requirement of actual demonstration of ability to exercise due care in the operation of a motor vehicle. If the director has reasonable grounds to believe that an applicant is suffering from some known physical or mental ailment which ordinarily would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways, the director may require that the examination include a physical or mental examination by a licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The director shall prescribe regulations to ensure uniformity in the examinations and in the grading thereof and shall prescribe and furnish all forms to the members of the highway patrol and to other persons authorized to conduct examinations as may be necessary to enable the officer or person to properly conduct the examination. The records of the examination shall be forwarded to the director who shall not issue any license hereunder if in the director's opinion the applicant is not qualified to operate a motor vehicle safely upon the highways of this state.

2. Beginning July 1, 2005, when the examiner has reasonable grounds to believe that an individual has committed fraud or deception during the examination process, the license examiner shall immediately forward to the director all information relevant to any fraud or deception, including, but not limited to, a statement of the examiner's grounds for belief that the person committed or attempted to commit fraud or deception in the written, skills, or vision examination.

3. The director of revenue shall delegate the power to conduct the examinations required for a license or permit to any member of the highway patrol or any person employed by the highway patrol. The powers delegated to any examiner may be revoked at any time by the director of revenue upon notice.

4. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful completion of a motorcycle rider training course approved pursuant to sections 302.133 to 302.137 shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further **practical knowledge or** driving test shall be required to obtain a motorcycle or motortricycle license or endorsement. **The motorcycle rider training course completion shall be accepted for purposes of motorcycle license or endorsement issuance for one year from the date of course completion.**

5. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful completion of a military motorcycle rider training course that meets or exceeds the Motorcycle Safety Foundation curriculum standards by an applicant who is an active member of the [U.S.] **United States** Armed Forces, shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further **practical knowledge or** driving test shall be required to obtain a motorcycle or motortricycle license or endorsement. **The military motorcycle rider training course completion shall be accepted for purposes of motorcycle license or endorsement issuance for one year from the date of course completion.** The director of revenue is authorized to promulgate rules and regulations for the administration and implementation of this subsection including rules governing the presentment of motorcycle training course completion cards from a military motorcycle rider training course or other documentation showing that the applicant has successfully completed a course in basic motorcycle safety instruction that meets or exceeds curriculum standards established by the Motorcycle Safety Foundation or other national organization whose purpose is to improve the safety of motorcyclists on the nation's streets and highways. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers

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vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

**304.005. AUTOCYCLE — DEFINED—PROTECTIVE HEADGEAR NOT REQUIRED — VALID DRIVER'S LICENSE REQUIRED TO OPERATE.** — 1. As used in this section, the term "autocycle" means a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or Federal Motorcycle Safety Standards.

2. Notwithstanding subsection 2 of section 302.020, a person operating or riding in an autocycle [shall] **may** not be required to wear protective headgear [if the vehicle is equipped with a roof that meets or exceeds the standards established for protective headgear].

3. No person shall operate an autocycle on any highway or street in this state unless the person has a valid driver's license. The operator of an autocycle, however, shall not be required to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340.

**304.060. SCHOOL BUSES AND OTHER DISTRICT VEHICLES, USE TO BE REGULATED BY BOARD — FIELD TRIPS IN COMMON CARRIERS, REGULATION AUTHORIZED — VIOLATION BY EMPLOYEE, EFFECT — DESIGN OF SCHOOL BUSES, REGULATED BY BOARD — ST. LOUIS COUNTY BUSES MAY USE WORD "SPECIAL".** — 1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

2. **Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri in an urban district containing the greater part of the population of a city which has more than three hundred thousand inhabitants may contract with any municipality, bi-state agency, or other governmental entity for the purpose of transporting school children attending a grade or grades not lower than the ninth nor higher than the twelfth grade, provided that such contract shall be for additional transportation services, and shall not replace or fulfill any of the school district's obligations pursuant to section 167.231. The school district may notify students of the option to use district contracted transportation services.**

3. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with

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Matter in bold-face type is proposed language.

any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

[3.] 4. Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word "special".

**304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED — TRANSPORT OF SPECIFIC ITEMS, TOTAL GROSS WEIGHT PERMITTED — REQUIREMENTS DURING DISASTERS — EMERGENCY VEHICLES, MAXIMUM GROSS WEIGHT — NATURAL GAS FUELED VEHICLES, INCREASE IN MAXIMUM GROSS WEIGHT, WHEN.** — 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise

feet	Maximum load in pounds				
	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			

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10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500

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35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

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Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of P.L. 97-424 codified in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9, 10, 12, and 13 of this section.

7. Notwithstanding any provision of this section to the contrary, the commission shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any **crane** or concrete pump truck or well-drillers' equipment. The commission shall set fees for the issuance of permits **and parameters for the transport of cranes** pursuant to this subsection. Notwithstanding the provisions of section 301.133, **cranes**, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk, from a farm to a processing facility or livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the commission shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the department of transportation motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The commission shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

12. Notwithstanding any provision of this section to the contrary, emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to mitigate hazardous situations may have a maximum gross vehicle weight of eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single steering axle; thirty-three thousand five hundred pounds on a single drive axle; sixty-two thousand pounds on a tandem axle; or fifty-two thousand pounds on a tandem rear-drive steer axle.

13. Notwithstanding any provision of this section to the contrary, a vehicle operated by an engine fueled primarily by natural gas may operate upon the public highways of this state in excess of the vehicle weight limits set forth in this section by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. In no event shall the maximum gross vehicle weight of the vehicle operating with a natural gas engine exceed eighty-two thousand pounds.

**304.232. MUNICIPAL LAW ENFORCEMENT OFFICERS, STATE HIGHWAY PATROL TO APPROVE CERTIFICATION PROCEDURES — FEES — REQUIREMENTS — RANDOM ROADSIDE INSPECTIONS PROHIBITED, WHEN — RULEMAKING AUTHORITY.** — 1. The Missouri state highway patrol shall approve procedures for the certification of municipal police officers, sheriffs, deputy sheriffs, and other law enforcement officials that enforce sections 304.170 to 304.230.

2. The certification procedures shall meet the requirements of the memorandum of understanding between the state of Missouri and the commercial vehicle safety alliance or any successor organization, as periodically adopted or amended.

3. Commercial motor vehicle safety data collection, management, and distribution by law enforcement officials shall be compatible with the information systems of the Missouri state highway patrol.

4. The Missouri state highway patrol shall establish reasonable fees sufficient to recover the cost of training, recurring training, data collection and management, certifying, and additional administrative functions for law enforcement officials approved under this section.

5. The agencies for which law enforcement officials approved under this section shall adhere to the Motor Carrier Safety Assistance Program requirements under 49 Code of Federal Regulations Part 350 of the Federal Motor Carrier Safety Regulations.

6. The agencies for which law enforcement officials approved under this section shall be subject to periodic program reviews and be required to submit a commercial vehicle safety plan that is consistent with and incorporated into the statewide enforcement plan.

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7. Beginning January 1, 2009, no local law enforcement officer may conduct a random commercial motor vehicle roadside inspection to determine compliance with the provisions of sections 304.170 to 304.230 unless the law enforcement officer has satisfactorily completed, as a part of his or her training, the basic course of instruction developed by the commercial vehicle safety alliance and has been approved by the Missouri state highway patrol under this section. Law enforcement officers authorized to enforce the provisions of sections 304.170 to 304.230 shall annually receive in-service training related to commercial motor vehicle operations, including but not limited to training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. The annual training requirements shall be approved by the superintendent of the state highway patrol.

8. Law enforcement officers who have received commercial vehicle safety alliance certification prior to January 1, 2009, shall be exempt from the provisions of this section and such officers shall be qualified to conduct random roadside inspections described under this section and section 304.230.

**9. No safety inspection shall be performed on the shoulder of any highway with a posted speed limit in excess of forty miles per hour, except that safety inspections may be permitted on the shoulder at any entrance or exit of such highway where there is adequate space on the shoulder to safely perform such inspection.**

10. The superintendent of the state highway patrol shall promulgate rules and regulations necessary to administer the certification procedures and any other provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

**307.175. SIRENS AND FLASHING LIGHTS, USE OF, WHEN — PERMITS — VIOLATION, PENALTY.**

— 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:

(a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;

(b) Vehicles operated as described in subsection 1 of this section;

(c) Vehicles **and equipment** owned **or leased** by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles **or equipment** described in this paragraph only between dusk and dawn, when such vehicles **or equipment** are stationary, such vehicles **or equipment** are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs. **No more than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or rotating lights under this subdivision.**

(2) The following vehicles **and equipment** may use or display fixed, flashing, or rotating amber or amber and white lights:

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(a) Vehicles **and equipment** owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation;

(b) Vehicles **and equipment** owned **or leased** by a contractor or subcontractor performing work for the department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles **or equipment** are [stationary] **located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs;**

(c) Vehicles **and equipment** operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary, **such vehicles or equipment are located in a work zone as defined in section 304.580, a utility worker is present, and such work zone is designated by a sign or signs.** As used in this paragraph, the term "utility worker" means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned.

3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, rescue squad, or the state highways and transportation commission and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor.

**307.350. MOTOR VEHICLES, BIENNIAL INSPECTION REQUIRED, EXCEPTIONS — AUTHORIZATION TO OPERATE INSPECTION STATION FOR INSPECTION AUTHORIZED — VIOLATION, PENALTY. —** 1. The owner of every motor vehicle as defined in section 301.010 which is required to be registered in this state, except:

(1) Motor vehicles, for the five-year period following their model year of manufacture, excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131;

(4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve months;

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred; **however, if a vehicle was purchased from a motor vehicle dealer and a valid inspection had been made within sixty days of the purchase date,**

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**the new owner shall be able to utilize an inspection performed within ninety days prior to the application for registration or transfer.** Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144 or a set of any license plates available pursuant to section 301.142, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.

Approved June 1, 2018

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SS SB 882

**Enacts provisions relating to the Missouri higher education savings program.**

AN ACT to repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.430, 166.456, 166.501, 166.502, 166.505, and 209.610, RSMo, section 166.435 as enacted by senate bill no. 366, ninety-eighth general assembly, first regular session and section 166.435 as enacted by senate bill no. 863, ninety-fourth general assembly, second regular session, and to enact in lieu thereof twelve new sections relating to the Missouri higher education savings program.

SECTION

- A. Enacting clause.
- 166.400 Citation of law.
- 166.410 Definitions.
- 166.415 Missouri education savings program, created, board, members, proxies, powers and duties, investments.
- 166.420 Participation agreements, terms and conditions — contribution limitation — penalty.
- 166.425 Board to invest funds, use of funds — not deemed income, when.
- 166.430 Cancellation of agreement, results — penalty.
- 166.435 State tax exemption.
- 166.435 State tax exemption.
- 166.456 Confidentiality of information.

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- 166.501 Program established as alternative to Missouri education savings program.  
 166.502 Definitions.  
 166.505 Program created, Missouri education savings program board to administer, powers and duties — investment of funds.  
 209.610 Agreements, terms and conditions — contribution limits.

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

**SECTION A. ENACTING CLAUSE.** — Sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.430, 166.456, 166.501, 166.502, 166.505, and 209.610, RSMo, section 166.435 as enacted by senate bill no. 366, ninety-eighth general assembly, first regular session and section 166.435 as enacted by senate bill no. 863, ninety-fourth general assembly, second regular session, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.430, 166.435, 166.456, 166.501, 166.502, 166.505, and 209.610, to read as follows:

**166.400. CITATION OF LAW.** — Sections 166.400 to 166.455 shall be known and may be cited as the "Missouri [Higher] Education Savings Program".

**166.410. DEFINITIONS.** — Definitions. As used in sections 166.400 to 166.455, except where the context clearly requires another interpretation, the following terms mean:

- (1) "Beneficiary", any individual designated by a participation agreement to benefit from payments for qualified [higher] education expenses at an eligible educational institution;
- (2) "Benefits", the payment of qualified [higher] education expenses on behalf of a beneficiary from a savings account during the beneficiary's attendance at an eligible educational institution;
- (3) "Board", the Missouri [higher] education savings program board established in section 166.415;
- (4) "Eligible educational institution", an institution of postsecondary education as defined in Section 529(e)(5) of the Internal Revenue Code, **and institutions of elementary and secondary education as provided in Sections 529(c)(7) and 529(e)(3) of the Internal Revenue Code, as amended;**
- (5) "Financial institution", a bank, insurance company or registered investment company;
- (6) "Internal Revenue Code", the Internal Revenue Code of 1986, as amended;
- (7) "Missouri [higher] education savings program" or "savings program", the program created pursuant to sections 166.400 to 166.455;
- (8) "Participant", a person who has entered into a participation agreement pursuant to sections 166.400 to 166.455 for the advance payment of qualified [higher] education expenses on behalf of a beneficiary;
- (9) "Participation agreement", an agreement between a participant and the board pursuant to and conforming with the requirements of sections 166.400 to 166.455; and
- (10) "Qualified higher education expenses" or "**qualified education expenses**", the qualified costs of tuition and fees and other expenses for attendance at an eligible educational institution, as defined in Section 529(e)(3) of the Internal Revenue Code, as amended.

**166.415. MISSOURI EDUCATION SAVINGS PROGRAM, CREATED, BOARD, MEMBERS, PROXIES, POWERS AND DUTIES, INVESTMENTS.** — 1. There is hereby created the "Missouri [Higher] Education Savings Program". The program shall be administered by the Missouri [higher] education savings program board which shall consist of the Missouri state treasurer who shall serve as chairman, the commissioner of the department of higher education, **the commissioner of education**, the commissioner of the office of administration, the director of the

department of economic development, two persons having demonstrable experience and knowledge in the areas of finance or the investment and management of public funds, one of whom is selected by the president pro tem of the senate and one of whom is selected by the speaker of the house of representatives, and one person having demonstrable experience and knowledge in the area of banking or deposit rate determination and placement of depository certificates of deposit or other deposit investments. Such member shall be appointed by the governor with the advice and consent of the senate. The three appointed members shall be appointed to serve for terms of four years from the date of appointment, or until their successors shall have been appointed and shall have qualified. The members of the board shall be subject to the conflict of interest provisions of section 105.452. Any member who violates the conflict of interest provisions shall be removed from the board. In order to establish and administer the savings program, the board, in addition to its other powers and authority, shall have the power and authority to:

(1) Develop and implement the Missouri [higher] education savings program and, notwithstanding any provision of sections 166.400 to 166.455 to the contrary, the savings programs and services consistent with the purposes and objectives of sections 166.400 to 166.455;

(2) Promulgate reasonable rules and regulations and establish policies and procedures to implement sections 166.400 to 166.455, to permit the savings program to qualify as a "qualified state tuition program" pursuant to Section 529 of the Internal Revenue Code and to ensure the savings program's compliance with all applicable laws;

(3) Develop and implement educational programs and related informational materials for participants, either directly or through a contractual arrangement with a financial institution for investment services, and their families, including special programs and materials to inform families with young children regarding methods for financing education and training [beyond high school];

(4) Enter into agreements with any financial institution, the state or any federal or other agency or entity as required for the operation of the savings program pursuant to sections 166.400 to 166.455;

(5) Enter into participation agreements with participants;

(6) Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government or any other person, firm, partnership, or corporation for deposit to the account of the savings program;

(7) Invest the funds received from participants in appropriate investment instruments to achieve long-term total return through a combination of capital appreciation and current income;

(8) Make appropriate payments and distributions on behalf of beneficiaries pursuant to participation agreements;

(9) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in sections 166.400 to 166.455 and the rules adopted by the board;

(10) Make provision for the payment of costs of administration and operation of the savings program;

(11) Effectuate and carry out all the powers granted by sections 166.400 to 166.455, and have all other powers necessary to carry out and effectuate the purposes, objectives and provisions of sections 166.400 to 166.455 pertaining to the savings program; and

(12) Procure insurance, guarantees or other protections against any loss in connection with the assets or activities of the savings program.

2. Any member of the board may designate a proxy for that member who will enjoy the full voting privileges of that member for the one meeting so specified by that member. No more than three proxies shall be considered members of the board for the purpose of establishing a quorum.

3. Four members of the board shall constitute a quorum. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board. No action shall be taken by the board except upon the affirmative vote of a majority of the members present.

4. The board shall meet within the state of Missouri at the time set at a previously scheduled meeting or by the request of any four members of the board. Notice of the meeting shall be delivered to all other trustees in person or by depositing notice in a United States post office in a properly stamped and addressed envelope not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

5. The funds shall be invested only in those investments which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims, as provided in section 105.688. For new contracts entered into after August 28, 2012, board members shall study investment plans of other states and contract with or negotiate to provide benefit options the same as or similar to other states' qualified plans for the purpose of offering additional options for members of the plan. The board may delegate to duly appointed investment counselors authority to act in place of the board in the investment and reinvestment of all or part of the moneys and may also delegate to such counselors the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselors shall be registered as investment advisors with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. No member of the board shall be liable for any action taken or omitted with respect to the exercise of, or delegation of, these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care and skill which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

6. No investment transaction authorized by the board shall be handled by any company or firm in which a member of the board has a substantial interest, nor shall any member of the board profit directly or indirectly from any such investment.

7. No trustee or employee of the savings program shall receive any gain or profit from any funds or transaction of the savings program. Any trustee, employee or agent of the savings program accepting any gratuity or compensation for the purpose of influencing such trustee's, employee's or agent's action with respect to the investment or management of the funds of the savings program shall thereby forfeit the office and in addition thereto be subject to the penalties prescribed for bribery.

**166.420. PARTICIPATION AGREEMENTS, TERMS AND CONDITIONS — CONTRIBUTION LIMITATION — PENALTY. —** 1. The board may enter into savings program participation agreements with participants on behalf of beneficiaries pursuant to the provisions of sections 166.400 to 166.455, including the following terms and conditions:

(1) A participation agreement shall stipulate the terms and conditions of the savings program in which the participant makes contributions;

(2) A participation agreement shall specify the method for calculating the return on the contribution made by the participant;

(3) The execution of a participation agreement by the board shall not guarantee that the beneficiary named in any participation agreement will be admitted to an eligible educational institution, be allowed to continue to attend an eligible educational institution after having been admitted or will graduate from an eligible educational institution;

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

(4) A participation agreement shall clearly and prominently disclose to participants the risk associated with depositing moneys with the board;

(5) Participation agreements shall be organized and presented in a way and with language that is easily understandable by the general public; and

(6) A participation agreement shall clearly and prominently disclose to participants the existence of any load charge or similar charge assessed against the accounts of the participants for administration or services.

2. The board shall establish the maximum amount which may be contributed annually by a participant with respect to a beneficiary.

3. The board shall establish a total contribution limit for savings accounts established under the savings program with respect to a beneficiary to permit the savings program to qualify as a "qualified state tuition program" pursuant to Section 529 of the Internal Revenue Code. No contribution may be made to a savings account for a beneficiary if it would cause the balance of all savings accounts of the beneficiary to exceed the total contribution limit established by the board. The board may establish other requirements that it deems appropriate to provide adequate safeguards to prevent contributions on behalf of a beneficiary from exceeding what is necessary to provide for the qualified [higher] education expenses of the beneficiary.

4. The board shall establish the minimum length of time that contributions and earnings must be held by the savings program to qualify pursuant to section 166.435. Any contributions or earnings that are withdrawn or distributed from a savings account prior to the expiration of the minimum length of time, as established by the board, shall be subject to a penalty pursuant to section 166.430.

**166.425. BOARD TO INVEST FUNDS, USE OF FUNDS — NOT DEEMED INCOME, WHEN.** — All money paid by a participant in connection with participation agreements shall be deposited as received and shall be promptly invested by the board. Contributions and earnings thereon accumulated on behalf of participants in the savings program may be used, as provided in the participation agreement, for qualified [higher] education expenses. Such contributions and earnings shall not be considered income for purposes of determining a participant's eligibility for financial assistance under any state student aid program.

**166.430. CANCELLATION OF AGREEMENT, RESULTS — PENALTY.** — Any participant may cancel a participation agreement at will. The board shall impose a penalty equal to or greater than ten percent of the earnings of an account for any distribution that is not:

- (1) Used exclusively for qualified [higher] education expenses of the designated beneficiary;
- (2) Made because of death or disability of the designated beneficiary;
- (3) Made because of the receipt of scholarship by the designated beneficiary;
- (4) A rollover distribution, as defined in Section 529(c)(3)(C)(i) of the Internal Revenue Code; or
- (5) Held in the fund for the minimum length of time established by the board.

**166.435. STATE TAX EXEMPTION.** — 1. Notwithstanding any law to the contrary, the assets of the savings program held by the board, the assets of any deposit program authorized in section 166.500, and the assets of any qualified tuition savings program established pursuant to Section 529 of the Internal Revenue Code and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from the savings program, deposit, or other qualified tuition savings programs established under Section 529 of the Internal Revenue Code [program], or refunds of qualified [higher] education expenses received by a beneficiary from an eligible educational institution in connection with withdrawal from enrollment

at such institution which are contributed within sixty days of withdrawal to a qualified tuition savings program of which such individual is a beneficiary shall not be subject to state income tax imposed pursuant to chapter 143 and shall be eligible for any benefits provided in accordance with Section 529 of the Internal Revenue Code. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the savings program established pursuant to sections 166.400 to 166.455, the deposit program established pursuant to sections 166.500 to 166.529, and other qualified tuition savings programs established under Section 529 of the Internal Revenue Code, and no exemption shall apply to assets and income expended for any other purposes. Annual contributions made to the savings program held by the board, the deposit program, and any qualified tuition savings program established under Section 529 of the Internal Revenue Code up to and including eight thousand dollars per participating taxpayer, and up to sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.

2. If any deductible contributions to or earnings from any such program referred to in this section are distributed and not used to pay qualified [higher] education expenses, **not transferred as allowed by 26 U.S.C. 529(c)(3)(C)(i), as amended, and any Internal Revenue Service regulations or guidance issued in relation thereto**, or are not held for the minimum length of time established by the appropriate Missouri board, **then** the amount so distributed shall be [added to] **included in** the Missouri adjusted gross income of the participant, or, if the participant is not living, the beneficiary.

3. The provisions of this section shall apply to tax years beginning on or after January 1, 2008, and the provisions of this section with regard to sections 166.500 to 166.529 shall apply to tax years beginning on or after January 1, 2004.

[4. The repeal and reenactment of this section shall become effective only upon notification by the State Treasurer to the Revisor of Statutes of the passage of H.R. 529 of the 114th United States Congress.]

**[166.435. STATE TAX EXEMPTION.** — 1. Notwithstanding any law to the contrary, the assets of the savings program held by the board, the assets of any deposit program authorized in section 166.500, and the assets of any qualified tuition savings program established pursuant to Section 529 of the Internal Revenue Code and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from the savings program, deposit, or other qualified tuition savings programs established under Section 529 of the Internal Revenue Code program shall not be subject to state income tax imposed pursuant to chapter 143 and shall be eligible for any benefits provided in accordance with Section 529 of the Internal Revenue Code. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the savings program established pursuant to sections 166.400 to 166.455, the deposit program established pursuant to sections 166.500 to 166.529, and other qualified tuition savings programs established under Section 529 of the Internal Revenue Code, and no exemption shall apply to assets and income expended for any other purposes. Annual contributions made to the savings program held by the board, the deposit program, and any qualified tuition savings program established under Section 529 of the Internal Revenue Code up to and including eight thousand dollars per participating taxpayer, and up to sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.

2. If any deductible contributions to or earnings from any such program referred to in this section are distributed and not used to pay qualified higher education expenses or are not held for the minimum length of time established by the appropriate Missouri board, the amount so distributed shall be added to the Missouri adjusted gross income of the participant, or, if the participant is not living, the beneficiary.

3. The provisions of this section shall apply to tax years beginning on or after January 1, 2008, and the provisions of this section with regard to sections 166.500 to 166.529 shall apply to tax years beginning on or after January 1, 2004.]

**166.456. CONFIDENTIALITY OF INFORMATION.** — All personally identifiable information concerning participants and beneficiaries of accounts established within the Missouri [higher] education savings program pursuant to sections 166.400 to 166.456 shall be confidential, and any disclosure of such information shall be restricted to purposes directly connected with the administration of the program.

**166.501. PROGRAM ESTABLISHED AS ALTERNATIVE TO MISSOURI EDUCATION SAVINGS PROGRAM.** — Notwithstanding the provisions of sections 166.400 to 166.456 to the contrary, the higher education deposit program is established as a nonexclusive alternative to the Missouri [higher] education savings program, and any participant may elect to participate in both programs subject to aggregate Missouri program limitations.

**166.502. DEFINITIONS.** — As used in sections 166.500 to 166.529, except where the context clearly requires another interpretation, the following terms mean:

(1) "Beneficiary", any individual designated by a participation agreement to benefit from payments for qualified higher education expenses at an eligible educational institution;

(2) "Benefits", the payment of qualified higher education expenses on behalf of a beneficiary from a deposit account during the beneficiary's attendance at an eligible educational institution;

(3) "Board", the Missouri [higher] education savings program board established in section 166.415;

(4) "Eligible educational institution", an institution of postsecondary education as defined in Section 529(e)(5) of the Internal Revenue Code;

(5) "Financial institution", a depository institution and any intermediary that brokers certificates of deposits;

(6) "Internal Revenue Code", the Internal Revenue Code of 1986, as amended;

(7) "Missouri higher education deposit program" or "deposit program", the program created pursuant to sections 166.500 to 166.529;

(8) "Participant", a person who has entered into a participation agreement pursuant to sections 166.500 to 166.529 for the advance payment of qualified higher education expenses on behalf of a beneficiary;

(9) "Participation agreement", an agreement between a participant and the board pursuant to and conforming with the requirements of sections 166.500 to 166.529;

(10) "Qualified higher education expenses", the qualified costs of tuition and fees and other expenses for attendance at an eligible educational institution, as defined in Section 529(e)(3) of the Internal Revenue Code of 1986, as amended.

**166.505. PROGRAM CREATED, MISSOURI EDUCATION SAVINGS PROGRAM BOARD TO ADMINISTER, POWERS AND DUTIES — INVESTMENT OF FUNDS.** — 1. There is hereby created the "Missouri Higher Education Deposit Program". The program shall be administered by the Missouri [higher] education savings program board.

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

Matter in bold-face type is proposed language.

2. In order to establish and administer the deposit program, the board, in addition to its other powers and authority, shall have the power and authority to:

(1) Develop and implement the Missouri higher education deposit program and, notwithstanding any provision of sections 166.500 to 166.529 to the contrary, the deposit programs and services consistent with the purposes and objectives of sections 166.500 to 166.529;

(2) Promulgate reasonable rules and regulations and establish policies and procedures to implement sections 166.500 to 166.529, to permit the deposit program to qualify as a qualified state tuition program pursuant to Section 529 of the Internal Revenue Code and to ensure the deposit program's compliance with all applicable laws;

(3) Develop and implement educational programs and related informational materials for participants, either directly or through a contractual arrangement with a financial institution or other entities for deposit educational services, and their families, including special programs and materials to inform families with children of various ages regarding methods for financing education and training beyond high school;

(4) Enter into an agreement with any financial institution, entity, or business clearinghouse for the operation of the deposit program pursuant to sections 166.500 to 166.529; providing however, that such institution, entity, or clearinghouse shall be a private for-profit or not-for-profit entity and not a government agency. No more than one board member may have a direct interest in such institution, entity, or clearinghouse. Such institution, entity, or clearinghouse shall implement the board's policies and administer the program for the board and with electing depository institutions and others;

(5) Enter into participation agreements with participants;

(6) Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government or any other person, firm, partnership, or corporation for deposit to the account of the deposit program;

(7) Invest the funds received from participants in appropriate investment instruments to be held by depository institutions or directly deposit such funds in depository institutions as provided by the board and elected by the participants;

(8) Make appropriate payments and distributions on behalf of beneficiaries pursuant to participation agreements;

(9) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in sections 166.500 to 166.529 and the rules adopted by the board;

(10) Make provision for the payment of costs of administration and operation of the deposit program;

(11) Effectuate and carry out all the powers granted by sections 166.500 to 166.529, and have all other powers necessary to carry out and effectuate the purposes, objectives, and provisions of sections 166.500 to 166.529 pertaining to the deposit program;

(12) Procure insurance, guarantees, or other protections against any loss in connection with the assets or activities of the deposit program, as the members in their best judgment deem necessary;

(13) To both adopt and implement various methods of transferring money by electronic means to efficiently transfer funds to depository institutions for deposit, and in addition or in the alternative, to allow funds to be transferred by agent agreements, assignment, or otherwise, provided such transfer occurs within two business days;

(14) To both adopt and implement methods and policies designed to obtain the maximum insurance of such funds for each participant permitted and provided for by the Federal Deposit Insurance Corporation, or any other federal agency insuring deposits, and taking into consideration the law and regulation promulgated by such federal agencies for deposit insurance.

3. The funds shall be invested only in those investments which a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, as provided in section 105.688, as a means to hold funds until they are placed in a Missouri depository institution as a deposit. The board may delegate to duly appointed representatives of financial institutions authority to act in place of the board in the investment and reinvestment of all or part of the moneys and may also delegate to such representatives the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring, or disposing of any or all of the investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys, however, such investments shall be limited to certificates of deposit and other deposits in federally insured depository institutions. Such representatives shall be registered as "qualified student deposit advisors on Section 529 plans" with the board and such board shall, by rule, develop and administer qualification tests from time to time to provide representatives the opportunity to qualify for this program. In exercising or delegating its investment powers and authority, members of the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. No member of the board shall be liable for any action taken or omitted with respect to the exercise of, or delegation of, these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care, and skill which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

4. No board member or employee of the deposit program shall personally receive any gain or profit from any funds or transaction of the deposit program as a result of his or her membership on the board. Any board member, employee, or agent of the deposit program accepting any gratuity or compensation for the purpose of influencing such board member's, employee's, or agent's action with respect to choice of intermediary, including any financial institution, entity, or clearinghouse, for the funds of the deposit program shall thereby forfeit the office and in addition thereto be subject to the penalties prescribed for bribery. However, a board member who is regularly employed directly or indirectly by a financial institution may state that institution's interest and absent himself or herself from voting.

5. Depository institutions originating the deposit program shall be the agent of the board and offer terms for certificates of deposit and other deposits in such program as permitted by the board, subject to a uniform interest rate disclosure as defined in federal regulations of the Board of Governors of the Federal Reserve System, specifically Federal Reserve Regulation DD, as amended from time to time. The board shall establish various deposit opportunities based on amounts deposited and length of time held that are uniformly available to all depository institutions that elect to participate in the program, and the various categories of fixed or variable rates shall be the only interest rates available under this program. A depository institution that originates the deposit as agent for the board and participates in the program shall receive back and continue to hold the certificate of deposit or other deposit, provided such depository institution continues to comply with requirements and regulations prescribed by the board. Such deposit and certificate of deposit shall be titled in the name of the clearing entity for the benefit of the participant, and shall be insured as permitted by any agency of the federal government that insures deposits in depository institutions. Any depository institution or intermediary that fails to comply with these provisions shall forfeit its right to participate in this program; provided however, the board shall be the sole and exclusive judge of compliance except as otherwise provided by provisions in Section 529 of the Internal Revenue Code and the Internal Revenue Service enforcement of such section.

**209.610. AGREEMENTS, TERMS AND CONDITIONS — CONTRIBUTION LIMITS.** — 1. The board may enter into ABLE program participation agreements with participants on behalf of designated beneficiaries pursuant to the provisions of sections 209.600 to 209.645, including the following terms and conditions:

(1) A participation agreement shall stipulate the terms and conditions of the ABLE program in which the participant makes contributions;

(2) A participation agreement shall specify the method for calculating the return on the contribution made by the participant;

(3) A participation agreement shall clearly and prominently disclose to participants the risk associated with depositing moneys with the board;

(4) Participation agreements shall be organized and presented in a way and with language that is easily understandable by the general public; and

(5) A participation agreement shall clearly and prominently disclose to participants the existence of any load charge or similar charge assessed against the accounts of the participants for administration or services.

2. The board shall establish the maximum amount of contributions which may be made annually to an ABLE account, which shall be the same as the amount allowed by 26 U.S.C. Section 529A of the Internal Revenue Code of 1986, as amended.

3. The board shall establish a total contribution limit for savings accounts established under the ABLE program with respect to a designated beneficiary which shall in no event be less than the amount established as the contribution limit by the Missouri [higher] education savings program board for qualified tuition savings programs established under sections 166.400 to 166.450. No contribution shall be made to an ABLE account for a designated beneficiary if it would cause the balance of the ABLE account of the designated beneficiary to exceed the total contribution limit established by the board. The board may establish other requirements that it deems appropriate to provide adequate safeguards to prevent contributions on behalf of a designated beneficiary from exceeding what is necessary to provide for the qualified disability expenses of the designated beneficiary.

4. The board shall establish the minimum length of time that contributions and earnings must be held by the ABLE program to qualify as tax exempt pursuant to section 209.625. Any contributions or earnings that are withdrawn or distributed from an ABLE account prior to the expiration of the minimum length of time, as established by the board, shall be subject to a penalty pursuant to section 209.620.

Approved June 1, 2018

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CCS SB 884

**Enacts provisions relating to taxation.**

AN ACT to repeal sections 32.200, 143.011, 143.071, 143.431, 143.451, 143.461, 143.471, 144.087, and 620.1350, RSMo, and to enact in lieu thereof ten new sections relating to taxation.

SECTION

- A. Enacting clause.
- 32.200 Multistate tax compact.
- 143.011 Resident individuals — tax rates.
- 143.071 Corporations — inapplicable to out-of-state businesses, when.
- 143.431 Missouri taxable income and tax.
- 143.451 Taxable income to include all income within this state — definitions — intrastate business, report of income, when — deductions, how apportioned.
- 143.455 Taxable income, what constitutes — definitions — taxable in another state, when — rents and royalties — sale of tangible personal property — transportation services — deductions — S corporations.
- 143.461 Elective division of income.
- 143.471 S corporations, shareholders — composite returns — withholding required, when, how determined — pro rata share of certain tax credits for banking S corporations, S corporations that are associations, or credit institutions.
- 144.087 Retail sales licensee, bond given, when — cash bond deposit and refund — licensee in default has option to provide letter of credit or certificate of deposit.
- 620.1350 Investment funds service corporation may make annual election to compute income derived within state — procedure.

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

**SECTION A. ENACTING CLAUSE.** — Sections 32.200, 143.011, 143.071, 143.431, 143.451, 143.461, 143.471, 144.087, and 620.1350, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 32.200, 143.011, 143.071, 143.431, 143.451, 143.455, 143.461, 143.471, 144.087, and 620.1350, to read as follows:

**32.200. MULTISTATE TAX COMPACT.** — The "Multistate Tax Compact" is hereby enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

MULTISTATE TAX COMPACT

Article I

The purposes of this compact are to:

1. Facilitate proper determination of state and local tax liability of multistate taxpayers, including the equitable apportionment of tax bases and settlement of apportionment disputes.
2. Promote uniformity or compatibility in significant components of tax systems.
3. Facilitate taxpayer convenience and compliance in the filing of tax returns and in other phases of tax administration.
4. Avoid duplicative taxation.

Article II

As used in this compact:

1. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.
2. "Subdivision" means any governmental unit or special district of a state.

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3. "Taxpayer" means any corporation, partnership, firm, association, governmental unit or agency or person acting as a business entity in more than one state.

4. "Income tax" means a tax imposed on or measured by net income including any tax imposed on or measured by an amount arrived at by deducting expenses from gross income, one or more forms of which expenses are not specifically and directly related to particular transactions.

5. "Capital stock tax" means a tax measured in any way by the capital of a corporation considered in its entirety.

6. "Gross receipts tax" means a tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax an income tax.

7. "Sales tax" means a tax imposed with respect to the transfer for a consideration of ownership, possession or custody of tangible personal property or the rendering of services measured by the price of the tangible personal property transferred or services rendered and which is required by state or local law to be separately stated from the sales price by the seller, or which is customarily separately stated from the sales price, but does not include a tax imposed exclusively on the sale of a specifically identified commodity or article or class of commodities or articles.

8. "Use tax" means a nonrecurring tax, other than a sales tax, which

(a) is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership, possession or custody of that property or the leasing of that property from another including any consumption, keeping, retention, or other use of tangible personal property; and

(b) is complementary to a sales tax.

9. "Tax" means an income tax, capital stock tax, gross receipts tax, sales tax, use tax, and any other tax which has a multistate impact, except that the provisions of articles III, IV and V of this compact shall apply only to the taxes specifically designated therein and the provisions of article IX of this compact shall apply only in respect to determinations pursuant to article IV.

#### Article III

1. Any taxpayer subject to an income tax whose income is subject to apportionment and allocation for tax purposes pursuant to the laws of a party state or pursuant to the laws of subdivisions in two or more party states may elect to apportion and allocate his income in the manner provided by the laws of such state or by the laws of such states and subdivisions without reference to this compact, or may elect to apportion and allocate in accordance with article IV; **except that for tax years beginning on or after January 1, 2020, any taxpayer subject to the tax imposed by section 143.071 shall apportion and allocate in accordance with the provisions of Chapter 143 and shall not apportion or allocate in accordance with article IV.** This election for any tax year may be made in all party states or subdivisions thereof or in any one or more of the party states or subdivisions thereof without reference to the election made in the others. For the purposes of this paragraph, taxes imposed by subdivisions shall be considered separately from state taxes and the apportionment and allocation also may be applied to the entire tax base. In no instance wherein article IV is employed for all subdivisions of a state may the sum of all apportionments and allocations to subdivisions within a state be greater than the apportionment and allocation that would be assignable to that state if the apportionment or allocation were being made with respect to a state income tax.

2. Each party state or any subdivision thereof which imposes an income tax shall provide by law that any taxpayer required to file a return, whose only activities within the taxing jurisdiction consist of sales and do not include owning or renting real estate or tangible personal property, and whose dollar volume of gross sales made during the tax year within the state or subdivision, as the

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Matter in bold-face type is proposed language.

case may be, is not in excess of \$100,000 may elect to report and pay any tax due on the basis of a percentage of such volume, and shall adopt rates which shall produce a tax which reasonably approximates the tax otherwise due. The multistate tax commission, not more than once in five years, may adjust the \$100,000 figure in order to reflect such changes as may occur in the real value of the dollar, and such adjusted figure, upon adoption by the commission, shall replace the \$100,000 figure specifically provided herein. Each party state and subdivision thereof may make the same election available to taxpayers additional to those specified in this paragraph.

3. Nothing in this article relates to the reporting or payment of any tax other than an income tax.

#### Article IV

1. As used in this article, unless the context otherwise requires:

(1) "Business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations.

(2) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(3) "Compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(4) "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any type of insurance company.

(5) "Nonbusiness income" means all income other than business income.

(6) "Public utility" means any business entity

(a) which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, except by pipeline, or the production, transmission, sale, delivery, or furnishing of electricity, water or steam; and

(b) whose rates of charges for goods or services have been established or approved by a federal, state or local government or governmental agency.

(7) "Sales" means all gross receipts of the taxpayer not allocated under paragraphs of this article.

(8) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

(9) "This state" means the state in which the relevant tax return is filed or, in the case of application of this article, to the apportionment and allocation of income for local tax purposes, the subdivision or local taxing district in which the relevant tax return is filed.

2. Any taxpayer having income from business activity which is taxable both within and without this state, other than activity as a financial organization or public utility or the rendering of purely personal services by an individual, shall allocate and apportion his net income as provided in this article. If a taxpayer has income from business activity as a public utility but derives the greater percentage of his income from activities subject to this article, the taxpayer may elect to allocate and apportion his entire net income as provided in this article.

3. For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if

(1) in that state he is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

(2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

4. Rents and royalties from real or tangible personal property, capital gains, interest, dividends or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in paragraphs 5 through 8 of this article.

5. (1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocable to this state:

(a) if and to the extent that the property is utilized in this state; or

(b) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

6. (1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if

(a) the property had a situs in this state at the time of the sale; or

(b) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

7. Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

8. (1) Patent and copyright royalties are allocable to this state:

(a) if and to the extent that the patent or copyright is utilized by the payer in this state; or

(b) if and to the extent that the patent copyright is utilized by the payer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

9. All business income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three.

10. The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period.

11. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

12. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the tax administrator may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

13. The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the tax period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the tax period.

14. Compensation is paid in this state if:

- (1) the individual's service is performed entirely within the state;
  - (2) the individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or
  - (3) some of the service is performed in the state; and
- (a) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state; or

(b) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

15. The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period.

16. Sales of tangible personal property are in this state if:

- (1) the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of the f.o.b. point or other conditions of the sale; or
  - (2) the property is shipped from an office, store, warehouse, factory, or other place of storage in this state; and
- (a) the purchaser is the United States government; or
- (b) the taxpayer is not taxable in the state of the purchaser.

17. Sales, other than sales of tangible personal property, are in this state if:

- (1) the income-producing activity is performed in this state; or
- (2) the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

18. If the allocation and apportionment provisions of this article do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the tax administrator may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

- (1) separate accounting;
- (2) the exclusion of any one or more of the factors;
- (3) the inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this state; or

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(4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

#### Article V

1. Each purchaser liable for a use tax on tangible personal property shall be entitled to full credit for the combined amount or amounts of legally imposed sales or use taxes paid by him with respect to the same property to another state and any subdivision thereof. The credit shall be applied first against the amount of any use tax due the state, and any unused portion of the credit shall then be applied against the amount of any use tax due a subdivision.

2. Whenever a vendor receives and accepts in good faith from a purchaser a resale or other exemption certificate or other written evidence of exemption authorized by the appropriate state or subdivision taxing authority, the vendor shall be relieved of liability for a sales or use tax with respect to the transaction.

#### Article VI

1. (a) The multistate tax commission is hereby established. It shall be composed of one "member" from each party state who shall be the head of the state agency charged with the administration of the types of taxes to which this compact applies. If there is more than one such agency the state shall provide by law for the selection of the commission member from the heads of the relevant agencies. State law may provide that a member of the commission be represented by an alternate but only if there is on file with the commission written notification of the designation and identity of the alternate. The attorney general of each party state or his designee, or other counsel if the laws of the party state specifically provide, shall be entitled to attend the meetings of the commission, but shall not vote. Such attorneys general, designees, or other counsel shall receive all notices of meetings required under paragraph 1 (e) of this article.

(b) Each party state shall provide by law for the selection of representatives from its subdivisions affected by this compact to consult with the commission member from that state.

(c) Each member shall be entitled to one vote. The commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the total number of members.

(d) The commission shall adopt an official seal to be used as it may provide.

(e) The commission shall hold an annual meeting and such other regular meetings as its bylaws may provide and such special meetings as its executive committee may determine. The commission bylaws shall specify the dates of the annual and any other regular meetings, and shall provide for the giving of notice of annual, regular and special meetings. Notices of special meetings shall include the reasons therefor and an agenda of the items to be considered.

(f) The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission shall appoint an executive director who shall serve at its pleasure, and it shall fix his duties and compensation. The executive director shall be secretary of the commission. The commission shall make provision for the bonding of such of its officers and employees as it may deem appropriate.

(g) Irrespective of the civil service, personnel or other merit system laws of any party state, the executive director shall appoint or discharge such personnel as may be necessary for the performance of the functions of the commission and shall fix their duties and compensation. The commission bylaws shall provide for personnel policies and programs.

(h) The commission may borrow, accept or contract for the services of personnel from any state, the United States, or any other governmental entity.

(i) The commission may accept for any of its purposes and functions any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any governmental entity, and may utilize and dispose of the same.

(j) The commission may establish one or more offices for the transacting of its business.

(k) The commission shall adopt bylaws for the conduct of its business. The commission shall publish its bylaws in convenient form, and shall file a copy of the bylaws and any amendments thereto with the appropriate agency or officer in each of the party states.

(l) The commission annually shall make to the governor and legislature of each party state a report covering its activities for the preceding year. Any donation or grant accepted by the commission or services borrowed shall be reported in the annual report of the commission, and shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender. The commission may make additional reports as it may deem desirable.

2. (a) To assist in the conduct of its business when the full commission is not meeting, the commission shall have an executive committee of seven members, including the chairman, vice chairman, treasurer and four other members elected annually by the commission. The executive committee, subject to the provisions of this compact and consistent with the policies of the commission, shall function as provided in the bylaws of the commission.

(b) The commission may establish advisory and technical committees, membership on which may include private persons and public officials, in furthering any of its activities. Such committees may consider any matter of concern to the commission, including problems of special interest to any party state and problems dealing with particular types of taxes.

(c) The commission may establish such additional committees as its bylaws may provide.

3. In addition to powers conferred elsewhere in this compact, the commission shall have power to:

(a) Study state and local tax systems and particular types of state and local taxes.

(b) Develop and recommend proposals for an increase in uniformity or compatibility of state and local tax laws with a view toward encouraging the simplification and improvement of state and local tax law and administration.

(c) Compile and publish information as in its judgment would assist the party states in implementation of the compact and taxpayers in complying with state and local tax laws.

(d) Do all things necessary and incidental to the administration of its functions pursuant to this compact.

4. (a) The commission shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the party states. The total amount of appropriations requested under any such budget shall be apportioned among the party states as follows: one-tenth in equal shares; and the remainder in proportion to the amount of revenue collected by each party state and its subdivisions from income taxes, capital stock taxes, gross receipts taxes, sales and use taxes. In determining such amounts, the commission shall employ such available public sources of information as, in its judgment, present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the sources used in obtaining information employed in applying the formula contained in this paragraph.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under paragraph 1 (i) of this

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article; provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under paragraph 1 (i), the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained in this article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

#### Article VII

1. Whenever any two or more party states, or subdivisions of party states, have uniform or similar provisions of law relating to an income tax, capital stock tax, gross receipts tax, sales or use tax, the commission may adopt uniform regulations for any phase of the administration of such law, including assertion of jurisdiction to tax, or prescribing uniform tax forms. The commission may also act with respect to the provisions of article IV of this compact.

2. Prior to the adoption of any regulation, the commission shall:

(a) As provided in its bylaws, hold at least one public hearing on due notice to all affected party states and subdivisions thereof and to all taxpayers and other persons who have made timely request of the commission for advance notice of its regulation-making proceedings.

(b) Afford all affected party states and subdivisions and interested persons an opportunity to submit relevant written data and views, which shall be considered fully by the commission.

3. The commission shall submit any regulations adopted by it to the appropriate officials of all party states and subdivisions to which they might apply. Each such state and subdivision shall consider any such regulation for adoption in accordance with its own laws and procedures.

#### Article VIII

1. This article shall be in force only in those party states that specifically provide therefor by statute.

2. Any party state or subdivision thereof desiring to make or participate in an audit of any accounts, books, papers, records or other documents may request the commission to perform the audit on its behalf. In responding to the request, the commission shall have access to and may examine, at any reasonable time, such accounts, books, papers, records, and other documents and any relevant property or stock of merchandise. The commission may enter into agreements with party states or their subdivisions for assistance in performance of the audit. The commission shall make charges, to be paid by the state or local government or governments for which it performs the service, for any audits performed by it in order to reimburse itself for the actual costs incurred in making the audit.

3. The commission may require the attendance of any person within the state where it is conducting an audit or part thereof at a time and place fixed by it within such state for the purpose of giving testimony with respect to any account, book, paper, document, other record, property or stock of merchandise being examined in connection with the audit. If the person is not within the jurisdiction, he may be required to attend for such purpose at any time and place fixed by the

commission within the state of which he is a resident; provided that such state has adopted this article.

4. The commission may apply to any court having power to issue compulsory process for orders in aid of its powers and responsibilities pursuant to this article and any and all such courts shall have jurisdiction to issue such orders. Failure of any person to obey any such order shall be punishable as contempt of the issuing court. If the party or subject matter on account of which the commission seeks an order is within the jurisdiction of the court to which application is made, such application may be to a court in the state or subdivision on behalf of which the audit is being made or a court in the state in which the object of the order being sought is situated. The provisions of this paragraph apply only to courts in a state that has adopted this article.

5. The commission may decline to perform any audit requested if it finds that its available personnel or other resources are insufficient for the purpose or that, in the terms requested, the audit is impracticable of satisfactory performance. If the commission, on the basis of its experience, has reason to believe that an audit of a particular taxpayer, either at a particular time or on a particular schedule, would be of interest to a number of party states or their subdivisions, it may offer to make the audit or audits, the offer to be contingent on sufficient participation therein as determined by the commission.

6. Information obtained by any audit pursuant to this article shall be confidential and available only for tax purposes to party states, their subdivisions or the United States. Availability of information shall be in accordance with the laws of the states or subdivisions on whose account the commission performs the audit, and only through the appropriate agencies or officers of such states or subdivisions. Nothing in this article shall be construed to require any taxpayer to keep records for any period not otherwise required by law.

7. Other arrangements made or authorized pursuant to law for cooperative audit by or on behalf of the party states or any of their subdivisions are not superseded or invalidated by this article.

8. In no event shall the commission make any charge against a taxpayer for an audit.

9. As used in this article, "tax" in addition to the meaning ascribed to it in article II, means any tax or license fee imposed in whole or in part for revenue purposes.

#### Article IX

1. Whenever the commission finds a need for settling disputes concerning apportionments and allocations by arbitration, it may adopt a regulation placing this article in effect, notwithstanding the provisions of article VII.

2. The commission shall select and maintain an arbitration panel composed of officers and employees of state and local governments and private persons who shall be knowledgeable and experienced in matters of tax law and administration.

3. Whenever a taxpayer who has elected to employ article IV, or whenever the laws of the party state or subdivision thereof are substantially identical with the relevant provisions of article IV, the taxpayer, by written notice to the commission and to each party state or subdivision thereof that would be affected, may secure arbitration of an apportionment or allocation, if he is dissatisfied with the final administrative determination of the tax agency of the state or subdivision with respect thereto on the ground that it would subject him to double or multiple taxation by two or more party states or subdivisions thereof. Each party state and subdivision thereof hereby consents to the arbitration as provided herein, and agrees to be bound thereby.

4. The arbitration board shall be composed of one person selected by the taxpayer, one by the agency or agencies involved, and one member of the commission's arbitration panel. If the agencies involved are unable to agree on the person to be selected by them, such person shall be

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selected by lot from the total membership of the arbitration panel. The two persons selected for the board in the manner provided by the foregoing provisions of this paragraph shall jointly select the third member of the board. If they are unable to agree on the selection, the third member shall be selected by lot from among the total membership of the arbitration panel. No member of a board selected by lot shall be qualified to serve if he is an officer or employee or is otherwise affiliated with any party to the arbitration proceeding. Residence within the jurisdiction of a party to the arbitration proceeding shall not constitute affiliation within the meaning of this paragraph.

5. The board may sit in any state or subdivision party to the proceeding, in the state of the taxpayer's incorporation, residence or domicile, in any state where the taxpayer does business, or in any place that it finds most appropriate for gaining access to evidence relevant to the matter before it.

6. The board shall give due notice of the times and places of its hearings. The parties shall be entitled to be heard, to present evidence, and to examine and cross-examine witnesses. The board shall act by majority vote.

7. The board shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of accounts, books, papers, records, and other documents, and issue commissions to take testimony. Subpoenas may be signed by any member of the board. In case of failure to obey a subpoena, and upon application by the board, any judge of a court of competent jurisdiction of the state in which the board is sitting or in which the person to whom the subpoena is directed may be found may make an order requiring compliance with the subpoena, and the court may punish failure to obey the order as a contempt. The provisions of this paragraph apply only in states that have adopted this article.

8. Unless the parties otherwise agree the expenses and other costs of the arbitration shall be assessed and allocated among the parties by the board in such manner as it may determine. The commission shall fix a schedule of compensation for members of arbitration boards and of other allowable expenses and costs. No officer or employee of a state or local government who serves as a member of a board shall be entitled to compensation therefor unless he is required on account of his service to forego the regular compensation attaching to his public employment, but any such board member shall be entitled to expenses.

9. The board shall determine the disputed apportionment or allocation and any matters necessary thereto. The determinations of the board shall be final for purposes of making the apportionment or allocation, but for no other purpose.

10. The board shall file with the commission and with each tax agency represented in the proceeding: the determination of the board; the board's written statement of its reasons therefor; the record of the board's proceedings; and any other documents required by the arbitration rules of the commission to be filed.

11. The commission shall publish the determinations of boards together with the statements of the reasons therefor.

12. The commission shall adopt and publish rules of procedure and practice and shall file a copy of such rules and of any amendment thereto with the appropriate agency or officer in each of the party states.

13. Nothing contained herein shall prevent at any time a written compromise of any matter or matters in dispute, if otherwise lawful, by the parties to the arbitration proceeding.

#### Article X

1. This compact shall enter into force when enacted into law by any seven states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. The

commission shall arrange for notification of all party states whenever there is a new enactment of the compact.

2. Any party state may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

3. No proceeding commenced before an arbitration board prior to the withdrawal of a state and to which the withdrawing state or any subdivision thereof is a party shall be discontinued or terminated by the withdrawal, nor shall the board thereby lose jurisdiction over any of the parties to the proceeding necessary to make a binding determination therein.

#### Article XI

Nothing in this compact shall be construed to:

(a) Affect the power of any state or subdivision thereof to fix rates of taxation, except that a party state shall be obligated to implement article III 2 of this compact.

(b) Apply to any tax or fixed fee imposed for the registration of a motor vehicle or any tax on motor fuel, other than a sales tax; provided that the definition of "tax" in article VIII 9 may apply for the purposes of that article and the commission's powers of study and recommendation pursuant to article VI 3 may apply.

(c) Withdraw or limit the jurisdiction of any state or local court or administrative officer or body with respect to any person, corporation or other entity or subject matter, except to the extent that such jurisdiction is expressly conferred by or pursuant to this compact upon another agency or body.

(d) Supersede or limit the jurisdiction of any court of the United States.

#### Article XII

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

**143.011. RESIDENT INDIVIDUALS — TAX RATES.** — 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. The top rate of tax shall not be reduced below five and one-half percent. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half [of a] percent, **and the top remaining rate of tax shall apply to all income in excess of the income in the second highest remaining income bracket.**

3. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

4. As used in this section, the following terms mean:

(1) "CPI", the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index;

(2) "CPI for the preceding calendar year", the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

(3) "**Net general revenue collected**", **all revenue deposited into the general revenue fund, less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;**

(4) "Percent increase in inflation", the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015.

**143.071. CORPORATIONS — INAPPLICABLE TO OUT-OF-STATE BUSINESSES, WHEN. — 1.** For all tax years beginning before September 1, 1993, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to five percent of Missouri taxable income.

2. For all tax years beginning on or after September 1, 1993, **and ending on or before December 31, 2019**, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to six and one-fourth percent of Missouri taxable income.

3. **For all tax years beginning on or after January 1, 2020, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to four percent of Missouri taxable income.**

4. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.

**143.431. MISSOURI TAXABLE INCOME AND TAX. — 1.** The Missouri taxable income of a corporation taxable under sections 143.011 to 143.996 shall be so much of its federal taxable income for the taxable year, with the modifications specified in subsections 2 to 4 of this section,

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as is derived from sources within Missouri as provided in section 143.451. The tax of a corporation shall be computed on its Missouri taxable income at the rates provided in section 143.071.

2. There shall be added to or subtracted from federal taxable income the modifications to adjusted gross income provided in section 143.121, with the exception of subdivision (5) of subsection 2 of section 143.121, and the applicable modifications to itemized deductions provided in section 143.141. There shall be subtracted the federal income tax deduction provided in section 143.171. There shall be subtracted, to the extent included in federal taxable income, corporate dividends from sources within Missouri.

3. (1) If an affiliated group of corporations files a consolidated income tax return for the taxable year for federal income tax purposes [and fifty percent or more of its income is derived from sources within this state as determined in accordance with section 143.451], then it may elect to file a Missouri consolidated income tax return. The federal consolidated taxable income of the electing affiliated group for the taxable year shall be its federal taxable income. **All transactions between affiliated members of the affiliated group shall be eliminated on the Missouri consolidated income tax return.**

(2) So long as a federal consolidated income tax return is filed, an election made by an affiliated group of corporations to file a Missouri consolidated income tax return may be withdrawn or revoked only upon substantial change in the law or regulations adversely changing tax liability under this chapter, or with permission of the director of revenue upon the showing of good cause for such action. After such a withdrawal or revocation with respect to an affiliated group, it may not file a Missouri consolidated income tax return for five years thereafter, except with the approval of the director of revenue, and subject to such terms and conditions as he may prescribe.

(3) No corporation which is part of an affiliated group of corporations filing a Missouri consolidated income tax return shall be required to file a separate Missouri corporate income tax return for the taxable year.

(4) For each taxable year an affiliated group of corporations filing a federal consolidated income tax return does not file a Missouri consolidated income tax return, for purposes of computing the Missouri income tax, the federal taxable income of each member of the affiliated group shall be determined as if a separate federal income tax return had been filed by each such member.

(5) The director of revenue may prescribe such regulations not inconsistent with the provisions of this chapter as he may deem necessary in order that the tax liability of any affiliated group of corporations making a Missouri consolidated income tax return, and of each corporation in the group, before, during, and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the Missouri taxable income derived from sources within this state and in order to prevent avoidance of such tax liability.

4. If a net operating loss deduction is allowed for the taxable year, there shall be added to federal taxable income the amount of the net operating loss modification for each loss year as to which a portion of the net operating loss deduction is attributable. As used in this subsection, the following terms mean:

(1) "Loss year", the taxable year in which there occurs a federal net operating loss that is carried back or carried forward in whole or in part to another taxable year;

(2) "Net addition modification", for any taxable year, the amount by which the sum of all required additions to federal taxable income provided in this chapter, except for the net operating loss modification, exceeds the combined sum of the amount of all required subtractions from federal taxable income provided in this chapter;

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(3) "Net operating loss deduction", a net operating loss deduction allowed for federal income tax purposes under Section 172 of the Internal Revenue Code of 1986, as amended, or a net operating loss deduction allowed for Missouri income tax purposes under paragraph (d) of subsection 2 of section 143.121, but not including any net operating loss deduction that is allowed for federal income tax purposes but disallowed for Missouri income tax purposes under paragraph (d) of subsection 2 of section 143.121;

(4) "Net operating loss modification", an amount equal to the lesser of the amount of the net operating loss deduction attributable to that loss year or the amount by which the total net operating loss in the loss year is less than the sum of:

(a) The net addition modification for that loss year; and

(b) The cumulative net operating loss deductions attributable to that loss year allowed for the taxable year and all prior taxable years.

5. For all tax years ending on or after July 1, 2002, federal taxable income may be a positive or negative amount. Subsection 4 of this section shall be effective for all tax years with a net operating loss deduction attributable to a loss year ending on or after July 1, 2002, and the net operating loss modification shall only apply to loss years ending on or after July 1, 2002.

**143.451. TAXABLE INCOME TO INCLUDE ALL INCOME WITHIN THIS STATE — DEFINITIONS — INTRASTATE BUSINESS, REPORT OF INCOME, WHEN — DEDUCTIONS, HOW APPORTIONED.**

— 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. **For all tax years ending on or before December 31, 2019**, a corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, or the manner set forth in subdivision (3) of this subsection:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

b. "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

c. Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state.

(d) For purposes of this subdivision:

a. The purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale; and

b. The seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "In this state" if the purchaser's destination point is in this state;

b. Not "in this state" if the purchaser's destination point is outside this state;

(d) For purposes of this subdivision, the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser's location outside this state;

(e) For the purposes of this subdivision, a transaction involving the sale other than the sale of tangible property is "in this state" if the taxpayer's market for the sales is in this state. The taxpayer's market for sales is in this state:

a. In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

b. In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

c. In the case of sale of a service, if and to the extent the ultimate beneficiary of the service is located in this state and shall not be in this state if the ultimate beneficiary of the service rendered by the taxpayer or the taxpayer's designee is located outside this state; and

d. In the case of intangible property:

(i) That is rented, leased, or licensed, if and to the extent the property is used in this state by the rentee, lessee, or licensee, provided that intangible property utilized in marketing a good or service to a consumer is "used in this state" if that good or service is purchased by a consumer who is in this state. Franchise fees or royalties received for the rent, lease, license, or use of a trade name, trademark, service mark, or franchise system or provides a right to conduct business activity in a specific geographic area are "used in this state" to the extent the franchise location is in this state; and

(ii) That is sold, if and to the extent the property is used in this state, provided that:

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i. A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is "used in this state" if the geographic area includes all or part of this state;

ii. Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under item (i) of this subparagraph; and

iii. All other receipts from a sales of intangible property shall be excluded from the numerator and denominator of the sales factor;

(f) If the state or states of assignment under paragraph (e) of this subdivision cannot be determined, the state or states of assignment shall be reasonably approximated;

(g) If the state of assignment cannot be determined under paragraph (e) of this subdivision or reasonably approximated under paragraph (f) of this subdivision, such sales shall be excluded from the denominator of the sales factor;

(h) The director may prescribe such rules and regulations as necessary or appropriate to carry out the purposes of this section.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or

purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, "gross income" is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the

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purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter.

10. The provisions of this section do not impact any other apportionment election available to a taxpayer under Missouri statutes.

**143.455. TAXABLE INCOME, WHAT CONSTITUTES — DEFINITIONS — TAXABLE IN ANOTHER STATE, WHEN — RENTS AND ROYALTIES — SALE OF TANGIBLE PERSONAL PROPERTY — TRANSPORTATION SERVICES — DEDUCTIONS — S CORPORATIONS. — 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.**

**2. For all tax years beginning on or after January 1, 2020, a corporation described in subdivision (1) of subsection 1 of section 143.441 shall determine its income derived from sources within this state by allocating and apportioning its net income as provided in this section.**

**3. As used in this section, unless the context otherwise requires, the following terms mean:**

**(1) "Apportionable income":**

**(a) All income that is apportionable under the Constitution of the United States and is not allocated under the laws of this state, including:**

**a. Income arising from transactions and activity in the regular course of the corporation's trade or business; and**

**b. Income arising from tangible and intangible property if the acquisition, management, employment, development, or disposition of the property is or was related to the operation of the corporation's trade or business; and**

**(b) Any income that would be allocable to this state under the Constitution of the United States, but that is apportioned rather than allocated pursuant to the laws of this state;**

**(2) "Commercial domicile", the principal place from which the trade or business of the corporation is directed or managed;**

**(3) "Financial organization", any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any type of insurance company;**

**(4) "Non-apportionable income", all income other than apportionable income;**

**(5) "Public utility", any business entity;**

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(a) Which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, except by pipeline, or the production, transmission, sale, delivery, or furnishing of electricity, water or steam; and

(b) Whose rates of charges for goods or services have been established or approved by a federal, state, or local government or governmental agency;

(6) "Receipts", all gross receipts of the corporation that are not allocated under the provisions of this section, and that are received from transactions and activity in the regular course of the corporation's trade or business; except that receipts of a corporation from hedging transactions and from the maturity, redemption, sale, exchange, loan or other disposition of cash or securities, shall be excluded.

4. For purposes of allocation and apportionment of income under this section, a corporation is taxable in another state if:

(1) In that state it is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

(2) That state has jurisdiction to subject the corporation to a net income tax regardless of whether, in fact, the state does or does not do so.

5. Rents and royalties from real or tangible personal property, capital gains, interest, dividends or patent or copyright royalties, to the extent that they constitute nonapportionable income, shall be allocated as provided in subsections 6 to 9 of this section.

6. (1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocable to this state:

(a) If and to the extent the property is utilized in this state; or

(b) In their entirety if the corporation's commercial domicile is in this state and the corporation is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the corporation, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

7. (1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

(a) The property had a situs in this state at the time of the sale; or

(b) The corporation's commercial domicile is in this state and the corporation is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the corporation's commercial domicile is in this state.

8. Interest and dividends are allocable to this state if the corporation's commercial domicile is in this state.

9. (1) Patent and copyright royalties are allocable to this state:

(a) If and to the extent that the patent or copyright is utilized by the payer in this state; or

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(b) If and to the extent that the patent or copyright is utilized by the payer in a state in which the corporation is not taxable and the corporation's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the corporation's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the corporation's commercial domicile is located.

10. All apportionable income shall be apportioned to this state by multiplying the net income by a fraction, the numerator of which is the total receipts of the corporation in this state during the tax period and the denominator of which is the total receipts of the corporation everywhere during the tax period.

11. Receipts from the sale of tangible personal property are in this state if the property is received in this state by the purchaser. In the case of the delivery of goods by common carrier or by other means of transportation, including transportation by the purchaser, the place at which the goods are ultimately received after all transportation has been completed shall be considered as the place at which the goods are received by the purchaser. Direct delivery into this state by the taxpayer to a person or firm designated by a purchaser from within or without the state shall constitute delivery to the purchaser in this state.

12. (1) Receipts, other than receipts described in subsection 11 of this section, are in this state if the corporation's market for the sales is in this state. The corporation's market for sales is in this state:

(a) In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

(b) In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

(c) In the case of sale of a service, if and to the extent the ultimate beneficiary of the service is located in this state and shall not be in this state if the ultimate beneficiary of the service rendered by the corporation or the corporation's designee is located outside this state; and

(d) In the case of intangible property:

a. That is rented, leased, or licensed, if and to the extent the property is used in this state, provided that intangible property utilized in marketing a good or service to a consumer is "used in this state" if that good or service is purchased by a consumer who is in this state. Franchise fees or royalties received for the rent, lease, license, or use of a trade name, trademark, service mark, or franchise system or provides a right to conduct business activity in a specific geographic area "are used in this state" to the extent the franchise is located in this state; and

b. That is sold, if and to the extent the property is used in this state, provided that:

(i) A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is "used in this state" if the geographic area includes all or part of this state;

(ii) Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under subparagraph a. of this paragraph; and

(iii) All other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the receipts factor.

(2) If the state or states of assignment under subdivision (1) of this subsection cannot be determined, the state or states of assignment shall be reasonably approximated.

(3) The director may prescribe regulations as necessary or appropriate to carry out the purposes of this section.

13. (1) In the case of certain industries where unusual factual situations produce inequitable results under the apportionment and allocation provisions of this section, the director shall promulgate rules for determining the apportionment and allocation factors for each such industry, but such rules shall be applied uniformly.

(2) If the allocation and apportionment provisions of this section do not fairly represent the extent of the corporation's income applicable to this state, the corporation may petition for or the director may require:

(a) Separate accounting;

(b) The inclusion of one or more additional factors which will fairly represent the corporation's income applicable to this state; or

(c) The employment of any other method to effectuate an equitable allocation and apportionment of the corporation's income.

(3) The party petitioning for, or the director requiring, the use of any method to effectuate an equitable allocation and apportionment of the corporation's income pursuant to subdivision (2) of this subsection shall prove by a preponderance of evidence:

(a) That the allocation and apportionment provisions of this section do not fairly represent the extent of the corporation's income applicable to this state; and

(b) That the alternative to such provisions is reasonable.

The same burden of proof shall apply whether the corporation is petitioning for, or the director is requiring, the use of any reasonable method to effectuate an equitable allocation and apportionment of the corporation's income. Notwithstanding the previous sentence, if the director can show that in any two of the prior five tax years, the corporation had used an allocation or apportionment method at variance with its allocation or apportionment method or methods used for such other tax years, then the director shall not bear the burden of proof in imposing a different method pursuant to subdivision (2) of this subsection.

(4) If the director requires any method to effectuate an equitable allocation and apportionment of the corporation's income, the director cannot impose any civil or criminal penalty with reference to the tax due that is attributable to the corporation's reasonable reliance solely on the allocation and apportionment provisions of this section.

(5) A corporation that has received written permission from the director to use a reasonable method to effectuate an equitable allocation and apportionment of the corporation's income shall not have that permission revoked with respect to transactions and activities that have already occurred unless there has been a material change in, or a material misrepresentation of, the facts provided by the corporation upon which the director reasonably relied.

14. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and

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shall also report its gross earnings on all interstate business done in this state. Such report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. This subsection shall not apply to a railroad.

15. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only rails and lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the rails and lines of such corporation in the state shall bear to the total mileage used over the rails and lines of such corporation. The corporation may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

16. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting the same to or from another net income or loss shown by the return.

17. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The corporation may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall **be divided by the amount of the total investment of such corporation on December thirty-**

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first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the corporation shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

18. From the income determined in this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

19. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the deduction.

20. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter.

**143.461. ELECTIVE DIVISION OF INCOME.** — 1. A corporation shall elect to determine income applicable to this state by multiplying the total income from all sources by the fraction determined in the manner in section 143.451 **for all tax years ending on or before December 31, 2019, and for all tax years beginning on or before January 1, 2020, in the manner set forth in section 143.455**; first, by filing written notice with the director of revenue on or before the due date of the return (including extensions of time) of the taxpayer's election, or, second, by failing to keep its books and records in such manner as to show the income applicable to this state, including gross income and deductions applicable thereto.

2. If the corporation shall keep its books and records so as to show **the income applicable to this state** by any other method of allocation between this state and other states [involved of income from transactions partially within and partially without this state], including gross income and deductions applicable thereto, and such method shows the income applicable to this state, including gross income and deductions applicable thereto, then it may, on or before sixty days before the end of any taxable year, petition the director of revenue, in writing, to be permitted in its return required to be filed to apportion to this state according to the method shown by such books or records. If the director of revenue finds that such method does show the income applicable to this state including gross income and the deductions applicable thereto, he **or she** shall notify the corporation, at least thirty days prior to the last day on which such corporation's return for that taxable year is to be filed, that it may use that method **for the shorter of five years or** as long as such method shows the income applicable to this state, including gross income and deductions applicable thereto.

3. The corporation shall cease using such method **after the shorter of five years or** whenever the director of revenue finds and notifies such corporation on or before ninety days before the end of the taxable year, that such method does not so show. Upon and after such **expiration or** revocation the corporation shall be permitted to petition to use **the same or** another method of allocation that will show such income including gross income and deductions applicable thereto as though no petition had ever been filed.

4. Failure, after a method has **expired or** been revoked by the director of revenue, to submit a method which the director of revenue finds will show such income applicable to this state including gross income and deductions applicable thereto, on or before sixty days before the end of any taxable year, or failure to make a return on the basis, which has been approved by the director of revenue on petition of the corporation and which stands unrevoked **or unexpired**, shall constitute an election to accept the determination of income applicable to this state by multiplying the total income from all sources by the fraction determined in the manner set forth in section 143.451 **for all tax years ending on or before December 31, 2019, and for all tax years beginning on or before January 1, 2020, in the manner set forth in section 143.455.**

**143.471. S CORPORATIONS, SHAREHOLDERS — COMPOSITE RETURNS — WITHHOLDING REQUIRED, WHEN, HOW DETERMINED — PRO RATA SHARE OF CERTAIN TAX CREDITS FOR BANKING S CORPORATIONS, S CORPORATIONS THAT ARE ASSOCIATIONS, OR CREDIT INSTITUTIONS.** — 1. An S corporation, as defined by Section 1361 (a)(1) of the Internal Revenue Code, shall not be subject to the taxes imposed by section 143.071, or other sections imposing income tax on corporations.

2. A shareholder of an S corporation shall determine such shareholder's S corporation modification and pro rata share, including its character, by applying the following:

(1) Any modification described in sections 143.121 and 143.141 which relates to an item of S corporation income, gain, loss, or deduction shall be made in accordance with the shareholder's pro rata share, for federal income tax purposes, of the item to which the modification relates. Where a shareholder's pro rata share of any such item is not required to be taken into account separately for federal income tax purposes, the shareholder's pro rata share of such item shall be determined in accordance with his pro rata share, for federal income tax purposes, of S corporation taxable income or loss generally;

(2) Each item of S corporation income, gain, loss, or deduction shall have the same character for a shareholder pursuant to sections 143.005 to 143.998 as it has for federal income tax purposes. Where an item is not characterized for federal income tax purposes, it shall have the same character for a shareholder as if realized directly from the source from which realized by the S corporation or incurred in the same manner as incurred by the S corporation.

3. A nonresident shareholder of an S corporation shall determine such shareholder's Missouri nonresident adjusted gross income and his or her nonresident shareholder modification by applying the provisions of this subsection. Items shall be determined to be from sources within this state pursuant to regulations of the director of revenue in a manner consistent with the division of income provisions of section 143.451, section 143.461, or section 32.200 (Multistate Tax Compact). In determining the adjusted gross income of a nonresident shareholder of any S corporation, there shall be included only that part derived from or connected with sources in this state of the shareholder's pro rata share of items of S corporation income, gain, loss or deduction entering into shareholder's federal adjusted gross income, as such part is determined pursuant to regulations prescribed by the director of revenue in accordance with the general rules in section 143.181. Any modification described in subsections 2 and 3 of section 143.121 and in section 143.141, which relates to an item of S corporation income, gain, loss, or deduction shall be made in accordance with the shareholder's pro rata share, for federal income tax purposes, of the item to which the modification relates, but limited to the portion of such item derived from or connected with sources in this state.

**4. Notwithstanding subsection 3 of this section to the contrary, for all tax years beginning on or after January 1, 2020, the items referred to in that subsection shall be determined to be**

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**from sources within this state pursuant to regulations of the director of revenue in a manner consistent with the division of income provisions of section 143.455 and section 143.461.**

5. The director of revenue shall permit S corporations to file composite returns and to make composite payments of tax on behalf of its nonresident shareholders not otherwise required to file a return. If the nonresident shareholder's filing requirements result solely from one or more interests in any other partnerships or subchapter S corporations, that nonresident shareholder may be included in the composite return.

[5.] 6. If an S corporation pays or credits amounts to any of its nonresident individual shareholders as dividends or as their share of the S corporation's undistributed taxable income for the taxable year, the S corporation shall either timely file with the department of revenue an agreement as provided in subsection [6] 7 of this section or withhold Missouri income tax as provided in subsection [7] 8 of this section. An S corporation that timely files an agreement as provided in subsection [6] 7 of this section with respect to a nonresident shareholder for a taxable year shall be considered to have timely filed such an agreement for each subsequent taxable year. An S corporation that does not timely file such an agreement for a taxable year shall not be precluded from timely filing such an agreement for subsequent taxable years. An S corporation is not required to deduct and withhold Missouri income tax for a nonresident shareholder if:

(1) The nonresident shareholder not otherwise required to file a return agrees to have the Missouri income tax due paid as part of the S corporation's composite return;

(2) The nonresident shareholder not otherwise required to file a return had Missouri assignable federal adjusted gross income from the S corporation of less than twelve hundred dollars;

(3) The S corporation is liquidated or terminated;

(4) Income was generated by a transaction related to termination or liquidation; or

(5) No cash or other property was distributed in the current and prior taxable year.

[6.] 7. The agreement referred to in subdivision (1) of subsection [5] 6 of this section is an agreement of a nonresident shareholder of the S corporation to:

(1) File a return in accordance with the provisions of section 143.481 and to make timely payment of all taxes imposed on the shareholder by this state with respect to income of the S corporation; and

(2) Be subject to personal jurisdiction in this state for purposes of the collection of income taxes, together with related interest and penalties, imposed on the shareholder by this state with respect to the income of the S corporation.

The agreement will be considered timely filed for a taxable year, and for all subsequent taxable years, if it is filed at or before the time the annual return for such taxable year is required to be filed pursuant to section 143.511.

[7.] 8. The amount of Missouri income tax to be withheld is determined by multiplying the amount of dividends or undistributed income allocable to Missouri that is paid or credited to a nonresident shareholder during the taxable year by the highest rate used to determine a Missouri income tax liability for an individual, except that the amount of the tax withheld may be determined based on withholding tables provided by the director of revenue if the shareholder submits a Missouri withholding allowance certificate.

[8.] 9. An S corporation shall be entitled to recover for a shareholder on whose behalf a tax payment was made pursuant to this section, if such shareholder has no tax liability.

[9.] 10. With respect to S corporations that are banks or bank holding companies, a pro rata share of the tax credit for the tax payable pursuant to chapter 148 shall be allowed against each S corporation shareholders' state income tax as follows, provided the bank otherwise complies with section 148.112:

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(1) The credit allowed by this subsection shall be equal to the bank tax calculated pursuant to chapter 148 based on bank income in 1999 and after, on a bank that makes an election pursuant to 26 U.S.C. Section 1362, and such credit shall be allocated to the qualifying shareholder according to stock ownership, determined by multiplying a fraction, where the numerator is the shareholder's stock, and the denominator is the total stock issued by such bank or bank holding company;

(2) The tax credit authorized in this subsection shall be permitted only to the shareholders that qualify as S corporation shareholders, provided the stock at all times during the taxable period qualifies as S corporation stock as defined in 26 U.S.C. Section 1361, and such stock is held by the shareholder during the taxable period. The credit created by this section on a yearly basis is available to each qualifying shareholder, including shareholders filing joint returns. A bank holding company is not allowed this credit, except that, such credit shall flow through to such bank holding company's qualified shareholders, and be allocated to such shareholders under the same conditions; and

(3) In the event such shareholder cannot use all or part of the tax credit in the taxable period of receipt, such shareholder may carry forward such tax credit for a period of the lesser of five years or until used, provided such credits are used as soon as the taxpayer has Missouri taxable income.

[10.] **11.** With respect to S corporations that are associations, a pro rata share of the tax credit for the tax payable under chapter 148 shall be allowed against each S corporation shareholders' state income tax as follows, provided the association otherwise complies with section 148.655:

(1) The credit allowed by this subsection shall be equal to the savings and loan association tax calculated under chapter 148 based on the computations provided in section 148.630 on an association that makes an election under 26 U.S.C. Section 1362, and such credit shall be allocated to the qualifying shareholder according to stock ownership, determined by multiplying a fraction, where the numerator is the shareholder's stock, and the denominator is the total stock issued by the association;

(2) The tax credit authorized in this subsection shall be permitted only to the shareholders that qualify as S corporation shareholders, provided the stock at all times during the taxable period qualifies as S corporation stock as defined in 26 U.S.C. Section 1361, and such stock is held by the shareholder during the taxable period. The credit created by this section on a yearly basis is available to each qualifying shareholder, including shareholders filing joint returns. A savings and loan association holding company is not allowed this credit, except that, such credit shall flow through to such savings and loan association holding company's qualified shareholders, and be allocated to such shareholders under the same conditions; and

(3) In the event such shareholder cannot use all or part of the tax credit in the taxable period of receipt, such shareholder may carry forward such tax credit for a period of the lesser of five years or until used, provided such credits are used as soon as the taxpayer has Missouri taxable income.

[11.] **12.** With respect to S corporations that are credit institutions, a pro rata share of the tax credit for the tax payable under chapter 148 shall be allowed against each S corporation shareholders' state income tax as follows, provided the credit institution otherwise complies with section 148.657:

(1) The credit allowed by this subsection shall be equal to the credit institution tax calculated under chapter 148 based on the computations provided in section 148.150 on a credit institution that makes an election under 26 U.S.C. Section 1362, and such credit shall be allocated to the qualifying shareholder according to stock ownership, determined by multiplying a fraction, where the numerator is the shareholder's stock, and the denominator is the total stock issued by such credit institution;

(2) The tax credit authorized in this subsection shall be permitted only to the shareholders that qualify as S corporation shareholders, provided the stock at all times during the taxable period qualifies as S corporation stock as defined in 26 U.S.C. Section 1361, and such stock is held by

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the shareholder during the taxable period. The credit created by this section on a yearly basis is available to each qualifying shareholder, including shareholders filing joint returns. A credit institution holding company is not allowed this credit, except that, such credit shall flow through to such credit institution holding company's qualified shareholders, and be allocated to such shareholders under the same conditions; and

(3) In the event such shareholder cannot use all or part of the tax credit in the taxable period of receipt, such shareholder may carry forward such tax credit for a period of the lesser of five years or until used, provided such credits are used as soon as the taxpayer has Missouri taxable income.

**144.087. RETAIL SALES LICENSEE, BOND GIVEN, WHEN — CASH BOND DEPOSIT AND REFUND — LICENSEE IN DEFAULT HAS OPTION TO PROVIDE LETTER OF CREDIT OR CERTIFICATE OF DEPOSIT.** — 1. The director of revenue [shall] **may** require [all applicants for] retail sales [licenses and all] licensees in default in filing a return and paying their taxes when due to file a bond in an amount to be determined by the director, which may be a corporate surety bond or a cash bond, but such bond shall not be more than two times the average monthly tax liability of the taxpayer[, estimated in the case of a new applicant, otherwise] based on the previous twelve months' experience. At such time as the director of revenue shall deem the amount of a bond required by this section to be insufficient to cover the average monthly tax liability of a given taxpayer, he **or she** may require such taxpayer to adjust the amount of the bond to the level satisfactory to the director which will cover the amount of such liability. The director shall, after a reasonable period of satisfactory tax compliance for one year from the initial date of bonding, release such taxpayer from the bonding requirement as set forth in this section. All itinerant or temporary businesses shall be required to procure the license and post the bond required under the provisions of sections 144.083 and 144.087 prior to the selling of goods at retail, and in the event that such business is to be conducted for less than one month, the amount of the bond shall be determined by the director.

2. All cash bonds shall be deposited by the director of revenue into the state general revenue fund, and shall be released to the taxpayer pursuant to subsection 1 of this section from funds appropriated by the general assembly for such purpose. If appropriated funds are available, the commissioner of administration and the state treasurer shall cause such refunds to be paid within thirty days of the receipt of a warrant request for such payment from the director of the department of revenue.

3. [An applicant or] **A** licensee in default may, in lieu of filing any bond required under this section, provide the director of revenue with an irrevocable letter of credit, as defined in section 400.5-103, issued by any state or federally chartered financial institution, in an amount to be determined by the director or may obtain a certificate of deposit issued by any state or federally chartered financial institution, in an amount to be determined by the director, where such certificate of deposit is pledged to the department of revenue until released by the director in the same manner as bonds are released pursuant to subsection 1 of this section. As used in this subsection, the term "certificate of deposit" means a certificate representing any deposit of funds in a state or federally chartered financial institution for a specified period of time which earns interest at a fixed or variable rate, where such funds cannot be withdrawn prior to a specified time without forfeiture of some or all of the earned interest.

**620.1350. INVESTMENT FUNDS SERVICE CORPORATION MAY MAKE ANNUAL ELECTION TO COMPUTE INCOME DERIVED WITHIN STATE — PROCEDURE.** — 1. The words used in this section and sections 620.1355 and 620.1360 shall, unless the context otherwise requires, have the

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meaning provided in subdivision (4) of subsection 2 of section 143.451, and in addition, the following words shall have the following meanings:

- (1) "Department", the department of economic development;
- (2) "Director", the director of the department of economic development.

2. An investment funds service corporation or S corporation, certified pursuant to this section and sections 620.1355 and 620.1360, may make an annual election to compute the portion of income derived from sources within this state either pursuant to section 143.451 or pursuant to section 32.200 relating to the multistate tax compact. The annual election shall be made by the filing of a corporate income tax return reflecting the use of such election and by filing a copy of the certificate issued by the director pursuant to the provisions of this section and sections 620.1355 and 620.1360. The annual election may be made regardless of whether the corporation filed its income tax return on a single entity basis or was included in a consolidated income tax return in any year.

**3. Notwithstanding the provisions of subsection 2 of this section to the contrary, for all tax years beginning on or after January 1, 2020, an investment funds service corporation or S corporation, certified pursuant to this section and sections 620.1355 and 620.1360, shall compute the portion of income derived from sources within this state pursuant to section 143.455.**

Approved June 1, 2018

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SB 891

**Enacts provisions relating to buy Missouri week.**

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to buy Missouri week.

SECTION

A. Enacting clause.

9.277 Buy Missouri Week designated for the week beginning the second Saturday in October.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.277, to read as follows:

**9.277. BUY MISSOURI WEEK DESIGNATED FOR THE WEEK BEGINNING THE SECOND SATURDAY IN OCTOBER.** — **The week beginning the second Saturday in October is hereby designated as "Buy Missouri Week" in the state of Missouri and citizens are encouraged to observe the week with appropriate activities and events to support the men and women who create, produce, grow, manufacture, distribute, promote and sell goods made in Missouri.**

Approved June 1, 2018

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## CCS SCS SB 892

**Enacts provisions relating to public employee retirement systems.**

AN ACT to repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 169.291, 169.324, 169.350, 169.360, and 169.560, RSMo, and to enact in lieu thereof thirteen new sections relating to public employee retirement systems, with an existing penalty provision.

## SECTION

- A. Enacting clause.
- 56.363 Full-time prosecutor, ballot — effective date — continuing education requirement, duty to provide to peace officers — may qualify for retirement benefits, when — election in Cedar County.
- 56.805 Definitions.
- 56.807 Local payments, amounts — prosecuting attorneys and circuit attorneys' retirement system fund created — surcharges — donations may be accepted — member contribution to fund, amount.
- 56.814 Retirement age, creditable service required for normal annuity.
- 56.833 Deferred benefits allowed, when — forfeiture of creditable service, when, restoration of service, how — illness or injury, counts as service.
- 56.840 Benefits to retired employees, initial payments, when — creditable service, how accrued, certain counties — benefits as part-time prosecutor, when.
- 70.227 Metropolitan planning organization considered a political subdivision for purposes of local government employees' retirement system.
- 169.291 Board of trustees, qualifications, terms — superintendent of school district to be member — vacancies — lapse of corporate organization, effect of — oaths — officers — expenses — powers and duties — medical board, appointment — actuary designated — contribution rates of employers, amount.
- 169.324 Retirement allowances, amounts — retirants may substitute without affecting allowance, limitation — annual determination of ability to provide benefits, standards — action plan for use of minority and women money managers, brokers and investment counselors.
- 169.350 Assets held in two funds — source and disbursement — deductions — contributions, employer may elect to pay part or all of employee's contribution, procedure — rate of contributions to be calculated.
- 169.360 Trustees shall report annually to employers district's contribution, certification — transfer of funds.
- 169.560 Retirees may be employed, when — salary amount, effect on benefits.
- 278.157 Soil and water conservation district considered a political subdivision for purposes of local government employees' retirement system.

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

**SECTION A. ENACTING CLAUSE.**— Sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 169.291, 169.324, 169.350, 169.360, and 169.560, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 70.227, 169.291, 169.324, 169.350, 169.360, 169.560, and 278.157, to read as follows:

**56.363. FULL-TIME PROSECUTOR, BALLOT — EFFECTIVE DATE — CONTINUING EDUCATION REQUIREMENT, DUTY TO PROVIDE TO PEACE OFFICERS — MAY QUALIFY FOR RETIREMENT BENEFITS, WHEN — ELECTION IN CEDAR COUNTY.**— 1. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three

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of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in \_\_\_\_\_ County?

YES

NO

If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office. **The position shall then qualify for the retirement benefits available to a full-time prosecutor of a county of the first classification. Any county that elects to make the position of prosecuting attorney full-time shall pay into the Missouri prosecuting attorneys and circuit attorneys' retirement fund at the same contribution amount as paid by counties of the first classification.**

2. The provisions of subsection 1 of this section notwithstanding, in any county where the proposition of making the county prosecutor a full-time position was submitted to the voters at a general election in 1998 and where a majority of the voters voting on the proposition voted in favor of making the county prosecutor a full-time position, the proposition shall become effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999, under the provisions of this subsection shall have the additional duty of providing not less than three hours of continuing education to peace officers in the county served by the prosecuting attorney in each year of the term beginning January 1, 1999.

3. In counties that, prior to August 28, 2001, have elected pursuant to this section to make the position of prosecuting attorney a full-time position, the county commission may at any time elect to have that position also qualify for the retirement benefit available for a full-time prosecutor of a county of the first classification. Such election shall be made by a majority vote of the county commission and once made shall be irrevocable, unless the voters of the county elect to change the position of prosecuting attorney back to a part-time position under subsection 4 of this section. When such an election is made, the results shall be transmitted to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund, and the election shall be effective on the first day of January following such election. Such election shall also obligate the county to pay into the Missouri prosecuting attorneys and circuit attorneys' system retirement fund the same retirement contributions for full-time prosecutors as are paid by counties of the first classification.

4. In any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than one thousand seven hundred but fewer than one thousand nine hundred inhabitants as the county seat that has elected to make the county prosecutor a full-time position under this section after August 28, 2014, the county commission may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of changing the full-time prosecutor position to a part-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a part-time position in \_\_\_\_\_ County?

YES

NO

If a majority of the voters vote in favor of making the county prosecutor a part-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.

5. In any county that has elected to make the full-time position of county prosecutor a part-time position under subsection 4 of this section, the county's retirement contribution to the retirement system and the retirement benefit earned by the member shall prospectively be that of a part-time prosecutor as established in this chapter. Any retirement contribution made and retirement benefit earned prior to the effective date of the voter-approved proposition under subsection 4 of this section shall be maintained by the retirement system and used to calculate the retirement benefit for such prior full-time position service. Under no circumstances shall a member in a part-time prosecutor position earn full-time position retirement benefit service accruals for time periods after the effective date of the proposition changing the county prosecutor back to a part-time position.

**56.805. DEFINITIONS.**— As used in sections 56.800 to 56.840, the following words and terms mean:

- (1) "Annuity", annual payments, made in equal monthly installments, to a retired member from funds provided for, in, or authorized by, the provisions of sections 56.800 to 56.840;
- (2) "Average final compensation", the average compensation of an employee for the two consecutive years prior to retirement when the employee's compensation was greatest;
- (3) "Board of trustees" or "board", the board of trustees established by the provisions of sections 56.800 to 56.840;
- (4) "Compensation", all salary and other compensation payable by a county to an employee for personal services rendered as an employee, **including any salary reduction amounts under a cafeteria plan that satisfies 26 U.S.C. Section 125 or an eligible deferred compensation plan that satisfies 26 U.S.C. Section 457** but not including [travel and mileage] reimbursement **for any expenses, any consideration for agreeing to terminate employment, or any other nonrecurring or unusual payment that is not part of regular remuneration;**
- (5) "County", the City of St. Louis and each county in the state;
- (6) "Creditable service", the sum of both membership service and creditable prior service;
- (7) "Effective date of the establishment of the system", August 28, 1989;
- (8) "Employee", an elected or appointed prosecuting attorney or circuit attorney who is employed by a county or a city not within a county;
- (9) "Membership service", service as a prosecuting attorney or circuit attorney after becoming a member that is creditable in determining the amount of the member's benefits under this system;
- (10) "Prior service", service of a member rendered prior to the effective date of the establishment of the system which is creditable under section 56.823;
- (11) "Retirement system" or "system", the prosecuting attorneys and circuit attorneys' retirement system authorized by the provisions of sections 56.800 to 56.840.

**56.807. LOCAL PAYMENTS, AMOUNTS — PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS' RETIREMENT SYSTEM FUND CREATED — SURCHARGES — DONATIONS MAY BE ACCEPTED — MEMBER CONTRIBUTION TO FUND, AMOUNT.** — 1. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.

2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

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(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;

(2) For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;

(3) For counties of the first classification, and, except as otherwise provided under section 56.363, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the City of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.

3. Beginning August 28, 1989, and continuing until August 27, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to the system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other purpose.

4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds and the surcharge established in this section and collected as provided by this section and sections 488.010 to 488.020.

5. (1) Beginning August 28, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(a) For counties of the third and fourth classification except as provided in paragraph (c) of this subdivision, one hundred eighty-seven dollars;

(b) For counties of the second classification, two hundred seventy-one dollars;

(c) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the City of St. Louis, six hundred forty-six dollars.

(2) Beginning August 28, 2015, the county contribution set forth in paragraphs (a) to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following schedule based upon the prosecuting attorneys and circuit attorneys' retirement system's annual actuarial valuation report. If the system's funding ratio is:

(a) One hundred twenty percent or more, no monthly sum shall be transmitted;

(b) More than one hundred ten percent but less than one hundred twenty percent, the monthly sum transmitted shall be reduced fifty percent;

(c) At least ninety percent and up to and including one hundred ten percent, the monthly sum transmitted shall remain the same;

(d) At least eighty percent and less than ninety percent, the monthly sum transmitted shall be increased fifty percent; and

(e) Less than eighty percent, the monthly sum transmitted shall be increased one hundred percent.

6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 5 of this section to the Missouri office of prosecution services for deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other purpose.

7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and circuit attorneys shall be collected and paid as follows:

(1) There shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state including violation of any county ordinance, any violation of criminal or traffic laws of this state, including infractions, and against any person who has pled guilty for any violation and paid a fine through a fine collection center, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term "county ordinance" shall include any ordinance of the City of St. Louis;

(2) The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes provided for in sections 56.800 to 56.840 and for no other purpose.

8. The board may accept gifts, donations, grants and bequests from private or public sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840 unless provided for by law.

**10. Beginning January first following the effective date of this subsection, all members, who upon vesting and retiring are eligible to receive a normal annuity equal to fifty percent of the final average compensation, shall, as a condition of participation, contribute two percent of their gross salary to the fund. Beginning on January 1, 2020, each such member shall contribute four percent of the member's gross salary to the fund. Each county treasurer shall deduct the appropriate amount from the gross salary of the prosecuting attorney or circuit attorney and, at least monthly, shall transmit the sum to the prosecuting attorney and circuit attorney retirement system for deposit in the prosecuting attorneys and circuit attorneys' retirement fund.**

**11. Upon separation from the system, a nonvested member shall receive a lump sum payment equal to the total contribution of the member without interest or other increases in value.**

**12. Upon retirement and in the sole discretion of the board on the advice of the actuary, a member shall receive a lump sum payment equal to the total contribution of the member without interest or other increases in value, but such lump sum shall not exceed twenty-five percent of the final average compensation of the member. This amount shall be in addition to any retirement benefits to which the member is entitled.**

**13. Upon the death of a nonvested member or the death of a vested member prior to retirement, the lump sum payment in subsection 11 or 12 of this section shall be made to the designated beneficiary of the member or, if no beneficiary has been designated, to the member's estate.**

**56.814. RETIREMENT AGE, CREDITABLE SERVICE REQUIRED FOR NORMAL ANNUITY. —**

**1. Any [member] person who became a member prior to January 1, 2019, who has attained the age of sixty-two years and who has twelve years or more of creditable service as prosecuting attorney or circuit attorney may retire with a normal annuity as determined in subsection 3 of section 56.840.**

**2. Any person who becomes a member on or after January 1, 2019, who has attained the age of sixty-five and who has twelve years or more of creditable service as a prosecuting attorney or circuit attorney may retire with a normal annuity.**

**56.833. DEFERRED BENEFITS ALLOWED, WHEN — FORFEITURE OF CREDITABLE SERVICE, WHEN, RESTORATION OF SERVICE, HOW — ILLNESS OR INJURY, COUNTS AS SERVICE. — 1.** Upon termination of employment, any [member with twelve or more years of creditable service] **person who became a member prior to January 1, 2019**, shall be entitled to a deferred normal annuity, payable at age fifty-five with twelve or more years of creditable service **as determined in subsection 3 of section 56.840. Upon termination of employment, any person who became a member on or after January 1, 2019, shall be entitled to a deferred normal annuity, payable at age sixty with twelve or more years of creditable service as determined in subsection 3 of section 56.840.** Any member with less than twelve years of creditable service shall forfeit all rights in the fund, including the member's accrued creditable service as of the date of the member's termination of employment.

2. A former member who has forfeited creditable service may have the creditable service restored by again becoming an employee [and] **within ten years of the date of the termination of employment, by completing four years of continuous membership service, and by contributing an amount to the fund equal to any lump sum payment received under subsections 11 and 12 of section 56.807. Notwithstanding any other provision of section 104.800 to the contrary, a former member shall not be entitled to transfer creditable service into this retirement system unless the member previously vested in this system.**

3. Absences for sickness or injury of less than twelve months shall be counted as membership service.

**56.840. BENEFITS TO RETIRED EMPLOYEES, INITIAL PAYMENTS, WHEN — CREDITABLE SERVICE, HOW ACCRUED, CERTAIN COUNTIES — BENEFITS AS PART-TIME PROSECUTOR, WHEN. — 1.** Annuity payments to retired employees under the provisions of sections 56.800 to 56.840 shall be available beginning January first next succeeding the expiration of two calendar years from the effective date of the establishment of the system to eligible retired employees, and employees with at least twelve years of creditable service shall have vested rights and upon reaching the required age shall be entitled to retirement benefits.

2. **All members serving as a prosecuting attorney or circuit attorney in a county of the first classification, a county with a charter form of government, or a city not within a county shall receive one year of creditable service for each year served.**

3. **Notwithstanding any provision of law to the contrary, members serving as a prosecuting attorney in counties that elected to make the position of prosecuting attorney a full-time position shall receive one year of creditable vesting service for each year served as a part-time or full-time prosecuting attorney. Such members shall receive one year of creditable benefit service for each year served as a full-time prosecuting attorney and six-tenths of a year of creditable benefit service for each year served as a part-time prosecuting attorney. Upon retirement, any member who has less than twelve years of creditable benefit service shall receive a reduced full-time benefit in a sum equal to the portion that the member's creditable benefit years bear to twelve vesting years.**

4. **Members restoring creditable service under subsection 2 of section 56.833 shall receive one year of creditable service for each restored year served as a full-time prosecuting attorney and six-tenths of a year of creditable service for each restored year served as a part-time prosecuting attorney. Unless otherwise permitted by law, no member shall receive credit for any partial year of employment.**

5. **Notwithstanding any provision of law to the contrary, any member who vested in the system as a part-time prosecuting attorney and who ceased being a member for more than six months before returning as a full-time prosecuting attorney shall be entitled only to**

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retirement benefits as a part-time prosecuting attorney. Any creditable service earned by such an employee upon returning to the system as a full-time prosecuting attorney shall begin a new vesting period subject to the provision of the system in effect at the time of the member's return. No member shall receive benefits while employed as a prosecuting attorney or circuit attorney.

**70.227. METROPOLITAN PLANNING ORGANIZATION CONSIDERED A POLITICAL SUBDIVISION FOR PURPOSES OF LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM. —**

**1. For purposes of this section, the following terms mean:**

(1) "Local units", the same meaning given to the term under section 251.160;

(2) "Transportation planning boundary", the same meaning given to the term under section 251.160.

2. Notwithstanding the provisions of sections 70.600 to 70.755 to the contrary, a metropolitan planning organization organized under 23 U.S.C. Section 134 and designated by the governor shall be considered a political subdivision for the purposes of sections 70.600 to 70.755, and employees of such metropolitan planning organization shall be eligible for membership in the Missouri local government employees' retirement system upon the metropolitan planning organization becoming an employer, as defined in subdivision (1) of section 70.600.

3. Upon receipt of certified copies of resolutions recommending the dissolution of a metropolitan planning organization adopted by the governing bodies of a majority of the local units within the transportation planning boundary served by the metropolitan planning organization, and upon a finding that all outstanding indebtedness of the metropolitan planning organization has been paid, including moneys owed to any retirement plan or system in which the organization participates and has pledged to pay for the unfunded accrued liability of its past and current employees, and all unexpended funds returned to the local units that supplied them or adequate provision made for the funds, the governor shall issue a certificate of dissolution of the organization, which shall thereupon cease to exist. If such organization was formally incorporated as a Missouri nonprofit corporation, the secretary of state shall issue such certificate of dissolution.

**169.291. BOARD OF TRUSTEES, QUALIFICATIONS, TERMS — SUPERINTENDENT OF SCHOOL DISTRICT TO BE MEMBER — VACANCIES — LAPSE OF CORPORATE ORGANIZATION, EFFECT OF — OATHS — OFFICERS — EXPENSES — POWERS AND DUTIES — MEDICAL BOARD, APPOINTMENT — ACTUARY DESIGNATED — CONTRIBUTION RATES OF EMPLOYERS, AMOUNT. — 1. The general administration and the responsibility for the proper operation of the retirement system are hereby vested in a board of trustees of twelve persons who shall be resident taxpayers of the school district, as follows:**

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(2) Four trustees to be elected for terms of four years by and from the members of the retirement system; provided, however, that the terms of office of the first four trustees so elected shall begin immediately upon their election and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(3) The ninth trustee shall be the superintendent of schools of the school district;

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(4) The tenth trustee shall be one retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 13, 1986, by the retirants of the retirement system;

(5) The eleventh trustee shall be appointed for a term of four years beginning the first day of January immediately following August 13, 1990, by the board of trustees described in subdivision (3) of section 182.701;

(6) The twelfth trustee shall be a retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 28, 1992, by the retirants of the retirement system.

2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that the board of trustees may appoint a qualified person to fill the vacancy in the office of an elected member until the next regular election at which time a member shall be elected for the unexpired term. No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancy or vacancies.

3. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, the general administration and responsibility for the proper operation of the retirement system shall continue to be vested in a twelve-person board of trustees, all of whom shall be resident taxpayers of a city, other than a city not within a county, of four hundred thousand or more. In such event, if vacancies occur in the offices of the four trustees appointed, prior to the lapse, by the board of education, or in the offices of the four trustees elected, prior to the lapse, by the members of the retirement system, or in the office of trustee held, prior to the lapse, by the superintendent of schools in the school district, as provided in subdivisions (1), (2) and (3) of subsection 1 of this section, the board of trustees shall appoint a qualified person to fill each vacancy and subsequent vacancies in the office of trustee for terms of up to four years, as determined by the board of trustees.

4. Each trustee shall, before assuming the duties of a trustee, take the oath of office before the court of the judicial circuit or one of the courts of the judicial circuit in which the school district is located that so far as it devolves upon the trustee, such trustee shall diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

5. Each trustee shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a quorum at any meeting of the board of trustees. At any meeting of the board of trustees where a quorum is present, the vote of at least seven of the trustees in support of a motion, resolution or other matter is necessary to be the decision of the board; provided, however, that in the event of a lapse in the school district's corporate organization as described in subsections 1 and 4 of section 162.081, a majority of the trustees then in office shall constitute a quorum at any meeting of the board of trustees, and the vote of a majority of the trustees then in office in support of a motion, resolution or other matter shall be necessary to be the decision of the board.

6. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits or refunds, and its action, decision or determination in any matter shall be reviewable in accordance with chapter 536 or chapter 621. Subject to the limitations of sections 169.270 to 169.400, the board of trustees shall, from time to time, establish rules and regulations for the

administration of funds of the retirement system, for the transaction of its business, and for the limitation of the time within which claims may be filed.

7. The trustees shall serve without compensation. The board of trustees shall elect from its membership a chairman and a vice chairman. The board of trustees shall appoint an executive director who shall serve as the administrative officer of the retirement system and as secretary to the board of trustees. It shall employ one or more persons, firms or corporations experienced in the investment of moneys to serve as investment counsel to the board of trustees. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve, and shall be paid from the investment income.

8. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

9. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and furnish to the board of education and to each member of the retirement system who so requests a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

10. The board of trustees shall have, in its own name, power to sue and to be sued, to enter into contracts, to own property, real and personal, and to convey the same; but the members of such board of trustees shall not be personally liable for obligations or liabilities of the board of trustees or of the retirement system.

11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

12. The board of trustees shall designate a medical board to be composed of three or more physicians who shall not be eligible for membership in the system and who shall pass upon all medical examinations required under the provisions of sections 169.270 to 169.400, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

13. The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system and shall perform such other duties as are required in connection therewith. Such person shall be qualified as an actuary by membership as a Fellow of the Society of Actuaries or by similar objective standards.

14. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the members, retirants and beneficiaries of the retirement system and, taking into account the results of such investigation, the board of trustees shall adopt for the retirement system such actuarial assumptions as the board of trustees deems necessary for the financial soundness of the retirement system.

15. On the basis of such actuarial assumptions as the board of trustees adopts, the actuary shall make annual valuations of the assets and liabilities of the funds of the retirement system.

16. The rate of contribution payable by the employers shall equal one and ninety-nine one-hundredths percent, effective July 1, 1993; three and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-nine one-hundredths percent, effective July 1, 1996; seven and one-half percent effective January 1, 1999, and for subsequent calendar years through 2013. For calendar year 2014 and each subsequent year, the rate of contribution payable by the employers

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for each year shall be determined [by the actuary for the retirement system in the manner] as provided in [subsection] **subsections 4 and 6** of section 169.350 and shall be certified by the board of trustees to the employers at least six months prior to the date such rate is to be effective.

17. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, no retirement system, nor any of the assets of any retirement system, shall be transferred to or merged with another retirement system without prior approval of such transfer or merge by the board of trustees of the retirement system.

**169.324. RETIREMENT ALLOWANCES, AMOUNTS — RETIRANTS MAY SUBSTITUTE WITHOUT AFFECTING ALLOWANCE, LIMITATION — ANNUAL DETERMINATION OF ABILITY TO PROVIDE BENEFITS, STANDARDS — ACTION PLAN FOR USE OF MINORITY AND WOMEN MONEY MANAGERS, BROKERS AND INVESTMENT COUNSELORS.** — 1. The annual service retirement allowance payable pursuant to section 169.320 shall be the retirant's number of years of creditable service multiplied by a percentage of the retirant's average final compensation, determined as follows:

(1) A retirant whose last employment as a regular employee ended prior to June 30, 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(2) A retirant whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993;

(3) A retirant who was an active member of the retirement system at any time on or after June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's final compensation;

(4) A retirant who becomes a member of the retirement system on or after January 1, 2014, including any retirant who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective January 1, 1996, any retirant who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the retirant elected any of the options available under section 169.326. Any retirant who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the retirant elected any of the options available under section 169.326). Any beneficiary of a deceased retirant who retired with at least ten years of creditable

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service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system. In addition to the conditions set forth above, the restrictions of this subsection shall also apply to any person retired and currently receiving a retirement allowance under sections 169.270 to 169.400, other than for disability, who is employed by a third party or is performing work as an independent contractor if the services performed by such person are provided to or for the benefit of any employer in the retirement system established under section 169.280. The retirement system may require the employer receiving such services, the third-party employer, the independent contractor, and the retirant subject to this subsection to provide documentation showing compliance with this subsection. If such documentation is not provided, the retirement system may deem the retirant to have exceeded the limitations provided for in this subsection. If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331 or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average final annual compensation as of the second retirement date.

The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant

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shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent [after] **before** adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, [after] **before** adjusting for the effect of the proposed increase, may not exceed the then applicable employer and member contribution rate as determined under [subsection] **subsections 4, 5, and 6** of section 169.350;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

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**169.350. ASSETS HELD IN TWO FUNDS — SOURCE AND DISBURSEMENT — DEDUCTIONS — CONTRIBUTIONS, EMPLOYER MAY ELECT TO PAY PART OR ALL OF EMPLOYEE'S CONTRIBUTION, PROCEDURE — RATE OF CONTRIBUTIONS TO BE CALCULATED.** — 1. All of the assets of the retirement system (other than tangible real or personal property owned by the retirement system for use in carrying out its duties, such as office supplies and furniture) shall be credited, according to the purpose for which they are held, in either the employees' contribution fund or the general reserve fund.

(1) The employees' contribution fund shall be the fund in which shall be accumulated the contributions of the members. The employer shall, except as provided in subdivision (5) of this subsection, cause to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, the pro rata portion of five and nine-tenths percent of his annualized compensation. Effective January 1, 1999, through December 31, 2013, the employer shall deduct an additional one and six-tenths percent of the member's annualized compensation. For 2014 and for each subsequent year, the employer shall deduct from each member's annualized compensation the rate of contribution determined for such year [by the actuary for the retirement system in the manner] **as provided in [subsection] subsections 4, 5, and 6 of this section.**

(2) The employer shall pay all such deductions and any amount it may elect to pay pursuant to subdivision (5) of this subsection to the retirement system at once. The retirement system shall credit such deductions and such amounts to the individual account of each member from whose compensation the deduction was made or with respect to whose compensation the amount was paid pursuant to subdivision (5) of this subsection. In determining the deduction for a member in any payroll period, the board of trustees may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such period.

(3) The deductions provided for herein are declared to be a part of the compensation of the member and the making of such deductions shall constitute payments by the member out of the person's compensation and such deductions shall be made notwithstanding that the amount actually paid to the member after such deductions is less than the minimum compensation provided by law for any member. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for the person's full compensation, and the making of the deduction and the payment of compensation less the deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.270 to 169.400.

(4) The accumulated contributions with interest of a member withdrawn by the person or paid to the person's estate or designated beneficiary in the event of the person's death before retirement shall be paid from the employees' contribution fund. Upon retirement of a member the member's accumulated contributions with interest shall be transferred from the employees' contribution fund to the general reserve fund.

(5) The employer may elect to pay on behalf of all members all or part of the amount that the members would otherwise be required to contribute to the employees' contribution fund pursuant to subdivision (1) of this subsection. Such amounts paid by the employer shall be in lieu of members' contributions and shall be treated for all purposes of sections 169.270 to 169.400 as contributions made by members. Notwithstanding any other provision of this chapter to the contrary, no member shall be entitled to receive such amounts directly. The election shall be made by a duly adopted resolution of the employer's board and shall remain in effect for at least one year from the effective date thereof. The election may be thereafter terminated only by an affirmative act of the employer's board notwithstanding any limitation in the term thereof in the adopting

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resolution. Any such termination resolution shall be adopted at least sixty days prior to the effective date thereof, and the effective date thereof shall coincide with a fiscal year-end of the employer. In the absence of such a termination resolution, the election shall remain in effect from fiscal year to fiscal year.

2. The general reserve fund shall be the fund in which shall be accumulated all reserves for the payment of all benefit expenses and other demands whatsoever upon the retirement system except those items heretofore allocated to the employees' contribution fund.

(1) All contributions by the employer, except those the employer elects to make on behalf of the members pursuant to subdivision (5) of subsection 1 of this section, shall be credited to the general reserve fund.

(2) Should a retirant be restored to active service and again become a member of the retirement system, the excess, if any, of the person's accumulated contributions over benefits received by the retirant shall be transferred from the general reserve fund to the employees' contribution fund and credited to the person's account.

3. Gifts, devises, bequests and legacies may be accepted by the board of trustees and deposited in the general reserve fund to be held, invested and used at its discretion for the benefit of the retirement system except where specific direction for the use of a gift is made by a donor.

4. Beginning in 2013, the actuary for the retirement system shall annually calculate the rate of employer contributions and member contributions for 2014 and for each subsequent calendar year **through 2018**, expressed as a level percentage of the annualized compensation of the members, subject to the following:

(1) The rate of contribution for any calendar year shall be determined based on an actuarial valuation of the retirement system as of the first day of the prior calendar year. Such actuarial valuation shall be performed using the actuarial cost method and actuarial assumptions adopted by the board of trustees and in accordance with accepted actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor;

(2) The target combined employer and member contribution rate shall be the amount actuarially required to cover the normal cost and amortize any unfunded accrued actuarial liability over a period that shall not exceed thirty years from the date of the valuation;

(3) The target combined rate as so determined shall be allocated equally between the employer contribution rate and the member contribution rate, provided, however, that the level rate of contributions to be paid by the employers and the level rate of contributions to be deducted from the compensation of members for any calendar year shall each be limited as follows:

(a) The contribution rate shall not be less than seven and one-half percent;

(b) The contribution rate shall not exceed nine percent; and

(c) Changes in the contribution rate from year to year shall be in increments of one-half percent such that the contribution rate for any year shall not be greater than or less than the rate in effect for the prior year by more than one-half percent;

(4) The board of trustees shall certify to the employers the contribution rate for the following calendar year no later than six months prior to the date such rate is to be effective.

**5. The member contribution rate for 2019 and subsequent periods shall be nine percent of compensation unless a lower member contribution rate applies for any period beginning on or after July 1, 2021, in accordance with the provisions of subdivision (4) of subsection 6 of this section.**

**6. The employer contribution rate for calendar year 2019 shall be ten and one-half percent. The employer contribution rate for the eighteen-month period beginning January 1, 2020, through June 30, 2021, shall be twelve percent. For the twelve-month period**

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Matter in bold-face type is proposed language.

beginning July 1, 2021, and for each subsequent twelve-month period beginning July first each year, the employer contribution rate shall be determined as follows:

(1) The actuary shall determine the total actuarially required contribution based on an actuarial valuation of the retirement system as of the first day of the preceding calendar year. Such actuarial valuation shall be performed using the actuarial cost method and actuarial assumptions adopted by the board of trustees and in accordance with actuarial standards of practice applicable as of the valuation date. The total actuarially required contribution rate, including both employer and member contributions, shall be an amount determined in accordance with the board's current funding policy, expressed as a level percentage of the annualized compensation of the members;

(2) If the retirement system's funded ratio as of the first day of the preceding calendar year is below one hundred percent, the employer contribution rate shall be the greater of twelve percent or the difference between the total actuarially required contribution rate and the nine percent member contribution rate, subject to the limits on annual adjustments stated in subdivision (6) of this subsection;

(3) If the retirement system's funded ratio as of the first day of the preceding calendar year equals or exceeds one hundred percent and the total actuarially required contribution rate exceeds eighteen percent, the employer contribution rate shall be the difference between the total actuarially required contribution rate and the nine percent member contribution rate, subject to the limits on annual adjustments stated in subdivision (6) of this subsection;

(4) If the retirement system's funded ratio as of the first day of the preceding calendar year equals or exceeds one hundred percent and the total actuarially required contribution rate does not exceed eighteen percent, the total actuarially required contribution rate shall be allocated equally between the employer contribution rate and the member contribution rate. If the total actuarially required contribution rate falls below eighteen percent after being above eighteen percent for the preceding twelve-month period, the member contribution rate and the employer contribution rate shall be adjusted to one-half of the total actuarially required contribution rate for such period, regardless of the magnitude of the decrease from the rate in effect for the prior period, in order to equalize the employer and member contribution rates. Otherwise, adjustments in the contribution rates shall be limited by the annual adjustment limits stated in subdivision (6) of this subsection;

(5) If the retirement system's funded ratio as of the first day of the preceding calendar year again falls below one hundred percent, or if the total actuarially required contribution rate rises above eighteen percent, the provisions of subdivision (2) or (3) of this subsection shall apply, as applicable, subject to the limits on annual adjustments stated in subdivision (6) of this subsection;

(6) Except as stated in subdivision (4) of this subsection, in transitioning to the contribution rates prescribed in this subsection for periods beginning on or after July 1, 2021, the employer contribution rate and the member contribution rate, respectively, shall not increase by more than one percent or decrease by more than one-half percent for any period from the corresponding rate in effect immediately before such increase or decrease; and

(7) The board of trustees shall certify to the employers the contribution rate to be effective for July 1, 2021, and for each following July first, no later than six months prior to the date such rate is to be effective.

**169.360. TRUSTEES SHALL REPORT ANNUALLY TO EMPLOYERS DISTRICT'S CONTRIBUTION, CERTIFICATION — TRANSFER OF FUNDS. — 1.** Before the first of July of each

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year, the board of trustees shall certify to each employer the amounts which will become due and payable from each during the school year next following to the general reserve fund. The amount so certified shall be appropriated by each employer's board by a resolution explicitly directing the appropriate officials to pay the same, not later than July twenty-fifth of each year and transferred to the retirement system on or before December thirty-first of the same year.

**2. Effective January 1, 2019, each employer shall transfer its employer contributions to the retirement system promptly following the end of each payroll period at the time the employer transfers member contributions.**

**169.560. RETIREES MAY BE EMPLOYED, WHEN — SALARY AMOUNT, EFFECT ON BENEFITS. — 1.** Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity [in a district] **for an employer** included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the [district's] **employer's** salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the [school district] **employer** does not utilize a salary schedule, or if the position in question is not subject to the [district's] **employer's** salary schedule, a retiree employed in accordance with the provisions of this [section] **subsection** may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position [in the school district] **by the employer** that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such [a district] **an employer** in excess of the limitations set forth in this [section] **subsection**, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall contribute to the retirement system if the person satisfies the retirement system's membership eligibility requirements. In addition to the conditions set forth above, this [section] **subsection** shall apply to any person retired and currently receiving a retirement allowance under sections 169.010 to 169.141, other than for disability, who is employed by a third party or is performing work as an independent contractor, if such person is performing work [in a district] **for an employer** included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers in Missouri if such person was employed by the district. The retirement system may require the [district] **employer**, the third-party employer, the independent contractor, and the retiree subject to this [section] **subsection** to provide documentation showing compliance with this [section] **subsection**. If such documentation is not provided, the retirement system may deem the retiree to have exceeded the limitations provided in this [section] **subsection**.

2. Notwithstanding any other provision of this section, any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141, other than for disability, may be employed by an employer included in the retirement system created by those sections in a position that does not normally require a person employed in that position to be duly certificated under the laws governing the certification of teachers in Missouri, and through such employment may earn up to sixty percent of the minimum teacher's salary as set forth in section 163.172, without a discontinuance of the person's retirement allowance. Such person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment, and such person shall not earn membership service for such employment. The employer's contribution rate shall be paid by the hiring employer into the public education employee retirement system established by sections 169.600 to 169.715. If such a person is employed in any capacity by an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall become a member of and contribute to any retirement system described in this subsection if the person satisfies the retirement system's membership eligibility requirements.

**278.157. SOIL AND WATER CONSERVATION DISTRICT CONSIDERED A POLITICAL SUBDIVISION FOR PURPOSES OF LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM. —**

1. Notwithstanding the provisions of section 70.600 to the contrary, a soil and water conservation district organized under sections 278.060 to 278.155 shall be considered a political subdivision for the purposes of sections 70.600 to 70.755, and employees of such a soil and water conservation district shall be eligible for membership in the Missouri local government employees' retirement system upon the soil and water district becoming an "employer" as defined in subdivision (11) of section 70.600.

2. Prior to the soil and water commission declaring a soil and water conservation district disestablished under section 278.150, the soil and water commission shall make a determination that all outstanding indebtedness of the soil and water conservation district has been paid, including moneys owed to any retirement plan or system in which the soil and water conservation district participates and has pledged to pay for the unfunded accrued liability of past and current employees.

Approved July 5, 2018

SS SCS SB 907

**Authorizes the conveyance of certain state properties.**

AN ACT to authorize the conveyance of certain state properties.

SECTION

1. Authority to convey state property located in Cole County to F&F Development, LLC.
2. Authority to convey state property located in the City of Independence, Jackson County.
3. Authority to convey state property located in St. Louis.
4. Authority to convey state property located in the City of Jefferson, Cole County.
5. Authority to convey state property located in Mack's Creek, Camden County.
6. Authority to convey state property located in Butler County.

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

7. Authority to convey department of natural resources property located in Ste. Genevieve County.
8. Authority to convey department of natural resources property located in Cole County.

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

**SECTION 1. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN COLE COUNTY TO F&F DEVELOPMENT, LLC. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property located in the City of Jefferson, Cole County, Missouri, described as follows to F & F Development, LLC.**

All that part of the Original Wears Creek as per the plat of Jefferson City, Missouri, that lies southeasterly of the U.S. Route 54 Connection to Missouri Boulevard (Job No. 5-U-54-258B) right-of-way line, southwesterly of Inlot 774, northwesterly of the Wears Creek Channel Change (Highway Job No. 5-U-54-258B), northeasterly of the Dunklin Street right-of-way line and easterly of Inlot 778, in the City of Jefferson, Cole County, Missouri, being more particularly described as follows:

Beginning at the most southerly corner of Inlot 774; thence S12°00'46"E, along the boundary of said Original Wears Creek, 45.62 feet to the northwesterly boundary of the Wears Creek Channel Change (Highway Job No. 5-U-54-258B); thence S31°53'40"W, along the northwesterly boundary of the Wears Creek Channel Change (Highway Job No. 5-U-54-258B), 195.78 feet to the northeasterly right-of-way line of Dunklin Street; thence N47°33'56"W, along the northeasterly right-of-way line of Dunklin Street, 72.18 feet to the most southerly corner of Inlot 778; thence N42°14'14"E, along the southeasterly line of Inlot 778, being the boundary of said Original Wears Creek, 120.82 feet to the most easterly corner of Inlot 778; thence N40°09'27"W, along the northeasterly line of Inlot 778, being the boundary of said Original Wears Creek, 18.31 feet to a point on the U.S. Route 54 Connection to Missouri Boulevard (Job No. 5-U-54-258B) right-of-way line; thence N38°58'35"E, along the U.S. Route 54 Connection to Missouri Boulevard (Job No. 5-U-54-258B) right-of-way line, 66.61 feet; thence N20°47'15"E, continuing along the U.S. Route 54 Connection to Missouri Boulevard (Job No. 5-U-54-258B) right-of-way line, 31.55 feet to a point on the southwesterly line of said Inlot 774; thence S47°36'20"E, along the southwesterly line of said Inlot 774, 33.47 feet to the point of beginning.

Containing 0.30 acre.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

**SECTION 2. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN THE CITY OF INDEPENDENCE, JACKSON COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in the City of Independence, Jackson County, Missouri, described as follows:**

The East 116 feet of Lot 11, **FRELING ORCHARD ACRES**, a subdivision in Independence, Jackson County, Missouri, except Right-of-Way conveyed to the City of Independence on March 12, 1981, and recorded as Document No. I 457242.

Subject to easement reserved for ingress and egress to grantor's adjoining property, reserved across the South Forty (40) feet of the conveyed parcel.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

**SECTION 3. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN ST. LOUIS.** — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in St. Louis, Missouri, described as follows:

Lots 29, 30, 31, 32, 33 and part of Lots 27 and 28 in Block 2 of CHELTENHAM, Lots 21, 22, 23 and part of Lot 20 of WIBLE'S EASTERN ADDITION to CHELTENHAM, together with the Western 36 feet of former January Avenue vacated under the provisions of Ordinance No. 52058, and in Blocks 4022 and 4023 of the City of St. Louis, more particularly described as follows: Beginning at a point in the North line of Wilson Avenue, 40 feet wide, at its intersection with a line 36 feet East of and parallel to the West line of former January Avenue, 60 feet wide, as vacated under the provisions of Ordinance No. 52058; thence North 82 degrees 57 minutes 15 seconds West along said North line of Wilson Avenue a distance of 355.20 feet to a point; thence North 8 degrees 15 minutes 30 seconds East a distance of 472.56 feet to a point in the Southerly Right-of-Way line of Interstate Highway 1-44; thence in an Easterly direction along said Right-of-Way line North 87 degrees 03 minutes 45 seconds East a distance of 25.59 feet to an angle point being located in the Eastern line of Lot 20 of Wible's Eastern Addition to Cheltenham, said point being 477 feet North along the Eastern line of said Wible's Addition from the Northern line of Wilson Avenue, 40 feet wide; thence South 87 degrees 53 minutes 03 seconds East and along said 1-44 Right-of-Way line 295.71 feet to a point in the West line of said former January Avenue vacated as aforesaid at a point being 502.42 feet North along said line from the Northern line of Wilson Avenue; thence North 74 degrees 42 minutes 01 seconds East along the South Right-of-Way line of 1-44 a distance of 39.27 feet to a point in a line 36 feet East of and parallel to said West line of former January Avenue, vacated as aforesaid; thence South 8 degrees 15 minutes 30 seconds West along said line 36 feet East of the West line of former January Avenue, vacated as aforesaid, a distance of 517.36 feet to the point of beginning.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

**SECTION 4. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN THE CITY OF JEFFERSON, COLE COUNTY.** — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in the City of Jefferson, Cole County, Missouri, described as follows:

A tract located in the City of Jefferson, Cole County, Missouri, also being part of the tract described by Inlot numbers 73 through 83 and Inlot numbers 313 through 330 of the original City of Jefferson, also commonly known as the state capital grounds;

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said tract being more particularly described as follows: commencing at the northwest corner of Inlot 84 of the original City of Jefferson, thence, N 48°44'00" W, 403.10 feet to a point on the south right of way line of the Union Pacific Railroad, the point of beginning: Commencing at the northwest corner of Inlot 84 of the original City of Jefferson, thence, N 48°44'00" W, 403.10 feet to a point on the south right of way line of the Union Pacific Railroad, the point of beginning: Thence from the point of beginning, with the south right of way line of the Union Pacific Railroad N 47°38'49" W, 80.73 feet; thence leaving the south right of way line of the Union Pacific Railroad, S 71°14'48" W, 44.32 feet; thence with a non-tangent curve to the right 34.23 feet, curve radius of 49.41 feet, chord S 10°25'00" E, 33.55 feet; thence with a non-tangent curve to the right 19.65 feet, curve radius of 76.00 feet, chord S 16°50'12" W, 19.60 feet; thence S 24°14'38" W, 127.11 feet; thence S 22°12'10" E, 40.01 feet; thence with a non-tangent curve to the right 14.86 feet, curve radius of 63.54 feet, chord S 77°04'30" W, 14.82 feet; thence S 23°13'34" E, 22.36 feet; thence N 42°35'20" E, 64.10 feet; thence with a non-tangent curve to the right 211.51 feet, curve radius of 82.31 feet, chord N 34°46'36" E, 157.93 feet; thence N 42°21'11" E, 15.56 feet to the point of beginning and contains 0.19 acres more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

**SECTION 5. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN MACK'S CREEK, CAMDEN COUNTY.** — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in Mack's Creek, Camden County, Missouri, described as follows:

In Section 13, Township 37 North, Range 18 West of the 5th Principal Meridian, all that part of Lot 4, described as follows: Beginning at the Northeast corner of said Lot 4; thence South with the meanderings of the Niangua River 140 yards; thence West 210 yards; thence North to the North line of said Lot 4; thence East to the place of beginning. ALSO beginning at a point 210 yards West of the Northeast corner of said Lot 4, or at the Northwest corner of above described tract; thence West to the Quarter Section corner on West side of Section; thence South 35 yards; thence East to the West line of first above described tract; thence North to place of beginning. ALSO in said Section 13, Township 37 North, Range 18 West of the 5th Principal Meridian, that part of Lot 3, described as follows: Beginning at the Southwest corner of said Lot 3; thence East 420 feet; thence North 745 feet; thence in a Northwest direction on a straight line to a point 329 feet South of the Northwest corner of said Lot 3; thence South to place of beginning.

ALSO in Section 14, Township 37 North, Range 18 West of the 5th Principal Meridian, all of the Southeast Quarter of the Northwest Quarter and the South Half of the North-east Quarter, EXCEPT 1 3/4 acres in the Northeast corner of the Southeast Quarter of the Northeast Quarter, described as follows: Beginning at the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence West 472 feet; thence in a Southeast direction on a straight line to a point 329 feet South of above mentioned Northeast corner of the Southeast Quarter of the Northeast Quarter; thence North to place of beginning. EXCEPTING ALSO that part of the

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South Half of the Northeast Quarter of Section 14, Township 37 North, Range 18 West, bounded as follows: Beginning on the South line at the Southwest corner of the Southeast Quarter of the Northeast Quarter; thence West 70 yards; thence North 70 yards; thence East 70 yards; thence South 70 yards to the place of beginning; thence beginning at the above mentioned Southwest corner of the Southeast Quarter of the Northeast Quarter; thence East 150 feet to a road; thence in a Northeast direction following said road 250 feet; thence North 100 feet; thence in a Southwest direction 306.5 feet to a point 70 yards North of the said Southwest corner of said Southeast Quarter of the Northeast Quarter; thence South to the place of beginning, excepting therefrom land conveyed to the State of Missouri, acting by and through the State Highway Commission of Missouri, for supplementary State Route U. All of the above described lands being in Camden County, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

**SECTION 6. AUTHORITY TO CONVEY STATE PROPERTY LOCATED IN BUTLER COUNTY. —**

1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in fee simple absolute in property owned by the state in Butler County to any lawful buyer or transferee. The property to be conveyed is more particularly described as follows:

All that part of section 33, township 25 north, range 6 east of the fifth principal meridian, Butler County, state of Missouri, described as follows: commencing at an aluminum monument marking the closing corner of sections 4 and 5 of township 24 north on the southern line of township 25 north, thence measure 3437.9 feet east and 14.6 feet north to a ½" rebar marking the intersection of the existing north right of way line of West Harper Street with the existing west MHTC boundary line of Business Rte. 60/67, for the point of beginning; thence, S89°18'E along said north right of way line of West Harper Street a distance of 313.4 feet, to a 5/8" rebar located 75 feet west (or right) of the survey centerline of Business Rte. 60-67 marking the intended northeast corner of that tract of land previously conveyed to the City of Poplar Bluff via an instrument dated April 11<sup>th</sup> 2003 (same described in Poplar Bluff city ordinance 6556); thence, N45°43'W along the new MHTC boundary line of Business Hwy. 60/67 a distance of 245.5 feet, to a 5/8" rebar 136.4 feet south (or right) of Rte. PP centerline station 30+936.538m; thence, S88°01'W along the new south MHTC boundary line of Rte. PP a distance of 91.6 feet, to a 5/8" rebar 92.66 feet south (or right) of Rte. PP centerline station 30+914.099m; thence, S72°34'W along the new south MHTC boundary line of Rte. PP a distance of 233.5 feet, to MHTC boundary marker 91.86 feet south (or right) of Rte. PP centerline station 30+852.493m; thence, S61°53'E along existing MHTC boundary line of Business Hwy. 60/67 as shown on sheet 9 of J0S0563, a distance of 200.4 feet, to the point of beginning, containing 1.16 acres.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 7. AUTHORITY TO CONVEY DEPARTMENT OF NATURAL RESOURCES PROPERTY LOCATED IN STE. GENEVIEVE COUNTY. — 1. The director of the department of natural resources is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim to all interest of the department of natural resources in property located in Ste. Genevieve County, Missouri, to the United States Department of the Interior, National Park Service. The property to be conveyed is more particularly described as follows:

**PARCEL ONE**

All of that part of U.S. Survey No. 213 in the City of Ste. Genevieve, Missouri, described as follows, to-wit: Begin at the Northeast corner of said Survey No. 213 and run thence Westwardly along and with the North line of said Survey, 633 feet, more or less, to Northwest corner thereof, thence Southwardly along and with the West line of said Survey 104 feet, to a point for corner; thence Eastwardly across said Survey 639 feet, more or less, to the West line of New Bourbon Street 100 feet distant from the beginning point; thence Northwardly along and with said street line 100 feet to the place of beginning, and is bounded North by property of Mrs. Fred Bolduc, East by New Bourbon Street, South by Frank B. Amoureux's lot and West by land of Joseph Gisi.

**PARCEL TWO**

Tract #1: All of that part of United States Survey No. 72 in the Big Common Field of Ste. Genevieve confirmed to John Baptiste Pratte's Legal Representatives, surveyed and described as follows, viz: Begin at a stone on the East side of the Ste. Genevieve-St. Mary County Road, which stone is set in the North line of said Survey No. 72; North 67 degrees East 58 links from the Northwest corner of said Survey; thence North 67 degrees East along said North line of said Survey 2.94 chains to a stone; thence South 23 degrees East 2.94 chains to South line of said Survey; thence South 67 degrees West 1.82 chains to East side of said Ste. Genevieve-St. Mary Road; thence North 44 degrees West 3.14 chains to the place of beginning, and containing Eighty-two (.82) One-Hundredths of an arpent.

ALSO, part of a tract as recorded in Book 518, Page 64 of the Ste. Genevieve County Deed Records and being part of Fractional Section 2 of part of United States Survey 2082, all in Township 37 North, Range 9 East of the Fifth Principal Meridian, Ste. Genevieve County, Missouri, being more particularly described as follows: Beginning an iron pin on the Southwest Right-of-way of United States Highway "61" from which an iron pin the Southwest corner of United States Survey 234 bears North 75 degrees 53 minutes 47 seconds West 690.51 feet; thence along said Right-of-way South 34 degrees 22 minutes 57 seconds East 662.50 feet to an iron pin from which the most Northern corner of a 51.34 acre tract as recorded in Book 470, Page 326 of said deed records bears South 50 degrees 00 minutes 00 seconds West 20.00 feet; thence leaving said Right-of-way South 50 degrees 00 minutes 00 seconds West 310.05 feet to an iron pin the most Southern corner of a 1.11 acre tract as recorded in Book 518, Page 58 of said deed records; thence North 22 degrees 26 minutes 15 seconds West 264.73 feet to an iron pin; thence North 32 degrees 11 minutes 24 seconds West 426.25 feet to an iron pin; thence North 60 degrees 11 minutes 36 seconds East 32.86 feet to an iron pin; thence North 52 degrees 40 minutes 14 seconds East 204.97 feet to the point of beginning and containing 3.98 acres.

**EXCEPT all of the limestone, stone, oil and minerals lying in or under the surface of said land and all rights and easements in favor of the estate of said limestone, stone, oil and minerals.**

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**Tract #2: A non-exclusive roadway easement 30 feet wide being part of two tracts as recorded in Book 518, Page 58 of the Ste. Genevieve County Deed Records and being part of a tract as recorded in Book 518, Page 64 of said Deed Records and being part of Fractional Section 2 and part of United States Survey 2082, all in Township 37 North, Range 9 East of the Fifth Principal Meridian, Ste. Genevieve County Missouri, the centerline of said easement being more particularly described as follows: Beginning at a point in the centerline of roadway easement 30 feet wide as recorded in Book 470, Page 326 of the Ste. Genevieve County Deed Records from which an iron pin the most Southern corner of a 1.11 acre tract as recorded in Book 518, Page 58 of said Deed Records bears North 50 degrees 00 minutes 00 seconds East 8.37 feet; thence North 30 degrees 27 minutes 50 seconds West 75.13 feet; thence North 21 degrees 19 minutes 44 seconds West 190.37 feet; thence North 32 degrees 11 minutes 24 seconds West 426.86 feet from which an iron pin bears North 60 degrees 11 minutes 36 seconds East 15.01 feet; thence North 60 degrees 11 minutes 36 seconds East 47.87 feet to an iron pin; thence North 52 degrees 40 minutes 14 seconds East 204.97 feet to an iron pin the Southwest Right-of-way of United States Highway "61" the termination of said easement.**

**PARCEL THREE**

**Part of U.S. Survey No. 213 and 215, Township 38 North, Range 9 East of the Fifth Principal Meridian and being part of tracts of land conveyed to Royce P. Wilhauk and Margaret A. Wilhauk, his wife, by deed recorded in Book 334, Page 164 and Book 334, Page 337 in the Ste. Genevieve County land records and being more particularly described as follows: Commencing at a Cedar Post at the Northeast corner of aforesaid U.S. Survey No. 213; thence South 19 degrees 10 minutes 00 seconds East a distance of 292.83 feet to an iron pin, said iron pin being the point of beginning; thence continuing South 19 degrees 10 minutes 00 seconds East 80.00 feet to an iron pin, said iron pin being the Northeast corner of tract of ground conveyed to the Missouri Department of Natural Resources by deed filed for record in Book 519 at Page 30 of said land records; thence along the North line of said Natural Resource tract, South 74 degrees 24 minutes 38 seconds West, 108.49 feet to an iron pin; thence South 68 degrees 02 minutes 09 seconds West, 101.21 feet to an iron pin; thence South 64 degrees 02 minutes 39 seconds West, 184.44 feet to an iron pin; thence South 69 degrees 13 minutes 55 seconds West, 227.16 feet to a point for corner; thence departing said North line, North 30 degrees 08 minutes 36 seconds West, 80.45 feet to point for corner; thence South 76 degrees 18 minutes 08 seconds West, 42.49 feet to a fence post; thence North 14 degrees 33 minutes 32 seconds West, 163.84 feet to an iron pin; thence North 76 degrees 24 minutes 29 seconds East, 514.12 feet to an old Cedar stake; thence South 19 degrees 15 minutes 37 seconds East, 74.81 feet to an iron pin; thence North 75 degrees 57 minutes 35 seconds East, 152.62 feet to the point of beginning.**

**PARCEL FOUR**

**All that part of United States Survey No. 213 in the City of Ste. Genevieve, Missouri, which is described as follows, to-wit: Beginning at the Northeast corner of United States Survey No. 213, and running thence with the West line of said Street, South 19 degrees East 100 feet to the place of beginning of parcel herein described. Continuing thence, South 19 degrees East 54.50 feet to a corner. Thence South 75 degrees 45 minutes West 97.60 feet to a corner. Thence North 16 degrees, 15 minutes**

West 56.20 feet to a corner. Thence North 76 degrees 45 minutes East 94 feet to the place of beginning in the West line of New Bourbon Street.

The above described parcel being a part of same real estate as is described in Book 93 at Page 136 of the Ste. Genevieve County, Missouri land records.

**PARCEL FIVE**

All such part and parts of United States Survey No. 213 in the City of Ste. Genevieve, surveyed and described as follows, to wit: Begin on the Eastern line of said Survey No. 213, South 19 degrees East 100 feet distance from the North East corner of said Survey and run thence South 19 degrees East 117 feet and 7 inches to a point for corner; thence South 75 degrees 46 minutes West 650 feet, more or less, to the West boundary line of said Survey No. 213; thence North 13 degrees West 123 feet, more or less to the South West corner of a lot now or formerly owned by Frank A. Grass, formerly owned by Alfred J. Amoureux; thence Eastwardly along and with the Southern boundary line of said Frank A. Grass lot across said Survey to the place of beginning. Bounded North by lot of Frank A. Grass, East by New Bourbon Street, South by property of Levi Ribeau and West by Joseph Gisi's land.

EXCEPTING therefrom the following described lots: All that part of United States Survey No. 213 in the City of Ste. Genevieve, Missouri which is described as follows, to-wit: Beginning at the North East corner of United States Survey No. 213, at a point in the West line of New Bourbon Street, and running thence with the West line of said Street, South 19 degrees East 100 feet to the place of beginning of parcel herein described. Continuing thence, South 19 degrees East 54.50 feet to a corner. Thence South 75 degrees 45 minutes West 97.60 feet to a corner. Thence North 16 degrees 15 minutes West 56.20 feet to a corner. Thence North 76 degrees 45 minutes East 94 feet to the place of beginning in the West line of New Bourbon Street.

The above described parcel being a part of same real estate as described in Book 93 Page 136 Ste. Genevieve County, Missouri land records.

2. The director of the department of natural resources shall set the terms and conditions for the conveyance as the director deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The department's general counsel shall approve the form and the instrument of conveyance.

**SECTION 8. AUTHORITY TO CONVEY DEPARTMENT OF NATURAL RESOURCES PROPERTY LOCATED IN COLE COUNTY.** — 1. The director of the department of natural resources is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim to all interest of the department of natural resources in property located in Cole County, Missouri, to the State of Missouri, Office of Administration. The property to be conveyed is more particularly described as follows:

Part of the East Half of the Southwest Quarter, and part of the West Half of the Southeast of Quarter of Section 13, Township 45 North, Range 13 West, Cole County, Missouri, more particularly described as follows:

BEGINNING at the northwest corner of the East Half of the Southwest Quarter of the aforesaid Section 13, Township 45 North, Range 13 West; thence S88 18'32"E, along the Quarter Section Line, 1328.87 feet to the Center of said Section 13; thence continuing S88 18'32"E, along the Quarter Section Line, 277.59 feet to a point intersecting the southerly line of the 100 foot wide Missouri Pacific Railroad right-of-

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Matter in bold-face type is proposed language.

way; thence S49 23'55"E, along the southerly line of said Railroad Right-of-way, 191.44 feet to the center of an existing field road; thence along the center of said field road the following courses: Southwesterly, on a curve to the left, having radius of 270.00 feet, an arc distance of 86.87 feet, (the chord of said curve being S26 47'07"W, 86.50 feet); thence S17 34'03"W, 80.68 feet; thence Southerly, on a curve to the left, having a radius of 125.00 feet, an arc distance of 142.57 feet, (the chord of said curve being S15 06'27"E, 134.97 feet); thence S47 46'57"E, 326.12 feet; thence S49 41'43"E, 399.15 feet; thence Southerly, on a curve to the right having a radius of 130.00 feet, an arc distance of 143.08 feet, (the chord of said curve being S18 09'54"E, 135.97 feet); thence S13 21'56"W, 534.20 feet to a point on the northerly line of the Missouri State Highway 179 Right-of-way; thence leaving the center of the aforesaid field road, along the northerly line of said Missouri State Highway 179 Right-of-way, the following courses: Westerly, on a curve to the left, having a radius of 995.40 feet, an arc distance of 182.61 feet, (the chord of said curve being, N86 14'50"W, 182.36 feet); thence S88 45'26"W, 95.47 feet; thence Westerly, on a curve to the left, having a radius of 1000.40 feet, an arc distance of 104.71 feet, (the chord of said curve being S80 01'19"W, 104.66 feet); thence S71 17'13"W, 95.47 feet, thence S66 08'20"W, 291.10 feet; thence Westerly, on a curve to the right, having a radius of 915.40 feet, an arc distance of 997.80 feet (the chord of said curve being N82 38'05"W, 949.13 feet); thence N51 24'30"W 336.30 feet; thence N38 35'30"E, 45.00 feet; thence N62 43'06"W, 229.46 feet; thence N51 24'30"W, 12.26 feet to a point intersecting the west line of the East Half of the Southwest Quarter of the aforesaid Section 13, Township 45 North, Range 13 West; thence leaving said Missouri State Highway 179 Right-of-way line, N101 0'35"E, along the Quarter Quarter Section Line, 1294.07 feet to the POINT OF BEGINNING, containing 77.28 acres.

The state of Missouri reserves unto itself an easement for ingress and egress to the adjoining property retained by the state.

2. The director of the department of natural resources shall set the terms and conditions for the conveyance as the director deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The general counsel of the department of natural resources shall approve the form of the instrument of conveyance.

Approved June 1, 2018

HCS SCS SB 917

**Enacts provisions relating to coal ash.**

AN ACT to repeal section 260.242, RSMo, and to enact in lieu thereof one new section relating to coal ash.

SECTION

- A. Enacting clause.  
 260.242 Coal combustion residual units — rules for closure and groundwater criteria — state CCR program — fees, deposit in subaccount — rulemaking authority.

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

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

**SECTION A. ENACTING CLAUSE.**— Section 260.242, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 260.242, to read as follows:

**260.242. COAL COMBUSTION RESIDUAL UNITS — RULES FOR CLOSURE AND GROUNDWATER CRITERIA — STATE CCR PROGRAM — FEES, DEPOSIT IN SUBACCOUNT — RULEMAKING AUTHORITY.** — [All fly ash produced by coal combustion generating facilities shall be exempt from all solid waste permitting requirements of this chapter, if such ash is constructively reused or disposed of by a grout technique in any active or inactive noncoal, non-open-pit mining operation located in a city having a population of at least three hundred fifty thousand located in more than one county and is also located in a county of the first class without a charter form of government with a population of greater than one hundred fifty thousand and less than one hundred sixty thousand, provided said ash is not considered hazardous waste under the Missouri hazardous waste law.] **1. The department shall have the authority to promulgate rules for the management, closure, and post-closure of coal combustion residual (CCR) units in accordance with Sections 1008(a)(3) and 4004(a) of the Resource Conservation and Recovery Act (RCRA) and to approve site-specific groundwater criteria. At the discretion of the department, the Missouri risk-based corrective action (MRBCA) rules, 10 CSR 25-18.010, and accompanying guidance may be used to establish site-specific targets for soil and groundwater impacted by CCR constituents. As used in this section, a "coal combustion residual (CCR) unit" means a surface impoundment, utility waste landfill, or a CCR landfill. To the extent there is a conflict between this section and section 644.026 or 644.143, this section shall prevail.**

**2. Prior to federal approval of a state CCR program under 4004(a) of the RCRA, nothing in this section shall prohibit the department from issuing guidance or entering into enforceable agreements with CCR unit owners or operators to establish risk-based target levels, using all or part of the MRBCA rules and guidance, for closure and corrective action at CCR units. Nothing in this section shall prohibit the department, owners, or operators of CCR units not otherwise covered by 40 CFR 257 from utilizing the MRBCA rules and guidance.**

**3. Effective January 1, 2019, and in order to implement the state CCR program, the department shall have the authority to assess one-time enrollment and annual fees on each owner, operator, or permittee of a CCR unit subject to 40 CFR 257, only as follows:**

**(1) For units that have not closed, an enrollment fee in the amount of sixty-two thousand dollars per CCR unit, except no fee shall apply to CCR units permitted as a utility waste landfill;**

**(2) For CCR units that have completed closure in place under 40 CFR 257 prior to December 31, 2018, an enrollment fee of forty-eight thousand dollars per CCR unit;**

**(3) An annual fee of fifteen thousand dollars per CCR unit. Annual fees shall not be assessed on CCR units that have closed prior to December 31, 2018. The obligation to pay annual fees under this section shall terminate at the end of the CCR unit's post-closure period, so long as the CCR unit is not under a requirement to complete a corrective action, or sooner, if authorized by the department.**

**4. No later than December 31, 2018, the department shall propose for promulgation a state CCR program, including procedures regarding payment, submission of fees, reimbursement of excess fee collection, inspection, and record keeping.**

**5. All fees under this section shall be paid by check or money order made payable to the department and, unless otherwise required by this section, shall be due on January first of each calendar year and be accompanied by a form provided by the department.**

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Matter in bold-face type is proposed language.

6. All fees received under this section shall be deposited into the "Coal Combustion Residuals Subaccount" of the solid waste management fund created under section 260.330. Fees collected under this section are dedicated, upon appropriation, to the department for conducting activities required by this section and rules adopted under this section. Fees established by this section shall not yield revenue greater than the cost of administering this section and the rules adopted under this section, but shall be adequate to ensure sustained operation of the state CCR program. The department shall prepare an annual report detailing costs incurred in connection with the management and closure of CCR units.

7. The provisions of section 33.080 to the contrary notwithstanding, moneys and interest earned on moneys in the subaccount shall not revert to the general revenue fund at the end of each biennium.

8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

9. Interest shall be imposed on the moneys due to the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the applicable subaccount of the solid waste management fund.

10. The department may pursue penalties under section 260.240 for failure to timely submit the fees imposed in this section.

11. The department shall not apply standards to any existing landfill or new landfills constructed contiguous to existing power station facilities located on municipally owned land that was purchased by the municipality prior to December 31, 2018, that are in conflict with 40 CFR 257, unless sound and reasonably proven scientific data confirm an imminent threat to human health and the environment.

Approved June 1, 2018

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CCS HCS SB 951

**Enacts provisions relating to health care.**

AN ACT to repeal sections 191.227, 191.1145, 195.070, 197.052, 197.305, 208.217, 208.670, 208.671, 208.673, 208.675, 208.677, 210.070, 334.036, 334.037, 334.104, 334.735, 334.747, 337.025, 337.029, 337.033, 374.426, 376.811, 376.1550, 536.031, 577.029, and 632.005, RSMo, and to enact in lieu thereof twenty-seven new sections relating to health care, with an existing penalty provision.

SECTION

- A. Enacting clause.
  - 9.158 Diabetes awareness month designated.
  - 9.192 Show-Me freedom from opioid addiction decade designated.
  - 191.227 Medical records to be released to patient, when, exception — fee permitted, amount — liability of provider limited — annual handling fee adjustment — disclosure of deceased patient records, when.

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

- 191.1145 Definitions — telehealth services authorized, when.  
 195.070 Prescriptive authority.  
 195.265 Disposal of unused controlled substances, permitted methods — awareness program.  
 197.052 Adjacent property, hospital may revise premises of campus for licensure purposes.  
 197.305 Definitions.  
 208.217 Department may obtain medical insurance information — failure to provide information, attorney general to bring action, penalty — confidential information, penalty for disclosure — applicability to department of mental health.  
 208.670 Practice of telehealth, definitions — reimbursement of providers.  
 208.677 School children, parental authorization required for telehealth.  
 210.070 Prophylactic eyedrops at birth — objection to, when.  
 334.036 Assistant physicians — definitions — limitation on practice — licensure, rulemaking authority — collaborative practice arrangements — insurance reimbursement.  
 334.037 Assistant physicians, collaborative practice arrangements, requirements — rulemaking authority — identification badges required, when — prescriptive authority.  
 334.104 Collaborative practice arrangements, form, contents, delegation of authority — rules, approval, restrictions — disciplinary actions — notice of collaborative practice or physician assistant agreements to board, when — certain nurses may provide anesthesia services, when — contract limitations.  
 334.735 Definitions — scope of practice — prohibited activities — board of healing arts to administer licensing program — supervision agreements — duties and liability of physicians.  
 334.747 Prescribing controlled substances authorized, when — supervising physicians — certification.  
 337.025 Educational and experience requirements for licensure, certain persons.  
 337.029 Licenses based on reciprocity to be issued, when — health service provider certification eligibility.  
 337.033 Limitations on areas of practice — relevant professional education and training, defined — criteria for program of graduate study — health service provider certification, requirements for certain persons — automatic certification for certain persons.  
 374.426 Health care financing entities and health care providers to provide data, contents, when — duties of department — scoring, limitations on.  
 376.811 Coverage required for chemical dependency by all insurance and health service corporations — minimum standards — offer of coverage may be accepted or rejected by policyholders, companies may offer as standard coverage — mental health benefits provided, when — exclusions.  
 376.1550 Mental health coverage, requirements — definitions — exclusions.  
 536.031 Code to be published — to be revised monthly — incorporation by reference authorized.  
 577.029 Blood alcohol content tests, how made, by whom, when — person tested to receive certain information, when.  
 630.875 Citation of law — definitions — program created, purpose — requirements — rulemaking authority.  
 632.005 Definitions.  
 208.671 Asynchronous store-and-forward technology, use of — rules — standard of care.  
 208.673 Telehealth services advisory committee, duties, members, rules.  
 208.675 Telehealth services, eligible health care providers.

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

**SECTION A. ENACTING CLAUSE.** — Sections 191.227, 191.1145, 195.070, 197.052, 197.305, 208.217, 208.670, 208.671, 208.673, 208.675, 208.677, 210.070, 334.036, 334.037, 334.104, 334.735, 334.747, 337.025, 337.029, 337.033, 374.426, 376.811, 376.1550, 536.031, 577.029, and 632.005, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 9.158, 9.192, 191.227, 191.1145, 195.070, 195.265, 197.052, 197.305, 208.217, 208.670, 208.677, 210.070, 334.036, 334.037, 334.104, 334.735, 334.747, 337.025, 337.029, 337.033, 374.426, 376.811, 376.1550, 536.031, 577.029, 630.875, and 632.005, to read as follows:

**9.158. DIABETES AWARENESS MONTH DESIGNATED.** — **The month of November shall be known and designated as "Diabetes Awareness Month". The citizens of the state of Missouri are encouraged to participate in appropriate activities and events to increase awareness of**

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**diabetes. Diabetes is a group of metabolic diseases in which the body has elevated blood sugar levels over a prolonged period of time and affects Missourians of all ages.**

**9.192. SHOW-ME FREEDOM FROM OPIOID ADDICTION DECADE DESIGNATED.** — The years of 2018 to 2028 shall hereby be designated as the "Show-Me Freedom from Opioid Addiction Decade".

**191.227. MEDICAL RECORDS TO BE RELEASED TO PATIENT, WHEN, EXCEPTION — FEE PERMITTED, AMOUNT — LIABILITY OF PROVIDER LIMITED — ANNUAL HANDLING FEE ADJUSTMENT — DISCLOSURE OF DECEASED PATIENT RECORDS, WHEN.** — 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) Search and retrieval, in an amount not more than twenty-four dollars and eighty-five cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six cents, as adjusted annually pursuant to subsection 5 of this section; or

(b) The records shall be furnished electronically upon payment of the search, retrieval, and copying fees set under this section at the time of the request or one hundred eight dollars and eighty-eight cents total, whichever is less, if such person:

a. Requests health records to be delivered electronically in a format of the health care provider's choice;

b. The health care provider stores such records completely in an electronic health record; and

c. The health care provider is capable of providing the requested records and affidavit, if requested, in an electronic format;

(2) Postage, to include packaging and delivery cost;

(3) Notary fee, not to exceed two dollars, if requested.

**Such fee shall be the fee in effect on February 1, 2018, increased or decreased annually under this section.**

**3. For purposes of subsections 1 and 2 of this section, "a copy of his or her record of that patient's health history and treatment rendered" or "the patient's health care records" include a statement or record that no such health history or treatment record responsive to the request exists.**

4. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

[4.] **5.** The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

[5.] 6. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's internet website by February first of each year.

[6.] 7. A health care provider may disclose a deceased patient's health care records or payment records to the executor or administrator of the deceased person's estate, or pursuant to a valid, unrevoked power of attorney for health care that specifically directs that the deceased person's health care records be released to the agent after death. If an executor, administrator, or agent has not been appointed, the deceased prior to death did not specifically object to disclosure of his or her records in writing, and such disclosure is not inconsistent with any prior expressed preference of the deceased that is known to the health care provider, a deceased patient's health care records may be released upon written request of a person who is deemed as the personal representative of the deceased person under this subsection. Priority shall be given to the deceased patient's spouse and the records shall be released on the affidavit of the surviving spouse that he or she is the surviving spouse. If there is no surviving spouse, the health care records may be released to one of the following persons:

- (1) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient's spouse;
- (2) An adult child of the deceased patient on the affidavit of the adult child that he or she is the adult child of the deceased;
- (3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent of the deceased;
- (4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or sister that he or she is the adult brother or sister of the deceased;
- (5) A guardian or conservator of the deceased patient at the time of the patient's death on the affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased; or
- (6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he or she is the guardian ad litem of the minor child of the deceased.

**191.1145. DEFINITIONS — TELEHEALTH SERVICES AUTHORIZED, WHEN.** — 1. As used in sections 191.1145 and 191.1146, the following terms shall mean:

- (1) "Asynchronous store-and-forward transfer", the collection of a patient's relevant health information and the subsequent transmission of that information from an originating site to a health care provider at a distant site without the patient being present;
- (2) "Clinical staff", any health care provider licensed in this state;
- (3) "Distant site", a site at which a health care provider is located while providing health care services by means of telemedicine;
- (4) "Health care provider", as that term is defined in section 376.1350;
- (5) "Originating site", a site at which a patient is located at the time health care services are provided to him or her by means of telemedicine. For the purposes of asynchronous store-and-forward transfer, originating site shall also mean the location at which the health care provider transfers information to the distant site;

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(6) "Telehealth" or "telemedicine", the delivery of health care services by means of information and communication technologies which facilitate the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care while such patient is at the originating site and the health care provider is at the distant site. Telehealth or telemedicine shall also include the use of asynchronous store-and-forward technology.

2. Any licensed health care provider shall be authorized to provide telehealth services if such services are within the scope of practice for which the health care provider is licensed and are provided with the same standard of care as services provided in person. **This section shall not be construed to prohibit a health carrier, as defined in section 376.1350, from reimbursing non-clinical staff for services otherwise allowed by law.**

3. In order to treat patients in this state through the use of telemedicine or telehealth, health care providers shall be fully licensed to practice in this state and shall be subject to regulation by their respective professional boards.

4. Nothing in subsection 3 of this section shall apply to:

(1) Informal consultation performed by a health care provider licensed in another state, outside of the context of a contractual relationship, and on an irregular or infrequent basis without the expectation or exchange of direct or indirect compensation;

(2) Furnishing of health care services by a health care provider licensed and located in another state in case of an emergency or disaster; provided that, no charge is made for the medical assistance; or

(3) Episodic consultation by a health care provider licensed and located in another state who provides such consultation services on request to a physician in this state.

5. Nothing in this section shall be construed to alter the scope of practice of any health care provider or to authorize the delivery of health care services in a setting or in a manner not otherwise authorized by the laws of this state.

6. No originating site for services or activities provided under this section shall be required to maintain immediate availability of on-site clinical staff during the telehealth services, except as necessary to meet the standard of care for the treatment of the patient's medical condition if such condition is being treated by an eligible health care provider who is not at the originating site, has not previously seen the patient in person in a clinical setting, and is not providing coverage for a health care provider who has an established relationship with the patient.

7. Nothing in this section shall be construed to alter any collaborative practice requirement as provided in chapters 334 and 335.

**195.070. PRESCRIPTIVE AUTHORITY.** — 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a

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certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, **except as provided in section 195.265.**

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

**195.265. DISPOSAL OF UNUSED CONTROLLED SUBSTANCES, PERMITTED METHODS — AWARENESS PROGRAM. — 1. Unused controlled substances may be accepted from ultimate users, from hospice or home health care providers on behalf of ultimate users to the extent federal law allows, or from any person lawfully entitled to dispose of a decedent's property if the decedent was an ultimate user who died while in lawful possession of a controlled substance, through:**

**(1) Collection receptacles, drug disposal boxes, mail back packages, and other means by a Drug Enforcement Agency-authorized collector in accordance with federal regulations even if the authorized collector did not originally dispense the drug; or**

**(2) Drug take back programs conducted by federal, state, tribal, or local law enforcement agencies in partnership with any person or entity.**

**This subsection shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state, regarding the disposal of unused controlled substances. For the purposes of this section, the term "ultimate user" shall mean a person who has lawfully obtained and possesses a controlled substance for his or her own use or for the use of a member of his or her household or for an animal owned by him or her or a member of his or her household.**

**2. By August 28, 2019, the department of health and senior services shall develop an education and awareness program regarding drug disposal, including controlled substances. The education and awareness program may include, but not be limited to:**

**(1) A web-based resource that:**

**(a) Describes available drug disposal options including take back, take back events, mail back packages, in-home disposal options that render a product safe from misuse, or any other methods that comply with state and federal laws and regulations, may reduce the availability of unused controlled substances, and may minimize the potential environmental impact of drug disposal;**

**(b) Provides a list of drug disposal take back sites, which may be sorted and searched by name or location and is updated every six months by the department;**

**(c) Provides a list of take back events and mail back events in the state, including the date, time, and location information for each event and is updated every six months by the department; and**

**(d) Provides information for authorized collectors regarding state and federal requirements to comply with the provisions of subsection 1 of this section; and**

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**(2) Promotional activities designed to ensure consumer awareness of proper storage and disposal of prescription drugs, including controlled substances.**

**197.052. ADJACENT PROPERTY, HOSPITAL MAY REVISE PREMISES OF CAMPUS FOR LICENSURE PURPOSES.** — An applicant for or holder of a hospital license may define or revise the premises of a hospital campus to include tracts of property which are adjacent but for a common street or highway **or single intersection**, as **such terms are** defined in section 300.010, and its accompanying public right-of-way.

**197.305. DEFINITIONS.** — As used in sections 197.300 to 197.366, the following terms mean:

(1) "Affected persons", the person proposing the development of a new institutional health service, the public to be served, and health care facilities within the service area in which the proposed new health care service is to be developed;

(2) "Agency", the certificate of need program of the Missouri department of health and senior services;

(3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;

(4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;

(5) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;

(6) "Expenditure minimum" shall mean:

(a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198 and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment, provided, however, that prior to January 1, 2003, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012 shall be zero, subject to the provisions of subsection 7 of section 197.318;

(b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

(c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;

(7) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(8) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(9) "New institutional health service":

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

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(d) Predevelopment activities as defined in subdivision (12) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility **licensed under chapter 198** which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period, **provided that any such health care facility seeking a nonapplicability review for an increase in total beds or total bed capacity in an amount less than described in this paragraph shall be eligible for such review only if the facility has had no patient care class I deficiencies within the last eighteen months and has maintained at least an eighty-five percent average occupancy rate for the previous six quarters;**

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(10) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(11) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(12) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.

**208.217. DEPARTMENT MAY OBTAIN MEDICAL INSURANCE INFORMATION — FAILURE TO PROVIDE INFORMATION, ATTORNEY GENERAL TO BRING ACTION, PENALTY — CONFIDENTIAL INFORMATION, PENALTY FOR DISCLOSURE — APPLICABILITY TO DEPARTMENT OF MENTAL HEALTH. — 1.** As used in this section, the following terms mean:

(1) "Data match", a method of comparing the department's information with that of another entity and identifying those records which appear in both files. This process is accomplished by a computerized comparison by which both the department and the entity utilize a computer readable electronic media format;

(2) "Department", the Missouri department of social services;

(3) "Entity":

(a) Any insurance company as defined in chapter 375 or any public organization or agency transacting or doing the business of insurance; or

(b) Any health service corporation or health maintenance organization as defined in chapter 354 or any other provider of health services as defined in chapter 354;

(c) Any self-insured organization or business providing health services as defined in chapter 354; or

(d) Any third-party administrator (TPA), administrative services organization (ASO), or pharmacy benefit manager (PBM) transacting or doing business in Missouri or administering or processing claims or benefits, or both, for residents of Missouri;

(4) "Individual", any applicant or present or former participant receiving public assistance benefits under sections 208.151 to 208.159 **or a person receiving department of mental health services for the purposes of subsection 9 of this section;**

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(5) "Insurance", any agreement, contract, policy plan or writing entered into voluntarily or by court or administrative order providing for the payment of medical services or for the provision of medical care to or on behalf of an individual;

(6) "Request", any inquiry by the MO HealthNet division for the purpose of determining the existence of insurance where the department may have expended MO HealthNet benefits.

2. The department may enter into a contract with any entity, and the entity shall, upon request of the department of social services, inform the department of any records or information pertaining to the insurance of any individual.

3. The information which is required to be provided by the entity regarding an individual is limited to those insurance benefits that could have been claimed and paid by an insurance policy agreement or plan with respect to medical services or items which are otherwise covered under the MO HealthNet program.

4. A request for a data match made by the department pursuant to this section shall include sufficient information to identify each person named in the request in a form that is compatible with the record-keeping methods of the entity. Requests for information shall pertain to any individual or the person legally responsible for such individual and may be requested at a minimum of twice a year.

5. The department shall reimburse the entity which is requested to supply information as provided by this section for actual direct costs, based upon industry standards, incurred in furnishing the requested information and as set out in the contract. The department shall specify the time and manner in which information is to be delivered by the entity to the department. No reimbursement will be provided for information requested by the department other than by means of a data match.

6. Any entity which has received a request from the department pursuant to this section shall provide the requested information in compliance with [HIPAA] **HIPAA** required transactions within sixty days of receipt of the request. Willful failure of an entity to provide the requested information within such period shall result in liability to the state for civil penalties of up to ten dollars for each day thereafter. The attorney general shall, upon request of the department, bring an action in a circuit court of competent jurisdiction to recover the civil penalty. The court shall determine the amount of the civil penalty to be assessed. A health insurance carrier, including instances where it acts in the capacity of an administrator of an ASO account, and a TPA acting in the capacity of an administrator for a fully insured or self-funded employer, is required to accept and respond to the [HIPAA] **HIPAA** ANSI standard transaction for the purpose of validating eligibility.

7. The director of the department shall establish guidelines to assure that the information furnished to any entity or obtained from any entity does not violate the laws pertaining to the confidentiality and privacy of an applicant or participant receiving MO HealthNet benefits. Any person disclosing confidential information for purposes other than set forth in this section shall be guilty of a class A misdemeanor.

8. The application for or the receipt of benefits under sections 208.151 to 208.159 shall be deemed consent by the individual to allow the department to request information from any entity regarding insurance coverage of said person.

**9. The provisions of this section that apply to the department of social services shall also apply to the department of mental health when contracting with any entity to supply information as provided for in this section regarding an individual receiving department of mental health services.**

**208.670. PRACTICE OF TELEHEALTH, DEFINITIONS — REIMBURSEMENT OF PROVIDERS.**

— 1. As used in this section, these terms shall have the following meaning:

(1) **"Consultation", a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;**

(2) **"Distant site", the same meaning as such term is defined in section 191.1145;**

(3) **"Originating site", the same meaning as such term is defined in section 191.1145;**

(4) **"Provider", [any provider of medical services and mental health services, including all other medical disciplines] the same meaning as the term "health care provider" is defined in section 191.1145, and such provider meets all other MO HealthNet eligibility requirements;**

[(2)] (5) **"Telehealth", the same meaning as such term is defined in section 191.1145.**

2. [Reimbursement for the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program shall be allowed for orthopedics, dermatology, ophthalmology and optometry, in cases of diabetic retinopathy, burn and wound care, dental services which require a diagnosis, and maternal-fetal medicine ultrasounds.

3. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the practice of telehealth in the MO HealthNet program. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth, certification of agencies offering telehealth, and payment for services by providers. Telehealth providers shall be required to obtain participant consent before telehealth services are initiated and to ensure confidentiality of medical information.

4. Telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. Reimbursement for such services shall be made in the same way as reimbursement for in-person contacts.

5. The provisions of section 208.671 shall apply to the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program] **The department of social services shall reimburse providers for services provided through telehealth if such providers can ensure services are rendered meeting the standard of care that would otherwise be expected should such services be provided in person. The department shall not restrict the originating site through rule or payment so long as the provider can ensure services are rendered meeting the standard of care that would otherwise be expected should such services be provided in person. Payment for services rendered via telehealth shall not depend on any minimum distance requirement between the originating and distant site. Reimbursement for telehealth services shall be made in the same way as reimbursement for in-person contact; however, consideration shall also be made for reimbursement to the originating site. Reimbursement for asynchronous store-and-forward may be capped at the reimbursement rate had the service been provided in person.**

**208.677. SCHOOL CHILDREN, PARENTAL AUTHORIZATION REQUIRED FOR TELEHEALTH. —**

[1. For purposes of the provision of telehealth services in the MO HealthNet program, the term "originating site" shall mean a telehealth site where the MO HealthNet participant receiving the telehealth service is located for the encounter. The standard of care in the practice of telehealth shall be the same as the standard of care for services provided in person. An originating site shall be one of the following locations:

(1) An office of a physician or health care provider;

(2) A hospital;

(3) A critical access hospital;

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- (4) A rural health clinic;
- (5) A federally qualified health center;
- (6) A long-term care facility licensed under chapter 198;
- (7) A dialysis center;
- (8) A Missouri state habilitation center or regional office;
- (9) A community mental health center;
- (10) A Missouri state mental health facility;
- (11) A Missouri state facility;
- (12) A Missouri residential treatment facility licensed by and under contract with the children's division. Facilities shall have multiple campuses and have the ability to adhere to technology requirements. Only Missouri licensed psychiatrists, licensed psychologists, or provisionally licensed psychologists, and advanced practice registered nurses who are MO HealthNet providers shall be consulting providers at these locations;
- (13) A comprehensive substance treatment and rehabilitation (CSTAR) program;
- (14) A school;
- (15) The MO HealthNet recipient's home;
- (16) A clinical designated area in a pharmacy; or
- (17) A child assessment center as described in section 210.001.

2. If the originating site is a school, the school shall obtain permission from the parent or guardian of any student receiving telehealth services prior to each provision of service.] **Prior to the provision of telehealth services in a school, the parent or guardian of the child shall provide authorization for the provision of such service. Such authorization shall include the ability for the parent or guardian to authorize services via telehealth in the school for the remainder of the school year.**

**210.070. PROPHYLACTIC EYEDROPS AT BIRTH — OBJECTION TO, WHEN.** — [Every] **1.** A physician, midwife, or nurse who shall be in attendance upon a newborn infant or its mother[,] shall drop into the eyes of such infant [immediately after delivery,] a prophylactic [solution] **medication** approved by the state department of health and senior services[, and shall within forty-eight hours thereafter, report in writing to the board of health or county physician of the city, town or county where such birth occurs, his or her compliance with this section, stating the solution used by him or her].

**2. Administration of such eye drops shall not be required if a parent or legal guardian of such infant objects to the treatment.**

**334.036. ASSISTANT PHYSICIANS — DEFINITIONS — LIMITATION ON PRACTICE — LICENSURE, RULEMAKING AUTHORITY — COLLABORATIVE PRACTICE ARRANGEMENTS — INSURANCE REIMBURSEMENT.** — 1. For purposes of this section, the following terms shall mean:

- (1) "Assistant physician", any medical school graduate who:
  - (a) Is a resident and citizen of the United States or is a legal resident alien;
  - (b) Has successfully completed [Step 1 and] Step 2 of the United States Medical Licensing Examination or the equivalent of such [steps] **step** of any other board-approved medical licensing examination within the [two-year] **three-year** period immediately preceding application for licensure as an assistant physician, [but in no event more than] **or within** three years after graduation from a medical college or osteopathic medical college, **whichever is later**;
  - (c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any

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other board-approved medical licensing examination within the immediately preceding [two-year] **three-year** period unless when such [two-year] **three-year** anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language.

Any medical school graduate who could have applied for licensure and complied with the provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

(2) "Assistant physician collaborative practice arrangement", an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037;

(3) "Medical school graduate", any person who has graduated from a medical college or osteopathic medical college described in section 334.031.

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state or in any pilot project areas established in which assistant physicians may practice.

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. **No licensure fee for an assistant physician shall exceed the amount of any licensure fee for a physician assistant.** An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule. **No rule or regulation shall require an assistant physician to complete more hours of continuing medical education than that of a licensed physician.**

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

**(3) Any rules or regulations regarding assistant physicians in effect as of the effective date of this section that conflict with the provisions of this section and section 334.037 shall be null and void as of the effective date of this section.**

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

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6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. [To be eligible to practice as an assistant physician, a licensed assistant physician shall enter into an assistant physician collaborative practice arrangement within six months of his or her initial licensure and shall not have more than a six-month time period between collaborative practice arrangements during his or her licensure period.] Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

7. **Each health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis that the health carrier or health benefit plan covers the service when it is delivered by another comparable mid-level health care provider including, but not limited to, a physician assistant.**

**334.037. ASSISTANT PHYSICIANS, COLLABORATIVE PRACTICE ARRANGEMENTS, REQUIREMENTS — RULEMAKING AUTHORITY — IDENTIFICATION BADGES REQUIRED, WHEN — PRESCRIPTIVE AUTHORITY. —** 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician's skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by [P.L.] **Pub. L. 95-210 [.] (42 U.S.C. Section 1395x), as amended**, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The

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collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services

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delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician **or supervising physician** shall not enter into a collaborative practice arrangement **or supervision agreement** with more than [three] **six** full-time equivalent assistant physicians, **full-time equivalent physician assistants, or full-time equivalent advance practice registered nurses, or any combination thereof**. Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.**

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. **No rule or regulation shall require the collaborating physician to review more than ten percent of the assistant physician's patient charts or records during such one-month period.** Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any assistant physician, but such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and assistant physicians.

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Matter in bold-face type is proposed language.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Prescriptions for Schedule II medications prescribed by an assistant physician who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, **except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician.** Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009, **or assistant physicians providing opioid addiction treatment.**

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

**13. Nothing in this section or section 334.036 shall be construed to limit the authority of hospitals or hospital medical staff to make employment or medical staff credentialing or privileging decisions.**

**334.104. COLLABORATIVE PRACTICE ARRANGEMENTS, FORM, CONTENTS, DELEGATION OF AUTHORITY — RULES, APPROVAL, RESTRICTIONS — DISCIPLINARY ACTIONS — NOTICE OF COLLABORATIVE PRACTICE OR PHYSICIAN ASSISTANT AGREEMENTS TO BOARD, WHEN — CERTAIN NURSES MAY PROVIDE ANESTHESIA SERVICES, WHEN — CONTRACT LIMITATIONS.** — 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer,

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dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services. **An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician.**

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the

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authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician **or supervising physician** shall not enter into a collaborative practice arrangement **or supervision agreement** with more than [three] **six** full-time equivalent advanced practice registered nurses, **full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof**. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section**.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

**334.735. DEFINITIONS — SCOPE OF PRACTICE — PROHIBITED ACTIVITIES — BOARD OF HEALING ARTS TO ADMINISTER LICENSING PROGRAM — SUPERVISION AGREEMENTS — DUTIES AND LIABILITY OF PHYSICIANS.** — 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;
- (5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;
- (8) "Supervision", control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, [where the supervising physician is no further than fifty miles by road using the most direct route available and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or

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adequate review of services] **within a geographic proximity to be determined by the board of registration for the healing arts.**

(2) For a physician-physician assistant team working in a **certified community behavioral health clinic as defined by P.L. 113-93 and a rural health clinic** under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, **or a federally qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended**, no supervision requirements in addition to the minimum federal law shall be required.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
- (2) Performing physical examinations of a patient;
- (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
- (4) Performing routine therapeutic procedures;
- (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
- (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;
- (7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;
- (8) Assisting in surgery;
- (9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; and
- (10) Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

- (1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;
- (2) The types of drugs, medications, devices or therapies prescribed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;
- (3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;
- (4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; and
- (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the

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supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with the department of social services as a MO HealthNet or Medicaid provider while acting under a supervision agreement between the physician and physician assistant.

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;

(2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician **or collaborating physician** for more than [three] **six** full-time equivalent licensed physician assistants, **full-time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians, or any combination thereof**. This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, **or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.**

**334.747. PRESCRIBING CONTROLLED SUBSTANCES AUTHORIZED, WHEN — SUPERVISING PHYSICIANS — CERTIFICATION. —** 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Prescriptions for Schedule II medications prescribed by a physician assistant with authority to prescribe delegated in a supervision agreement are restricted to only those medications containing hydrocodone. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, **except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the supervising physician.** Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply

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to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

**337.025. EDUCATIONAL AND EXPERIENCE REQUIREMENTS FOR LICENSURE, CERTAIN PERSONS.** — 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association [or] (APA), the Canadian Psychological Association (CPA), or the **Psychological Clinical Science Accreditation System (PCSAS); provided that, such program include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;** or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours shall consist of:

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

(2) A minimum of two thousand hours of experience consisting of any combination of the following:

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;

(b) Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or

(c) Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers and other applicants shall involve and relate to the delivery of psychological services in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

6. For postinternship and postdoctoral hours, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

**337.029. LICENSES BASED ON RECIPROCITY TO BE ISSUED, WHEN — HEALTH SERVICE PROVIDER CERTIFICATION ELIGIBILITY.** — 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the psychologist passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology;
- (2) Is a member of the National Register of Health Service Providers in Psychology;
- (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- (4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia and:
  - (a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;
  - (b) Has been licensed for the preceding five years; and
  - (c) Has had no disciplinary action taken against the license for the preceding five years; or
- (5) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

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

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement of the score from the examination of professional practice in psychology score will also be eligible for and shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;
- (2) Is a member of the National Register of Health Service Providers in Psychology; or
- (3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

**337.033. LIMITATIONS ON AREAS OF PRACTICE — RELEVANT PROFESSIONAL EDUCATION AND TRAINING, DEFINED — CRITERIA FOR PROGRAM OF GRADUATE STUDY — HEALTH SERVICE PROVIDER CERTIFICATION, REQUIREMENTS FOR CERTAIN PERSONS — AUTOMATIC CERTIFICATION FOR CERTAIN PERSONS.** — 1. A licensed psychologist shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself or herself out as a state certified or registered psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, whether temporary, provisional or permanent, psychologist who does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. "Relevant professional education and training" for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

- (1) A doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**; or
- (2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology

Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery; or

(2) Is a member of the National Register of Health Service Providers in Psychology.

**374.426. HEALTH CARE FINANCING ENTITIES AND HEALTH CARE PROVIDERS TO PROVIDE DATA, CONTENTS, WHEN — DUTIES OF DEPARTMENT — SCORING, LIMITATIONS ON. —** 1. Any entity in the business of delivering or financing health care shall provide data regarding quality of patient care and patient satisfaction to the director of the department of insurance, financial institutions and professional registration. Failure to provide such data as required by the director of the department of insurance, financial institutions and professional registration shall constitute grounds for violation of the unfair trade practices act, sections 375.930 to 375.948.

2. In defining data standards for quality of care and patient satisfaction, the director of the department of insurance, financial institutions and professional registration shall:

(1) Use as the initial data set the HMO Employer Data and Information Set developed by the National Committee for Quality Assurance;

(2) Consult with nationally recognized accreditation organizations, including but not limited to the National Committee for Quality Assurance and the Joint Committee on Accreditation of Health Care Organizations; and

(3) Consult with a state committee of a national committee convened to develop standards regarding uniform billing of health care claims.

**3. In defining data standards for quality of care and patient satisfaction, the director of the department of insurance, financial institutions and professional registration shall not require patient scoring of pain control.**

**4. Beginning August 28, 2018, the director of the department of insurance, financial institutions and professional registration shall discontinue the use of patient satisfaction scores and shall not make them available to the public to the extent allowed by federal law.**

**376.811. COVERAGE REQUIRED FOR CHEMICAL DEPENDENCY BY ALL INSURANCE AND HEALTH SERVICE CORPORATIONS — MINIMUM STANDARDS — OFFER OF COVERAGE MAY BE ACCEPTED OR REJECTED BY POLICYHOLDERS, COMPANIES MAY OFFER AS STANDARD COVERAGE — MENTAL HEALTH BENEFITS PROVIDED, WHEN — EXCLUSIONS.** — 1. Every insurance company and health services corporation doing business in this state shall offer in all health insurance policies benefits or coverage for chemical dependency meeting the following minimum standards:

(1) Coverage for outpatient treatment through a nonresidential treatment program, or through partial- or full-day program services, of not less than twenty-six days per policy benefit period;

(2) Coverage for residential treatment program of not less than twenty-one days per policy benefit period;

(3) Coverage for medical or social setting detoxification of not less than six days per policy benefit period;

(4) **Coverage for medication-assisted treatment for substance use disorders for use in treating such patient's condition, including opioid-use and heroin-use disorders;**

[(4)] (5) The coverages set forth in this subsection may be subject to a separate lifetime frequency cap of not less than ten episodes of treatment, except that such separate lifetime frequency cap shall not apply to medical detoxification in a life-threatening situation as determined by the treating physician and subsequently documented within forty-eight hours of treatment to the reasonable satisfaction of the insurance company or health services corporation; and

[(5)] (6) The coverages set forth in this subsection:

(a) Shall be subject to the same coinsurance, co-payment and deductible factors as apply to physical illness;

(b) May be administered pursuant to a managed care program established by the insurance company or health services corporation; and

(c) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

2. In addition to the coverages set forth in subsection 1 of this section, every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies, benefits or coverages for recognized mental illness, excluding chemical dependency, meeting the following minimum standards:

(1) Coverage for outpatient treatment, including treatment through partial- or full-day program services, for mental health services for a recognized mental illness rendered by a licensed professional to the same extent as any other illness;

(2) Coverage for residential treatment programs for the therapeutic care and treatment of a recognized mental illness when prescribed by a licensed professional and rendered in a psychiatric residential treatment center licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals to the same extent as any other illness;

(3) Coverage for inpatient hospital treatment for a recognized mental illness to the same extent as for any other illness, not to exceed ninety days per year;

(4) The coverages set forth in this subsection shall be subject to the same coinsurance, co-payment, deductible, annual maximum and lifetime maximum factors as apply to physical illness; and

(5) The coverages set forth in this subsection may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements

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with one or more providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

3. The offer required by sections 376.810 to 376.814 may be accepted or rejected by the group or individual policyholder or contract holder and, if accepted, shall fully and completely satisfy and substitute for the coverage under section 376.779. Nothing in sections 376.810 to 376.814 shall prohibit an insurance company, health services corporation or health maintenance organization from including all or part of the coverages set forth in sections 376.810 to 376.814 as standard coverage in their policies or contracts issued in this state.

4. Every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies mental health benefits or coverage as part of the policy or as a supplement to the policy. Such mental health benefits or coverage shall include at least two sessions per year to a licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed clinical social worker, or, subject to contractual provisions, a licensed marital and family therapist, acting within the scope of such license and under the following minimum standards:

(1) Coverage and benefits in this subsection shall be for the purpose of diagnosis or assessment, but not dependent upon findings; and

(2) Coverage and benefits in this subsection shall not be subject to any conditions of preapproval, and shall be deemed reimbursable as long as the provisions of this subsection are satisfied; and

(3) Coverage and benefits in this subsection shall be subject to the same coinsurance, copayment and deductible factors as apply to regular office visits under coverages and benefits for physical illness.

5. If the group or individual policyholder or contract holder rejects the offer required by this section, then the coverage shall be governed by the mental health and chemical dependency insurance act as provided in sections 376.825 to 376.836.

6. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

**376.1550. MENTAL HEALTH COVERAGE, REQUIREMENTS — DEFINITIONS — EXCLUSIONS.**

— 1. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2005, shall provide coverage for a mental health condition, as defined in this section, and shall comply with the following provisions:

(1) A health benefit plan shall provide coverage for treatment of a mental health condition and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a mental health condition than for access to treatment for a physical health condition. Any deductible or out-of-pocket limits required by a health carrier or health benefit plan shall be comprehensive for coverage of all health conditions, whether mental or physical;

(2) The coverages set forth in this subsection:

(a) May be administered pursuant to a managed care program established by the health carrier; and

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(b) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri;

(3) A health benefit plan that does not otherwise provide for management of care under the plan or that does not provide for the same degree of management of care for all health conditions may provide coverage for treatment of mental health conditions through a managed care organization; provided that the managed care organization is in compliance with rules adopted by the department of insurance, financial institutions and professional registration that assure that the system for delivery of treatment for mental health conditions does not diminish or negate the purpose of this section. The rules adopted by the director shall assure that:

(a) Timely and appropriate access to care is available;

(b) The quantity, location, and specialty distribution of health care providers is adequate; and

(c) Administrative or clinical protocols do not serve to reduce access to medically necessary treatment for any insured;

(4) Coverage for treatment for chemical dependency shall comply with sections 376.779, 376.810 to 376.814, and 376.825 to 376.836 and for the purposes of this subdivision the term "health insurance policy" as used in sections 376.779, 376.810 to 376.814, and 376.825 to 376.836, the term "health insurance policy" shall include group coverage.

2. As used in this section, the following terms mean:

(1) "Chemical dependency", the psychological or physiological dependence upon and abuse of drugs, including alcohol, characterized by drug tolerance or withdrawal and impairment of social or occupational role functioning or both;

(2) "Health benefit plan", the same meaning as such term is defined in section 376.1350;

(3) "Health carrier", the same meaning as such term is defined in section 376.1350;

(4) "Mental health condition", any condition or disorder defined by categories listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders [except for chemical dependency];

(5) "Managed care organization", any financing mechanism or system that manages care delivery for its members or subscribers, including health maintenance organizations and any other similar health care delivery system or organization;

(6) "Rate, term, or condition", any lifetime or annual payment limits, deductibles, co-payments, coinsurance, and other cost-sharing requirements, out-of-pocket limits, visit limits, and any other financial component of a health benefit plan that affects the insured.

3. This section shall not apply to a health plan or policy that is individually underwritten or provides such coverage for specific individuals and members of their families pursuant to section 376.779, sections 376.810 to 376.814, and sections 376.825 to 376.836, a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

4. Notwithstanding any other provision of law to the contrary, all health insurance policies that cover state employees, including the Missouri consolidated health care plan, shall include coverage for mental illness. Multiyear group policies need not comply until the expiration of their current multiyear term unless the policyholder elects to comply before that time.

5. The provisions of this section shall not be violated if the insurer decides to apply different limits or exclude entirely from coverage the following:

- (1) Marital, family, educational, or training services unless medically necessary and clinically appropriate;
- (2) Services rendered or billed by a school or halfway house;
- (3) Care that is custodial in nature;
- (4) Services and supplies that are not immediately nor clinically appropriate; or
- (5) Treatments that are considered experimental.

6. The director shall grant a policyholder a waiver from the provisions of this section if the policyholder demonstrates to the director by actual experience over any consecutive twenty-four-month period that compliance with this section has increased the cost of the health insurance policy by an amount that results in a two percent increase in premium costs to the policyholder. The director shall promulgate rules establishing a procedure and appropriate standards for making such a demonstration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

**536.031. CODE TO BE PUBLISHED — TO BE REVISED MONTHLY — INCORPORATION BY REFERENCE AUTHORIZED.** — 1. There is established a publication to be known as the "Code of State Regulations", which shall be published in a format and medium as prescribed and in writing upon request by the secretary of state as soon as practicable after ninety days following January 1, 1976, and may be republished from time to time thereafter as determined by the secretary of state.

2. The code of state regulations shall contain the full text of all rules of state agencies in force and effect upon the effective date of the first publication thereof, and effective September 1, 1990, it shall be revised no less frequently than monthly thereafter so as to include all rules of state agencies subsequently made, amended or rescinded. The code may also include citations, references, or annotations, prepared by the state agency adopting the rule or by the secretary of state, to any intraagency ruling, attorney general's opinion, determination, decisions, order, or other action of the administrative hearing commission, or any determination, decision, order, or other action of a court interpreting, applying, discussing, distinguishing, or otherwise affecting any rule published in the code.

3. The code of state regulations shall be published in looseleaf form in one or more volumes upon request and a format and medium as prescribed by the secretary of state with an appropriate index, and revisions in the text and index may be made by the secretary of state as necessary and provided in written format upon request.

4. An agency may incorporate by reference rules, regulations, standards, and guidelines of an agency of the United States or a nationally or state-recognized organization or association without publishing the material in full. The reference in the agency rules shall fully identify the incorporated material by publisher, address, and date in order to specify how a copy of the material may be obtained, and shall state that the referenced rule, regulation, standard, or guideline does not include any later amendments or additions; except that[,]:

**(1) Hospital licensure regulations promulgated under this chapter and chapter 197 may incorporate by reference Medicare conditions of participation, as defined in section 197.005, and later additions or amendments to such conditions of participation; and**

(2) Hospital licensure regulations governing life safety code standards promulgated under this chapter and chapter 197 to implement section 197.065 may incorporate, by reference, later additions or amendments to such rules, regulations, standards, or guidelines as needed to consistently apply current standards of safety and practice.

5. The agency adopting a rule, regulation, standard, or guideline under this section shall maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction. The secretary of state may omit from the code of state regulations such material incorporated by reference in any rule the publication of which would be unduly cumbersome or expensive.

[5.] 6. The courts of this state shall take judicial notice, without proof, of the contents of the code of state regulations.

**577.029. BLOOD ALCOHOL CONTENT TESTS, HOW MADE, BY WHOM, WHEN — PERSON TESTED TO RECEIVE CERTAIN INFORMATION, WHEN. —** A licensed physician, registered nurse, phlebotomist, or trained medical technician, acting at the request and direction of the law enforcement officer **under section 577.020**, shall, **with the consent of the patient or a warrant issued by a court of competent jurisdiction**, withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his or her good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or her.

**630.875. CITATION OF LAW — DEFINITIONS — PROGRAM CREATED, PURPOSE — REQUIREMENTS — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Improved Access to Treatment for Opioid Addictions Act" or "IATOA Act".**

**2. As used in this section, the following terms mean:**

(1) "Department", the department of mental health;

(2) "IATOA program", the improved access to treatment for opioid addictions program created under subsection 3 of this section.

**3. Subject to appropriations, the department shall create and oversee an "Improved Access to Treatment for Opioid Addictions Program", which is hereby created and whose purpose is to disseminate information and best practices regarding opioid addiction and to facilitate collaborations to better treat and prevent opioid addiction in this state. The IATOA program shall facilitate partnerships between assistant physicians, physician assistants, and advanced practice registered nurses practicing in federally qualified health centers, rural health clinics, and other health care facilities and physicians practicing at remote facilities located in this state. The IATOA program shall provide resources that grant patients and their treating assistant physicians, physician assistants, advanced practice registered nurses, or physicians access to knowledge and expertise through means such as telemedicine and Extension for Community Healthcare Outcomes (ECHO) programs established under section 191.1140.**

4. Assistant physicians, physician assistants, and advanced practice registered nurses who participate in the IATOA program shall complete the necessary requirements to prescribe buprenorphine within at least thirty days of joining the IATOA program.

5. For the purposes of the IATOA program, a remote collaborating or supervising physician working with an on-site assistant physician, physician assistant, or advanced practice registered nurse shall be considered to be on-site. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a remote physician shall comply with all laws and requirements applicable to assistant physicians, physician assistants, or advanced practice registered nurses with on-site supervision before providing treatment to a patient.

6. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a physician who is waiver-certified for the use of buprenorphine, may participate in the IATOA program in any area of the state and provide all services and functions of an assistant physician, physician assistant, or advanced practice registered nurse.

7. The department may develop curriculum and benchmark examinations on the subject of opioid addiction and treatment. The department may collaborate with specialists, institutions of higher education, and medical schools for such development. Completion of such a curriculum and passing of such an examination by an assistant physician, physician assistant, advanced practice registered nurse, or physician shall result in a certificate awarded by the department or sponsoring institution, if any.

8. An assistant physician, physician assistant, or advanced practice registered nurse participating in the IATOA program may also:

- (1) Engage in community education;
- (2) Engage in professional education outreach programs with local treatment providers;
- (3) Serve as a liaison to courts;
- (4) Serve as a liaison to addiction support organizations;
- (5) Provide educational outreach to schools;
- (6) Treat physical ailments of patients in an addiction treatment program or considering entering such a program;
- (7) Refer patients to treatment centers;
- (8) Assist patients with court and social service obligations;
- (9) Perform other functions as authorized by the department; and
- (10) Provide mental health services in collaboration with a qualified licensed physician.

The list of authorizations in this subsection is a nonexclusive list, and assistant physicians, physician assistants, or advanced practice registered nurses participating in the IATOA program may perform other actions.

9. When an overdose survivor arrives in the emergency department, the assistant physician, physician assistant, or advanced practice registered nurse serving as a recovery coach or, if the assistant physician, physician assistant, or advanced practice registered nurse is unavailable, another properly trained recovery coach shall, when reasonably practicable, meet with the overdose survivor and provide treatment options and support available to the overdose survivor. The department shall assist recovery coaches in providing treatment options and support to overdose survivors.

10. The provisions of this section shall supersede any contradictory statutes, rules, or regulations. The department shall implement the improved access to treatment for opioid addictions program as soon as reasonably possible using guidance within this section.

**Further refinement to the improved access to treatment for opioid addictions program may be done through the rules process.**

**11. The department shall promulgate rules to implement the provisions of the improved access to treatment for opioid addictions act as soon as reasonably possible. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**632.005. DEFINITIONS.** — As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Comprehensive psychiatric services", any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;

(2) "Council", the Missouri advisory council for comprehensive psychiatric services;

(3) "Court", the court which has jurisdiction over the respondent or patient;

(4) "Division", the division of comprehensive psychiatric services of the department of mental health;

(5) "Division director", director of the division of comprehensive psychiatric services of the department of mental health, or his designee;

(6) "Head of mental health facility", superintendent or other chief administrative officer of a mental health facility, or his designee;

(7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

(8) "Licensed physician", a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

(9) "Licensed professional counselor", a person licensed as a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

(10) "Likelihood of serious harm" means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself. Evidence of substantial risk may also include information about patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself;

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his capacity to make decisions with respect to his hospitalization and need for treatment as evidenced by his current mental disorder or mental illness which results in an inability to provide for his own basic necessities of food, clothing, shelter, safety or medical care or his inability to provide for his own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of

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behavior that historically have resulted in serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

(11) "Mental health coordinator", a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

(12) "Mental health facility", any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;

(13) "Mental health professional", a psychiatrist, resident in psychiatry, **psychiatric physician assistant, psychiatric assistant physician, psychiatric advanced practice registered nurse**, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

(14) "Mental health program", any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

(15) "Ninety-six hours" shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

(16) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

(17) **"Psychiatric advanced practice registered nurse", a registered nurse who is currently recognized by the board of nursing as an advanced practice registered nurse, who has at least two years of experience in providing psychiatric treatment to individuals suffering from mental disorders;**

(18) **"Psychiatric assistant physician", a licensed assistant physician under chapter 334 and who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders;**

(19) "Psychiatric nurse", a registered professional nurse who is licensed under chapter 335 and who has had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

(20) **"Psychiatric physician assistant", a licensed physician assistant under chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;**

[(18)] (21) "Psychiatric social worker", a person with a master's or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum

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Matter in bold-face type is proposed language.

of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;

[(19)] **(22)** "Psychiatrist", a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(20)] **(23)** "Psychologist", a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;

[(21)] **(24)** "Resident in psychiatry", a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(22)] **(25)** "Respondent", an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;

[(23)] **(26)** "Treatment", any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.

**[208.671. ASYNCHRONOUS STORE-AND-FORWARD TECHNOLOGY, USE OF — RULES — STANDARD OF CARE. — 1.** As used in this section and section 208.673, the following terms shall mean:

(1) "Asynchronous store-and-forward", the transfer of a participant's clinically important digital samples, such as still images, videos, audio, text files, and relevant data from an originating site through the use of a camera or similar recording device that stores digital samples that are forwarded via telecommunication to a distant site for consultation by a consulting provider without requiring the simultaneous presence of the participant and the participant's treating provider;

(2) "Asynchronous store-and-forward technology", cameras or other recording devices that store images which may be forwarded via telecommunication devices at a later time;

(3) "Consultation", a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;

(4) "Consulting provider", a provider who, upon referral by the treating provider, evaluates a participant and appropriate medical data or images delivered through asynchronous store-and-forward technology. If a consulting provider is unable to render an opinion due to insufficient information, the consulting provider may request additional information to facilitate the rendering of an opinion or decline to render an opinion;

(5) "Distant site", the site where a consulting provider is located at the time the consultation service is provided;

(6) "Originating site", the site where a MO HealthNet participant receiving services and such participant's treating provider are both physically located;

(7) "Provider", any provider of medical, mental health, optometric, or dental health services, including all other medical disciplines, licensed and providing MO HealthNet services who has the authority to refer participants for medical, mental health, optometric, dental, or other health care services within the scope of practice and licensure of the provider;

(8) "Telehealth", as that term is defined in section 191.1145;

(9) "Treating provider", a provider who:

(a) Evaluates a participant;

(b) Determines the need for a consultation;

(c) Arranges the services of a consulting provider for the purpose of diagnosis and treatment; and

(d) Provides or supplements the participant's history and provides pertinent physical examination findings and medical information to the consulting provider.

2. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program. Such rules shall include, but not be limited to:

(1) Appropriate standards for the use of asynchronous store-and-forward technology in the practice of telehealth;

(2) Certification of agencies offering asynchronous store-and-forward technology in the practice of telehealth;

(3) Timelines for completion and communication of a consulting provider's consultation or opinion, or if the consulting provider is unable to render an opinion, timelines for communicating a request for additional information or that the consulting provider declines to render an opinion;

(4) Length of time digital files of such asynchronous store-and-forward services are to be maintained;

(5) Security and privacy of such digital files;

(6) Participant consent for asynchronous store-and-forward services; and

(7) Payment for services by providers; except that, consulting providers who decline to render an opinion shall not receive payment under this section unless and until an opinion is rendered. Telehealth providers using asynchronous store-and-forward technology shall be required to obtain participant consent before asynchronous store-and-forward services are initiated and to ensure confidentiality of medical information.

3. Asynchronous store-and-forward technology in the practice of telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. The total payment for both the treating provider and the consulting provider shall not exceed the payment for a face-to-face consultation of the same level.

4. The standard of care for the use of asynchronous store-and-forward technology in the practice of telehealth shall be the same as the standard of care for services provided in person.]

**[208.673. TELEHEALTH SERVICES ADVISORY COMMITTEE, DUTIES, MEMBERS, RULES. —**

1. There is hereby established the "Telehealth Services Advisory Committee" to advise the department of social services and propose rules regarding the coverage of telehealth services in the MO HealthNet program utilizing asynchronous store-and-forward technology.

2. The committee shall be comprised of the following members:

(1) The director of the MO HealthNet division, or the director's designee;

(2) The medical director of the MO HealthNet division;

(3) A representative from a Missouri institution of higher education with expertise in telehealth;

(4) A representative from the Missouri office of primary care and rural health;

(5) Two board-certified specialists licensed to practice medicine in this state;

(6) A representative from a hospital located in this state that utilizes telehealth;

(7) A primary care physician from a federally qualified health center (FQHC) or rural health clinic;

(8) A primary care physician from a rural setting other than from an FQHC or rural health clinic;

(9) A dentist licensed to practice in this state; and

(10) A psychologist, or a physician who specializes in psychiatry, licensed to practice in this state.

3. Members of the committee listed in subdivisions (3) to (10) of subsection 2 of this section shall be appointed by the governor with the advice and consent of the senate. The first appointments to the committee shall consist of three members to serve three-year terms, three

members to serve two-year terms, and three members to serve a one-year term as designated by the governor. Each member of the committee shall serve for a term of three years thereafter.

4. Members of the committee shall not receive any compensation for their services but shall be reimbursed for any actual and necessary expenses incurred in the performance of their duties.

5. Any member appointed by the governor may be removed from office by the governor without cause. If there is a vacancy for any cause, the governor shall make an appointment to become effective immediately for the unexpired term.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.]

**[208.675. TELEHEALTH SERVICES, ELIGIBLE HEALTH CARE PROVIDERS.** — For purposes of the provision of telehealth services in the MO HealthNet program, the following individuals, licensed in Missouri, shall be considered eligible health care providers:

- (1) Physicians, assistant physicians, and physician assistants;
- (2) Advanced practice registered nurses;
- (3) Dentists, oral surgeons, and dental hygienists under the supervision of a currently registered and licensed dentist;
- (4) Psychologists and provisional licensees;
- (5) Pharmacists;
- (6) Speech, occupational, or physical therapists;
- (7) Clinical social workers;
- (8) Podiatrists;
- (9) Optometrists;
- (10) Licensed professional counselors; and
- (11) Eligible health care providers under subdivisions (1) to (10) of this section practicing in a rural health clinic, federally qualified health center, or community mental health center.]

Approved July 6, 2018

SB 954

**Enacts provisions relating to expungement of records relating to the offense of unlawful use of a weapon.**

AN ACT to repeal section 610.140, RSMo, and to enact in lieu thereof one new section relating to expungement of records relating to the offense of unlawful use of a weapon.

SECTION

A. Enacting clause.

610.140 Expungement of certain criminal records, petition, contents, procedure — effect of expungement on employer inquiry — lifetime limits.

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

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

**SECTION A. ENACTING CLAUSE.**— Section 610.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.140, to read as follows:

**610.140. EXPUNGEMENT OF CERTAIN CRIMINAL RECORDS, PETITION, CONTENTS, PROCEDURE — EFFECT OF EXPUNGEMENT ON EMPLOYER INQUIRY — LIFETIME LIMITS.** — 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

- (1) Any class A felony offense;
- (2) Any dangerous felony as that term is defined in section 556.061;
- (3) Any offense that requires registration as a sex offender;
- (4) Any felony offense where death is an element of the offense;
- (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;
- (6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.100, 569.160, 570.025, 570.030, 570.090, 570.100, 570.130, 570.180, 570.223, 570.224, 570.310, 571.020, [571.030,] 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;
- (7) Any offense eligible for expungement under section 577.054 or 610.130;
- (8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;
- (9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section; [and]
- (10) Any [violations] **violation** of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state; **and**

**(11) Any offense of section 571.030, except any offense under subdivision (1) of subsection 1 of section 571.030 where the person was convicted or found guilty prior to January 1, 2017.**

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Driver's license number, if applicable; and

(e) Current address;

(2) Each offense, violation, or infraction for which the petitioner is requesting expungement;

(3) The approximate date the petitioner was charged for each offense, violation, or infraction; and

(4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and

(5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

(1) It has been at least seven years if the offense is a felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;

(2) The person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;

(3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;

(4) The person does not have charges pending;

(5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and

(6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long

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as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

- (1) A license, certificate, or permit issued by this state to practice such individual's profession;
- (2) Any license issued under chapter 313 or permit issued under chapter 571;
- (3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;
- (4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;
- (5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain **criminal convictions from employment; or**

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(6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

- (1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and
- (2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law.

Approved June 29, 2018

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## SCS SRB 975 &amp; 1024

AN ACT to repeal sections 8.800, 8.805, 8.830, 8.843, 33.295, 33.700, 33.710, 33.720, 33.730, 42.300, 44.105, 51.165, 61.081, 67.5016, 71.005, 100.710, 104.342, 104.620, 104.1024, 104.1042, 104.1054, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.390, 105.400, 105.420, 105.430, 105.440, 105.445, 105.463, 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.023, 115.049, 115.155, 115.177, 115.227, 115.243, 115.247, 115.287, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.641, 135.210, 135.311, 135.575, 135.900, 135.903, 135.906, 135.909, 135.950, 137.106, 141.540, 143.105, 143.106, 143.107, 143.811, 143.1007, 144.030, 144.810, 147.020, 147.050, 160.459, 161.215, 165.011, 167.194, 168.700, 168.702, 170.051, 170.055, 170.061, 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 173.197, 178.930, 181.100, 181.110, 181.130, 196.973, 205.580, 205.590, 205.600, 205.610, 205.620, 205.630, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 208.156, 208.178, 208.630, 208.975, 208.993, 209.015, 210.027, 210.105, 210.114, 211.447, 226.805, 261.295, 288.121, 288.128, 288.131, 301.562, 302.700, 324.028, 324.159, 324.406, 327.451, 329.025, 330.190, 332.041, 334.100, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 376.1192, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.350, 414.353, 414.356, 414.359, 414.400, 414.406, 414.412, 414.417, 414.510, 442.018, 620.050, 620.511, 620.512, 620.513, 640.150, 640.153, 640.155, 640.157, 640.160, 640.219, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, and sections 105.456, 105.473, 105.485, 105.957, 105.959, 105.961, 105.963, and 105.966 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and sections 130.011, 130.021, 130.026, 130.041, 130.044, 130.046, 130.057, and 130.071 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and to enact in lieu thereof one hundred twenty new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions, with existing penalty provisions.

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Matter in bold-face type is proposed language.

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- 141.540 Place of sale — form of advertisement — notice to be posted on land and sent to certain persons, procedure.
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- 144.030 Exemptions from state and local sales and use taxes.
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- 161.215 Early childhood development, education and care fund created, purpose, use of moneys — rulemaking authority — audit.

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- 209.015 Blindness education, screening and treatment program fund — uses of fund — rulemaking.
- 210.027 Direct payment recipients, child care providers — department's duties.
- 210.114 Qualified immunity for private contractor, when — exceptions.
- 211.447 Juvenile officer preliminary inquiry, when — petition to terminate parental rights filed, when — juvenile court may terminate parental rights, when — investigation to be made — grounds for termination.
- 226.805 Interstate agency committee on special transportation created — members — powers and duties.
- 261.295 Rulemaking authority.
- 288.121 Rate increased when average balance in fund is less than certain amount, how — rate calculations for certain years.
- 288.128 Additional assessment for interest on federal advancements and proceeds of credit instruments, procedure — excess collections, use of — credit instrument and financing agreement repayment surcharge.
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- 339.120 Commission, created — members, qualifications, terms, compensation — powers and duties — rulemaking authority, procedure.

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Matter in bold-face type is proposed language.

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- 386.145 Records destroyed, when.
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- 393.1025 Definitions.
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- 640.155 Energy information, defined — confidentiality — penalty for disclosure.
- 640.157 Energy center to serve as coordinator of energy sustainability activities, duties.
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- 105.473 Duties of lobbyist — report required, contents — exception — penalties — supersession of local ordinances or charters.
- 105.485 Financial interest statements — form — contents — political subdivisions, compliance.
- 105.957 Receipt of complaints — form — investigation — dismissal of frivolous complaints, damages, public report.

- 105.959 Review of reports and statements, notice — audits and investigations — formal investigations — report — referral of report.
- 105.961 Special investigator — report — commission review, determination — special prosecutor — hearings — action of commission — formal proceedings — appropriate disciplinary authorities — powers of investigators — fees and expenses — confidentiality, penalty — compensation.
- 105.963 Assessments of committees, campaign disclosure reports — notice — penalty — assessments of financial interest statements — notice — penalties — effective date.
- 105.966 Ethics commission to complete all complaint investigations, procedure, hearing for time extension, when — applicability to ongoing investigations.
- 115.001 Short title.
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- 130.011 Definitions.
- 130.021 Treasurer for candidates and committees, when required — duties — official depository account to be established — statement of organization for committees, contents, when filed — termination of committee, procedure.
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- 130.046 Times for filing of disclosure — periods covered by reports — certain disclosure reports not required — supplemental reports, when — certain disclosure reports filed electronically — rulemaking authority.
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- 170.071 Publisher to pay filing fee — use of fund.
- 170.081 Publisher to file bond.
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Matter in bold-face type is proposed language.

- 173.197 Higher education scholarship program, findings, declaration, purpose.  
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 210.105 Missouri task force on prematurity and infant mortality created — members, officers, expenses — duties — report — expiration date.  
 288.131 Unemployment automation surcharge authorized, amount.  
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 414.356 Loans, maximum amount — interest rate and repayment terms.  
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 442.018 Publication of certain real estate transactions.  
 620.050 Council created, members, appointment — registration fee — fund established, use of moneys — council duties — rulemaking authority.  
 640.219 Fund created, use of moneys — full professorship of energy efficiency and conservation authorized, duties.

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

**SECTION A. ENACTING CLAUSE.** — Sections 8.800, 8.805, 8.830, 8.843, 33.295, 33.700, 33.710, 33.720, 33.730, 42.300, 44.105, 51.165, 61.081, 67.5016, 71.005, 100.710, 104.342, 104.620, 104.1024, 104.1042, 104.1054, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.390, 105.400, 105.420, 105.430, 105.440, 105.445, 105.463, 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.023, 115.049, 115.155, 115.177, 115.227, 115.243, 115.247, 115.287, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.641, 135.210, 135.311, 135.575, 135.900, 135.903, 135.906, 135.909, 135.950, 137.106, 141.540, 143.105, 143.106, 143.107, 143.811, 143.1007, 144.030, 144.810, 147.020, 147.050, 160.459, 161.215, 165.011, 167.194, 168.700, 168.702, 170.051, 170.055, 170.061, 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 173.197, 178.930, 181.100, 181.110, 181.130, 196.973, 205.580, 205.590, 205.600, 205.610,

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 Matter in bold-face type is proposed language.

205.620, 205.630, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 208.156, 208.178, 208.630, 208.975, 208.993, 209.015, 210.027, 210.105, 210.114, 211.447, 226.805, 261.295, 288.121, 288.128, 288.131, 301.562, 302.700, 324.028, 324.159, 324.406, 327.451, 329.025, 330.190, 332.041, 334.100, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 376.1192, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.350, 414.353, 414.356, 414.359, 414.400, 414.406, 414.412, 414.417, 414.510, 442.018, 620.050, 620.511, 620.512, 620.513, 640.150, 640.153, 640.155, 640.157, 640.160, 640.219, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, and sections 105.456, 105.473, 105.485, 105.957, 105.959, 105.961, 105.963, and 105.966 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and sections 130.011, 130.021, 130.026, 130.041, 130.044, 130.046, 130.057, and 130.071 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, are repealed and one hundred twenty new sections enacted in lieu thereof, to be known as sections 8.800, 8.805, 8.830, 8.843, 42.300, 44.105, 51.165, 67.5016, 100.710, 104.342, 104.620, 104.1024, 104.1042, 104.1054, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.390, 105.400, 105.420, 105.430, 115.003, 115.005, 115.007, 115.023, 115.049, 115.155, 115.177, 115.227, 115.243, 115.247, 115.287, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.641, 135.210, 135.311, 135.950, 141.540, 143.811, 144.030, 144.810, 147.020, 147.050, 161.215, 165.011, 170.051, 178.930, 181.100, 181.110, 196.973, 208.156, 209.015, 210.027, 210.114, 211.447, 226.805, 261.295, 288.121, 288.128, 301.562, 302.700, 324.028, 324.159, 324.406, 327.451, 329.025, 330.190, 332.041, 334.100, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.400, 414.406, 414.412, 414.417, 414.510, 620.035, 620.511, 620.512, 620.513, 640.153, 640.155, 640.157, 640.160, 640.651, 640.653, 660.135, 701.500, and 701.509, to read as follows:

THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**8.800. DEFINITIONS.** — As used in sections 8.800 to 8.825, the following terms mean:

- (1) "Builder", the prime contractor that hires and coordinates building subcontractors or if there is no prime contractor, the contractor that completes more than fifty percent of the total construction work performed on the building. Construction work includes, but is not limited to, foundation, framing, wiring, plumbing and finishing work;
- (2) "Department", the department of [natural resources] **economic development**;
- (3) "Designer", the architect, engineer, landscape architect, builder, interior designer or other person who performs the actual design work or is under the direct supervision and responsibility of the person who performs the actual design work;
- (4) "District heating and cooling systems", heat pump systems which use waste heat from factories, sewage treatment plants, municipal solid waste incineration, lighting and other heat sources in office buildings or which use ambient thermal energy from sources including temperature differences in rivers to provide regional heating or cooling;
- (5) "Division", the division of facilities management, design and construction;
- (6) "Energy efficiency", the increased productivity or effectiveness of energy resources use, the reduction of energy consumption, or the use of renewable energy sources;

(7) "Gray water", all domestic wastewater from a state building except wastewater from urinals, toilets, laboratory sinks, and garbage disposals;

(8) "Life cycle costs", the costs associated with the initial construction or renovation and the proposed energy consumption, operation and maintenance costs over the useful life of a state building or over the first twenty-five years after the construction or renovation is completed;

(9) "Public building", a building owned or operated by a governmental subdivision of the state, including, but not limited to, a city, county or school district;

(10) "Renewable energy source", a source of thermal, mechanical or electrical energy produced from solar, wind, low-head hydropower, biomass, hydrogen or geothermal sources, but not from the incineration of hazardous waste, municipal solid waste or sludge from sewage treatment facilities;

(11) "State agency", a department, commission, authority, office, college or university of this state;

(12) "State building", a building owned by this state or an agency of this state;

(13) "Substantial renovation" or "substantially renovated", modifications that will affect at least fifty percent of the square footage of the building or modifications that will cost at least fifty percent of the building's fair market value.

THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**8.805. ENERGY SAVINGS IN STATE BUILDING PROJECTS BEYOND FINANCING OBLIGATION, HOW DEPOSITED — CRITERIA TO BE ESTABLISHED FOR PROJECTED SAVINGS — REPORT DUE WHEN.** — 1. For the first three years of each completed energy efficiency project for state buildings, to the extent that there are energy savings beyond payment of the financing obligation, required reserves and other expenses associated with project financing, one-half of the energy savings shall be placed in the energy analyses account, created in section 8.807, and one-half shall revert to the general revenue fund. The division, in conjunction with the department, shall establish criteria for determining projected savings from energy efficiency projects in state buildings. The division, in conjunction with all state agencies, shall establish criteria for determining the actual savings which result from a specific energy efficiency project.

2. Beginning January 15, 1997, and annually thereafter, the office of administration and the department of [natural resources] **economic development** shall file a joint report to the house committee on energy and environment, the senate committee on energy and environment, or their successor committees, and the governor on the identification of, planning for and implementation of energy efficiency projects in state buildings.

THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**8.830. DEFINITIONS.** — For purposes of sections 8.830 to 8.851, the following terms mean:

(1) "Department", the department of [natural resources] **economic development**;

(2) "Director", the director of the department of [natural resources] **economic development**;

(3) "Division", the division of facilities management, design and construction;

(4) "Public building", a building owned or operated by a governmental subdivision of the state, including, but not limited to, a city, county or school district;

(5) "State building", a building owned or operated by the state, a state agency or department, a state college or a state university.

THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**8.843. INTERAGENCY ADVISORY COMMITTEE ON ENERGY COST REDUCTION AND SAVINGS, MEMBERS, DUTIES.** — There is hereby established an interagency advisory committee on energy cost reduction and savings. The committee shall consist of the commissioner of administration, the director of the division of facilities management, design and construction, the director of the department of [natural resources] **economic development**, the director of the environmental improvement and energy resources authority, the director of the division of energy, the director of the department of transportation, the director of the department of conservation and the commissioner of higher education. The committee shall advise the department on the development of the minimum energy efficiency standard and state building energy efficiency rating system and shall assist the office of administration in implementing sections 8.833 and 8.835.

EXPLANATION: THE AUTHORITY FOR AUDITS UNDER SUBSECTION 4 OF THIS SECTION EXPIRED 12-31-13:

**42.300. FUND CREATED, USE OF MONEYS — INTEREST — APPROPRIATION OF MONEYS TO ANOTHER FUND.** — 1. There is hereby created in the state treasury the "Veterans Commission Capital Improvement Trust Fund" which shall consist of money collected under section 313.835. The state treasurer shall administer the veterans commission capital improvement trust fund, and the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans commission for:

- (1) The construction, maintenance or renovation or equipment needs of veterans' homes in this state;
- (2) The construction, maintenance, renovation, equipment needs and operation of veterans' cemeteries in this state;
- (3) Fund transfers to Missouri veterans' homes fund established under the provisions of section 42.121, as necessary to maintain solvency of the fund;
- (4) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in this state which has established a fund for the sole purpose of the restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Appropriations from the veterans commission capital improvement trust fund to such memorial fund shall be provided only as a one-time match for other funds devoted to the project and shall not exceed five million dollars. Additional appropriations not to exceed ten million dollars total may be made from the veterans commission capital improvement trust fund as a match to other funds for the new construction or renovation of other facilities dedicated as veterans' memorials in the state. All appropriations for renovation, new construction, reconstruction, and maintenance of veterans' memorials shall be made only for applications received by the Missouri veterans commission prior to July 1, 2004;
- (5) The issuance of matching fund grants for veterans' service officer programs to any federally chartered veterans' organization or municipal government agency that is certified by the Veterans Administration to process veteran claims within the Veterans Administration System; provided that such veterans' organization has maintained a veterans' service officer presence within the state of Missouri for the three-year period immediately preceding the issuance of any such grant. A total of one million five hundred thousand dollars in grants shall be made available annually for service officers and joint training and outreach between veterans' service

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organizations and the Missouri veterans commission with grants being issued in July of each year. Application for the matching grants shall be made through and approved by the Missouri veterans commission based on the requirements established by the commission;

(6) For payment of Missouri National Guard and Missouri veterans commission expenses associated with providing medals, medallions and certificates in recognition of service in the Armed Forces of the United States during World War II, the Korean Conflict, and the Vietnam War under sections 42.170 to 42.226. Any funds remaining from the medals, medallions and certificates shall not be transferred to any other fund and shall only be utilized for the awarding of future medals, medallions, and certificates in recognition of service in the Armed Forces;

(7) Fund transfers totaling ten million dollars to any municipality with a population greater than three hundred fifty thousand inhabitants and located in part in a county with a population greater than six hundred thousand inhabitants and with a charter form of government, for the sole purpose of the construction, restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I; and

(8) The administration of the Missouri veterans commission.

2. Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund under this section. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the veterans commission capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

3. Upon request by the veterans commission, the general assembly may appropriate moneys from the veterans commission capital improvement trust fund to the Missouri National Guard trust fund to support the activities described in section 41.958.

[4. The state auditor shall conduct an audit of all moneys in the veterans commission capital improvement trust fund every year beginning January 1, 2011, and ending on December 31, 2013. The findings of each audit shall be distributed to the general assembly, governor, and lieutenant governor no later than ten business days after the completion of such audit.]

THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-01:

**44.105. GOVERNOR-DECLARED STATE OF EMERGENCY, SUSPENSION OF CERTAIN STATE LAW PROVISIONS, WHEN — VOLUNTEERS, RESPONSIBILITIES OF — STAFFING AUTHORITY. —**

1. In a governor-declared state of emergency, the [department of health and senior services] **governor** may suspend any provision of chapters 195 and 334 pertaining to dispensing medications. Persons who dispense medications under this section shall be trained by the [department of health and senior services] **agency** and shall dispense medications under the supervision of a licensed health care provider according to the [department's] **agency's** strategic national stockpile plan.

2. The [department] **agency** may develop effective citizen involvement to recruit, train, and accept the services of volunteers to supplement the programs administered by the [department] **agency** in dispensing medications to the population in the event of an emergency.

3. Volunteers recruited, trained, and accepted by the [department] **agency** shall comply with the [department's] **agency's** strategic national stockpile plan in dispensing medications.

4. The [department] **agency** may:

(1) Provide staff as deemed necessary for the effective management and development of volunteer dispensing sites deployed in response to a governor-declared emergency;

(2) Provide or assure access to professional staff as deemed necessary for the effective training and oversight of volunteers;

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

(3) Develop and provide to all volunteers written rules governing the job descriptions, recruitment, screening, training responsibility, utilization, and supervision of volunteers; and

(4) Educate volunteers to ensure that they understand their duties and responsibilities.

5. Non-health care professional volunteers, whose liability is not otherwise protected by section 44.045 shall be deemed unpaid employees and shall be accorded the protection of the legal expense fund and other provisions of section 105.711.

6. As used in this section, "volunteer" means any person who, of his or her own free will, performs any assigned duties for the [department of health and senior services] **agency** with no monetary or material compensation.

EXPLANATION: THIS SECTION CHANGES OBSOLETE SOCIAL SECURITY PROVISIONS AND BRINGS MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**51.165. SOCIAL SECURITY CONTRIBUTIONS AND RECORDS — DUTIES.** — In all counties of class three and four which shall enter into an agreement with the state agency to place county employees under the Federal Social Security Act in accordance with the provisions of sections 105.300 to [105.440] **105.430**, it shall be the duty of the county clerk to keep necessary records, collect contributions of county employees [and remit the same to the state agency], and do all other administrative acts required by the agreement or by ruling of the federal or state agency in order to carry out the purposes of the aforesaid law.

EXPLANATION: THIS SECTION REMOVES OBSOLETE LANGUAGE REGARDING THE COMMINGLING OF STATE AND LOCAL FUNDS:

**67.5016. DEPARTMENT OF REVENUE TO ADMINISTER AND COLLECT TAX — DIRECTOR'S DUTIES.** — 1. Any county levying a local sales tax under the authority of sections 67.5000 to 67.5038 shall not administer or collect the tax locally, but shall utilize the services of the state department of revenue to administer, enforce, and collect the tax. The sales tax shall be administered, enforced, and collected in the same manner and by the same procedure as other local sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

2. Upon receipt of a certified copy of a resolution from the county authorizing the levy of a local sales tax, which resolution shall state the name of the district in which that county is included, the director of the department of revenue shall cause this tax to be collected at the same time and in the same manner provided for the collection of the state sales tax. All moneys derived from this local sales tax imposed under the authority of sections 67.5000 to 67.5038 and collected under the provisions of this section by the director of revenue shall be [credited to a fund established for the district, which is hereby established in] **deposited with** the state treasury[,] under the name of that district, as established. **The moneys derived from local sales tax shall not be deemed to be state funds and shall not be commingled with any funds of the state.** Any refund due on any local sales tax collected pursuant to section 67.5000 to 67.5038 shall be paid out of the sales tax refund fund and reimbursed by the director of revenue from the sales tax revenue collected under this section. All local sales tax revenue derived from the authority granted by sections 67.5000 to 67.5038 and collected from within any county, under this section, shall be remitted at least quarterly by the director of revenue to the district established by sections 67.5000 to 67.5038, the source county included in the district and the cities in that county, in the percentages set forth in section 67.5014.

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EXPLANATION: REMOVES THE REFERENCE IN SUBDIVISION (15) TO THE JOINT COMMITTEE ON ECONOMIC POLICY AND PLANNING WHICH WAS REPEALED IN 2014:

**100.710. DEFINITIONS.** — As used in sections 100.700 to 100.850, the following terms mean:

(1) "Assessment", an amount of up to five percent of the gross wages paid in one year by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic development project is located within a distressed community as defined in section 135.530;

(2) "Board", the Missouri development finance board as created by section 100.265;

(3) "Certificates", the revenue bonds or notes authorized to be issued by the board pursuant to section 100.840;

(4) "Credit", the amount agreed to between the board and an eligible industry, but not to exceed the assessment attributable to the eligible industry's project;

(5) "Department", the Missouri department of economic development;

(6) "Director", the director of the department of economic development;

(7) "Economic development project":

(a) The acquisition of any real property by the board, the eligible industry, or its affiliate; or

(b) The fee ownership of real property by the eligible industry or its affiliate; and

(c) For both paragraphs (a) and (b) of this subdivision, "economic development project" shall also include the development of the real property including construction, installation, or equipping of a project, including fixtures and equipment, and facilities necessary or desirable for improvement of the real property, including surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries and other surface obstructions; filling, grading and provision of drainage, storm water retention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site construction of utility extensions to the boundaries of the real property; and the acquisition, installation, or equipping of facilities on the real property, for use and occupancy by the eligible industry or its affiliates;

(8) "Eligible employee", a person employed on a full-time basis in a new job at the economic development project averaging at least thirty-five hours per week who was not employed by the eligible industry or a related taxpayer in this state at any time during the twelve-month period immediately prior to being employed at the economic development project. For an essential industry, a person employed on a full-time basis in an existing job at the economic development project averaging at least thirty-five hours per week may be considered an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;

(9) "Eligible industry", a business located within the state of Missouri which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, health or professional services. "Eligible industry" does not include a business which closes or substantially reduces its operation at one location in the state and relocates substantially the same operation to another location in the state. This does not prohibit a business from expanding its operations at another location in the state provided that existing operations of a similar nature located within the state are not closed or substantially reduced. This also does not prohibit a business from moving its operations from one location in the state to another location in the state for the purpose of expanding such operation provided that the board determines that such expansion cannot reasonably be accommodated within the municipality in which such business is located, or in the case of a business located in an

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incorporated area of the county, within the county in which such business is located, after conferring with the chief elected official of such municipality or county and taking into consideration any evidence offered by such municipality or county regarding the ability to accommodate such expansion within such municipality or county. An eligible industry must:

(a) Invest a minimum of fifteen million dollars, or ten million dollars for an office industry, in an economic development project; and

(b) Create a minimum of one hundred new jobs for eligible employees at the economic development project or a minimum of five hundred jobs if the economic development project is an office industry or a minimum of two hundred new jobs if the economic development project is an office industry located within a distressed community as defined in section 135.530, or in the case of an approved company for a project for a world headquarters of a business whose primary function is tax return preparation in any home rule city with more than four hundred thousand inhabitants and located in more than one county, create a minimum of one hundred new jobs for eligible employees at the economic development project. An industry that meets the definition of "essential industry" may be considered an eligible industry for the purposes of the program authorized by sections 100.700 to 100.850.

Notwithstanding the preceding provisions of this subdivision, a development agency, as such term is defined in subdivision (3) of section 100.255, or a corporation, limited liability company, or partnership formed on behalf of a development agency, at the option of the board, may be authorized to act as an eligible industry with such obligations and rights otherwise applicable to an eligible industry, including the rights of an approved company under section 100.850, so long as the eligible industry otherwise meets the requirements imposed by this subsection;

(10) "Essential industry", a business that otherwise meets the definition of eligible industry except an essential industry shall:

(a) Be a targeted industry;

(b) Be located in a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants or in a city of the fourth classification with more than four thousand three hundred but fewer than four thousand four hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants;

(c) Have maintained at least two thousand jobs at the proposed economic development project site each year for a period of four years preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made and during the year in which said application is made;

(d) Retain, at the proposed economic development project site, the level of employment that existed at the site in the taxable year immediately preceding the year in which application for the program, authorized by sections 100.700 to 100.850, is made. Retention of such level of employment shall commence three years from the date of issuance of the certificates and continue for the duration of the certificates; and

(e) Invest a minimum of five hundred million dollars in the economic development project by the end of the third year after the issuance of the certificates under this program;

(11) "New job", a job in a new or expanding eligible industry not including jobs of recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the state. For an essential industry, an existing job may be considered a new job for the purposes of the program authorized by sections 100.700 to 100.850;

(12) "Office industry", a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company, or a credit card billing and processing center;

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(13) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, and funding and maintenance of a debt service reserve fund to secure such certificates. Program costs shall include:

(a) Obligations incurred for labor and obligations incurred to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction, installation or equipping of an economic development project;

(b) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

(c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, installation or equipping of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(d) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations and supervision of construction, as well as the costs for the performance of all the duties required by or consequent upon the acquisition, construction, installation or equipping of an economic development project;

(e) All costs which are required to be paid under the terms of any contract or contracts for the acquisition, construction, installation or equipping of an economic development project; and

(f) All other costs of a nature comparable to those described in this subdivision;

(14) "Program services", administrative expenses of the board, including contracted professional services, and the cost of issuance of certificates;

(15) "Targeted industry", an industry or one of a cluster of industries that is identified by the department as critical to the state's economic security and growth [and affirmed as such by the joint committee on economic development policy and planning established in section 620.602].

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**104.342. CERTAIN TEACHERS EMPLOYED BY STATE TO BE MEMBERS, WHEN — MAY ELECT TO REMAIN MEMBERS OF PUBLIC SCHOOL RETIREMENT SYSTEM, PROCEDURE, ELECTION FOR CERTAIN TEACHERS REQUIRED TO BE MADE, WHEN — EFFECT OF FAILURE TO MAKE ELECTION — NEWLY EMPLOYED TEACHERS TO BECOME MEMBERS OF STATE SYSTEM — EMPLOYEES AT TIME OF SERVICE NOT COVERED BY FEDERAL SOCIAL SECURITY, EFFECT — CERTAIN EMPLOYEES ELECTING TO REMAIN IN SCHOOL RETIREMENT SYSTEM ENTITLED TO REFUND PLUS INTEREST, WHEN — CERTAIN TEACHERS REMAINING IN SCHOOL RETIREMENT SYSTEM TO BE NONCONTRIBUTORY MEMBERS. — 1.** Any person hired by the state on or after August 13, 1986, in any of the positions described in this subsection shall be a member of the system from the date on which such employment begins. This subsection shall apply to any person duly certified under the law governing the certification of teachers who is employed full time:

(1) As a teacher by the division of youth services;

(2) As a teacher by a division of the state department of social services and who renders services in a school whose standards of education are set and which is supervised by a public school officer of the county in which the school is located, by the department of elementary and secondary education or by the coordinating board for higher education;

(3) As a teacher by the section of inmate education of the department of corrections;

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(4) In either a teaching or supervisory teaching capacity by the department of mental health, in which his or her duties include participation in the educational program of the department of mental health.

2. Any person employed in any of the positions described in subsection 1 of this section immediately prior to and on August 13, 1986, may elect, in writing, to:

(1) Become a member of the Missouri state employees' retirement system effective January 1, 1987. Any person who, by virtue of an election made under this subdivision, becomes a member of the Missouri state employees' retirement system shall be entitled to creditable prior service credit for service rendered in any of the positions described in subsection 1 of this section. Members who so elect shall be eligible, upon written request filed with the public school retirement system, to receive a refund of their accumulated contributions including interest of six percent and upon payment of such refund, the public school retirement systems shall pay to the state employees' retirement system before June 30, 1987, an amount equal to the amount paid the public school retirement system on behalf of each member so electing by the member's employer; or

(2) Remain a member of the public school retirement system of Missouri created under sections 169.010 to 169.140. Any person entitled to make the election provided by this subsection who does not make such election, in writing, by January 1, 1987, shall be deemed to have elected to be governed by subdivision (1) of this subsection.

3. Any person who is employed on a full-time basis by Truman State University, Northwest Missouri State University, **University of Central Missouri** [State University], Southeast Missouri State University, [Southwest] Missouri State University, Harris-Stowe State College or Missouri Southern State [College] **University**, and Missouri Western State [College] **University** shall be a member of the system; except that any person who is duly certified under the laws governing the certification of teachers and who is a full-time employee of such institution or institutions on June 14, 1989, and is contributing because of such employment to a retirement system established under sections 169.010 to 169.140 or sections 169.410 to 169.540, may make an election to continue in that retirement system if such election is made on or before December 31, 1989. This election shall not apply to any such person who commenced receiving retirement benefits prior to January 1, 1990, from any state retirement system because of such service.

4. Effective January 1, 1990, only after an affirmative referendum in accordance with section 105.353, any person who is employed on a full-time basis by the department of elementary and secondary education shall be a member of the system; except that any person duly certified under the law governing the certification of teachers who is a full-time employee at any time during the period extending from June 14, 1989, through December 31, 1989, and is contributing because of such employment to the retirement system established under sections 169.010 to 169.140, may elect to continue in that retirement system if such election is made on or before December 31, 1989. This election shall not apply to any such person who commenced receiving retirement benefits prior to January 1, 1990, from any state retirement system because of such service.

5. On June 14, 1989, all newly employed persons in the positions described in subsection 3 of this section shall become members of the Missouri state employees' retirement system. Effective January 1, 1990, and only after an affirmative referendum provided for in subsection 4 of this section, all newly employed persons in the positions described in subsection 4 of this section shall become members of the Missouri state employees' retirement system.

6. Any employee actively employed on June 14, 1989, who, because of employment in a position described in subsection 1, 3 or 4 of this section, has creditable service in this system for such employment which at the time the service was rendered was not covered by the federal Social Security Act, shall remain in this system and be entitled to the benefits provided under subdivision

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(1) of subsection 7 of this section; except that any such employee who has creditable service in this system because of employment in a position described in subsection 4 of this section which is not covered by the federal Social Security Act on January 1, 1990, shall not be entitled to the benefits provided under subdivision (1) of subsection 7 of this section for such creditable service.

7. Any person entitled to make the election provided by subsection 3 or 4 of this section, who does not make such election, in writing, on or before December 31, 1989, shall be deemed to have elected to be governed by subdivision (1) of this subsection:

(1) Those persons described in subsections 3 and 4 of this section who elect or have elected by written request filed with the board to be members of this system, shall be entitled to creditable prior service for service rendered in any of the positions described in subsections 1, 3 and 4 of this section. Any person who so elects shall be eligible, upon written request filed with the board on or before March 31, 1990, with the retirement system established under sections 169.010 to 169.140 or sections 169.410 to 169.540, to receive a refund of the member's accumulated contributions for the creditable service in any of the positions described in subsections 1, 3 and 4 of this section, plus interest at an annual rate of six percent computed on the refundable balance, if any, in the member's account in that retirement system as of June 30, 1989. Such refunds shall be made prior to June 1, 1990. If any creditable prior service transferred under subsection 1, 3 or 4 of this section, or subsection 3 of section 104.372, includes periods of service not covered by the federal Social Security Act, as provided in sections 105.300 to [105.445] **105.430**, then, in calculating the benefit amount payable to such member, the normal annuity shall be an amount equal to two and one-tenth percent of the average compensation of the member multiplied by the number of years of such creditable service for the positions described in subsections 1, 3 and 4 of this section not covered by the federal Social Security Act in addition to an amount payable under section 104.374 for all service covered by the federal Social Security Act. The normal annuity as described in this subdivision shall be adjusted for early retirement, if applicable;

(2) Any person described in subsections 3 and 4 of this section, who elects to remain in one of the retirement systems established under sections 169.010 to 169.140 or sections 169.410 to 169.540, shall, notwithstanding any provision of chapter 169 to the contrary, be a noncontributing member of such system and shall receive a refund of the member's accumulated contributions for the creditable service in any of the positions described in subsection 1, 3 or 4 of this section, plus interest at an annual rate of six percent computed on the refundable balance, if any, in the member's account in that retirement system as of June 30, 1989. Such refunds shall be made prior to June 1, 1990. At the time of retirement under the provisions of sections 169.010 to 169.140 or sections 169.410 to 169.540, such person shall receive a retirement benefit computed under the then existing law of that retirement system; except that, for any person employed in a position described in subsection 4 of this section, the benefit shall be the amount computed as though the position were not covered by the federal Social Security Act, reduced by the amount of any federal Social Security benefit the person may receive which is attributable to service rendered in the positions described in subsection 4 of this section after December 31, 1989.

8. Upon payment of the refunds provided in subdivision (1) of subsection 7 of this section, each refunding retirement system shall pay to the state employees' retirement system, by December 31, 1990, an amount actuarially determined to equal the liability transferred from such retirement systems. At least ninety days before each regular session of the general assembly the board of trustees of the affected public school retirement system shall certify to the division of budget an actuarially determined estimate of the amount which will be necessary during the next appropriation period to pay all liabilities, including costs of administration, which shall exist or accrue under subsections 1 through 7 of this section during such period. The estimate shall be

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computed as a level percentage of payroll compensation to cover the normal cost and to amortize the accrued liability over a period not to exceed forty years. The commissioner of administration shall request appropriation of the amount calculated under the provisions of this subsection. The commissioner of administration monthly shall requisition and certify the payment to the executive secretary of the appropriate school retirement system.

9. Notwithstanding any provisions of chapter 169 to the contrary, any member who becomes a member under the provisions of subsection 2, 5, or 7 of this section and who has creditable service with a public school retirement system under that chapter because of employment with any employer other than those defined in subsection 1, 3, or 4 of this section shall immediately vest in that public school retirement system and upon attainment of the minimum retirement age of that system shall be entitled to a monthly benefit based on such creditable service and the law in effect at that time, provided the person does not elect to withdraw the member's accumulated contributions for such creditable service from that public school retirement system.

10. Effective July 1, 1988, the Lincoln University board of curators shall terminate the Lincoln University retirement, disability and death benefit plan and shall purchase through competitive bids annuities adequate to cover the liability for all benefits presently being paid from such plan to former employees or their surviving beneficiaries upon the death of the employee as provided by such plan at the time of the commencement of benefits to such former employees or beneficiaries. Lincoln University shall pay to the Missouri state employees' retirement system on or before July 1, 1988, an amount equal to all funds and securities thereon contained in the Lincoln University retirement, disability and death benefit plan less the amount needed to purchase annuities for retiree and survivor benefits.

11. Effective July 1, 1988, the Lincoln University board of curators shall certify to the board of trustees of the Missouri state employees' retirement system all persons eligible to receive but not yet receiving benefits under the Lincoln University retirement, disability and death benefit plan, for service prior to June 30, 1988, together with the amounts payable and supporting documentation as to the methods, plan provisions and data used to calculate such benefits, to the satisfaction of the board of trustees of the Missouri state employees' retirement system, and the Missouri state employees' retirement system shall assume responsibility for payment of such benefits in the future.

12. Any person employed on a full-time basis by Lincoln University on or after July 1, 1988, shall become a member of the Missouri state employees' retirement system, and may elect in writing to receive creditable prior service for all full-time service to Lincoln University if such service is not now credited the member under the Missouri state employees' retirement system, and provided the member elects in writing to forfeit all rights accrued under the Lincoln University retirement, disability and death benefit plan for such service.

13. (1) Any person who is employed by Harris-Stowe State College as a teacher or administrator on August 28, 1995, who was employed full time by Harris-Stowe College prior to September 1, 1978, who became a member of the Missouri state employees' retirement system on or after September 1, 1978, and who has been continuously employed by the college, may purchase creditable prior service for any service rendered to Harris-Stowe College prior to September 1, 1978, which is not otherwise credited under the Missouri state employees' retirement system, not to exceed twelve years;

(2) Any person eligible to purchase creditable prior service under the provisions of subdivision (1) of this subsection may make written application to the board of trustees of the Missouri state employees' retirement system prior to retirement, but not later than April 1, 1996. The purchase shall be effected by

the member and the public school retirement system of which the member was previously a member paying to the Missouri state employees' retirement system the following amounts:

(a) The amount contributed by the employee to the St. Louis public school retirement system during the years of prior service with Harris-Stowe College for which the employee seeks to purchase creditable prior service in the Missouri state employees' retirement system, including interest which may have been credited to the member's individual account with the system, or which would have been credited to the account had it remained with the St. Louis public school retirement system; and

(b) An amount which shall not be less than zero and which shall equal the actuarial accrued liability of the St. Louis public school retirement system for the prior service, determined as of the transfer date as if the member were still in active service covered by the St. Louis public school retirement system, less the amount stipulated in paragraph (a) of this subdivision;

(c) If the member had received a refund of contributions related to service covered by the St. Louis public school retirement system, the amount stipulated in paragraph (a) of this subdivision shall be paid to the Missouri state employees' retirement system by the member, otherwise, such amount shall be paid to the Missouri state employees' retirement system by the St. Louis public school retirement system;

(3) Any amount payable to the Missouri state employees' retirement system by the member may be paid in a lump sum or in monthly installments. If paid in monthly installments, the period over which payments are being made may not extend beyond the earlier of the member's retirement date or April 1, 1997, and shall include interest at a rate established by the board of trustees of the Missouri state employees' retirement system;

(4) Any amounts payable to the Missouri state employees' retirement system by the St. Louis public schools retirement system shall be paid in a lump sum and shall not be paid later than the earlier of the member's retirement date or April 1, 1997, and shall include interest at a rate established by the board of trustees of the Missouri state employees' retirement system;

(5) Any person who elects to purchase creditable prior service under the provisions of this section shall file with the St. Louis public school retirement system an irrevocable waiver and release of any rights and benefits in that system for the creditable prior service being purchased. The member shall file with the Missouri state employees' retirement system a copy of the waiver and an affidavit stating that he or she is no longer eligible to receive benefits or credits in any other retirement system for the creditable prior service being purchased];

(6) All retirement plans defined under section 105.660 shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission].

14. In no event shall any person receive service credit for the same period of service under more than one retirement system.

EXPLANATION: THIS SECTION CONTAINS OBSOLETE REFERENCES:

**104.620. CONTRIBUTION REFUND TO MEMBERS — EFFECT ON BENEFITS — RECORD RETENTION — REVERSION TO CREDIT OF FUND, WHEN — REVERSION OF UNCLAIMED BENEFITS, WHEN — REFUND RECEIVED, WHEN. — 1.** Any member who has not received a lump sum payment equal to the sum total of the contributions that the member paid into the retirement system, plus interest credited to his or her account, shall be entitled to such a lump sum payment. Lump sum payments made pursuant to this section shall not be reduced by any retirement benefits

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which a member is entitled to receive, but shall be paid in full out of appropriate funds pursuant to appropriations for this purpose.

2. In the event any accumulated contributions standing to a [member of the Missouri state employees' retirement system's] **member's** credit remains unclaimed by such member for a period of four years or more, such accumulated contributions shall automatically revert to the credit of the fund [for the Missouri state employees' retirement system]. If an application is made, after such reversion, for such accumulated contributions, the board shall pay such contributions from the fund [for the Missouri state employees' retirement system]; except that, no interest shall be paid on such funds after the date of the reversion to the fund [for the Missouri state employees' retirement system].

3. In the event any amount is due a deceased member, survivor, or beneficiary who dies after September 1, 2002, and the member's survivor's or beneficiary's financial institution is unable to accept the final payments due to the member, survivor, or beneficiary, such amount shall be paid to the person or entity designated in writing as beneficiary to receive such amount by such member, survivor, or beneficiary. The member, survivor, or beneficiary may designate in writing a beneficiary to receive any final payment due after the death of a member, survivor, or beneficiary pursuant to this chapter. If no living person or entity so designated as beneficiary exists at the time of death, such amount shall be paid to the surviving spouse married to the deceased member, survivor, or beneficiary at the time of death. If no surviving spouse exists, such amount shall be paid to the surviving children of such member, survivor, or beneficiary in equal parts. If no surviving children exist, such amount shall be paid to the surviving parents of such member, survivor, or beneficiary in equal parts. If no surviving parents exist, such amount shall be paid to the surviving brothers or sisters of such member, survivor, or beneficiary in equal parts. If no surviving brothers or sisters exist, payment may be made as otherwise permitted by law. Notwithstanding this subsection, any amount due to a deceased member as payment of all or part of a lump sum pursuant to section 104.625 shall be paid to the member's surviving spouse married to the member at the time of death, and otherwise payment may be made as provided in this subsection. In the event any amount that is due to a person from either system remains unclaimed for a period of four years or more, such amount shall automatically revert to the credit of the fund of the member's system. If an application is made after such reversion for such amount, the board shall pay such amount to the person from the board's fund, except that no interest shall be paid on such funds after the date of the reversion to the fund.

4. The beneficiary of any member who purchased creditable service [in the Missouri state employees' retirement system] shall receive a refund upon the member's death equal to the amount of any purchase less any retirement benefits received by the member unless an annuity is payable to a survivor or beneficiary as a result of the member's death. In that event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount of the member's purchase of service less any annuity amounts received by the member and the survivor or beneficiary.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**104.1024. RETIREMENT, APPLICATION — ANNUITY PAYMENTS, HOW PAID, AMOUNT — ELECTION TO RECEIVE ANNUITY OR LUMP SUM PAYMENT FOR CERTAIN EMPLOYEES, DETERMINATION OF AMOUNT.** — 1. Any member who terminates employment may retire on or after attaining normal retirement eligibility by making application in written form and manner

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approved by the appropriate board. The written application shall set forth the annuity starting date which shall not be earlier than the first day of the second month following the month of the execution and filing of the member's application for retirement nor later than the first day of the fourth month following the month of the execution and filing of the member's application for retirement. The payment of the annuity shall be made the last working day of each month, providing all documentation required under section 104.1027 for the calculation and payment of the benefits is received by the board.

2. A member's annuity shall be paid in the form of a life annuity, except as provided in section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the final average pay of the member multiplied by the member's years of credited service.

3. The life annuity defined in subsection 2 of this section shall not be less than a monthly amount equal to fifteen dollars multiplied by the member's full years of credited service.

4. If as of the annuity starting date of a member who has attained normal retirement eligibility the sum of the member's years of age and years of credited service equals eighty or more years and if the member's age is at least forty-eight years but less than sixty-two years, or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provision of section 104.080, the mandatory retirement age and completion of five years of credited service, then in addition to the life annuity described in subsection 2 of this section, the member shall receive a temporary annuity equal to eight-tenths of one percent of the member's final average pay multiplied by the member's years of credited service. The temporary annuity and any cost-of-living adjustments attributable to the temporary annuity pursuant to section 104.1045 shall terminate at the end of the calendar month in which the earlier of the following events occurs: the member's death or the member's attainment of the earliest age of eligibility for reduced Social Security retirement benefits, but no later than age sixty-two.

5. The annuity described in subsection 2 of this section for any person who has credited service not covered by the federal Social Security Act, as provided in sections 105.300 to [105.445] **105.430**, shall be calculated as follows: the life annuity shall be an amount equal to two and five-tenths percent of the final average pay of the member multiplied by the number of years of service not covered by the federal Social Security Act in addition to one and seven-tenths percent of the final average pay of the member multiplied by the member's years of credited service covered by the federal Social Security Act.

6. Effective July 1, 2002, any member, except an elected official or a member of the general assembly, who has not been paid retirement benefits and continues employment for at least two years beyond the date of normal retirement eligibility, may elect to receive an annuity and lump sum payment or payments, determined as follows:

(1) A retroactive starting date shall be established which shall be a date selected by the member; provided, however, that the retroactive starting date selected by the member shall not be a date which is earlier than the date when a normal annuity would have first been payable. In addition, the retroactive starting date shall not be more than five years prior to the annuity starting date. The member's selection of a retroactive starting date shall be done in twelve-month increments, except this restriction shall not apply when the member selects the total available time between the retroactive starting date and the annuity starting date;

(2) The prospective annuity payable as of the annuity starting date shall be determined pursuant to the provisions of this section, with the exception that it shall be the amount which would have been payable at the annuity starting date had the member actually retired on the retroactive starting date under the retirement plan selected by the member. Other than for the lump

sum payment or payments specified in subdivision (3) of this subsection, no other amount shall be due for the period between the retroactive starting date and the annuity starting date;

(3) The lump sum payable shall be ninety percent of the annuity amounts which would have been paid to the member from the retroactive starting date to the annuity starting date had the member actually retired on the retroactive starting date and received a life annuity. The member shall elect to receive the lump sum amount either in its entirety at the same time as the initial annuity payment is made or in three equal annual installments with the first payment made at the same time as the initial annuity payment;

(4) Any annuity payable pursuant to this section that is subject to a division of benefit order pursuant to section 104.1051 shall be calculated as follows:

(a) Any service of a member between the retroactive starting date and the annuity starting date shall not be considered credited service except for purposes of calculating the division of benefit; and

(b) The lump sum payment described in subdivision (3) of this section shall not be subject to any division of benefit order; and

(5) For purposes of determining annual benefit increases payable as part of the lump sum and annuity provided pursuant to this section, the retroactive starting date shall be considered the member's date of retirement.

EXPLANATION: THESE SECTIONS CONTAIN OBSOLETE REFERENCES:

**104.1042. LONG-TERM DISABILITY, EFFECT ON RETIREE'S ANNUITY.** — 1. Any member [who is in the Missouri state employees' retirement system] pursuant to the year 2000 plan created by sections 104.1003 to 104.1093 and who becomes disabled and qualifies for long-term disability benefits and retires after August 28, 1999, or who becomes disabled and qualifies for long-term disability benefits under a program provided by the member's employing department and retires after August 28, 1999, shall continue to accrue credited service and such member's rate of pay for purposes of calculating an annuity pursuant to the year 2000 plan created by sections 104.1003 to 104.1093 shall be the member's regular monthly pay received at the time of disablement, increased thereafter for any increases in the consumer price index. Such increases in the member's monthly pay shall be made annually beginning twelve months after disablement and shall be equal to eighty percent of the increase in the consumer price index during the calendar year prior to the adjustment, but not more than five percent of the member's monthly pay immediately before the increase. Such accruals shall continue until the earliest of receipt of an early retirement annuity, attainment of normal retirement eligibility, or termination of disability benefits.

2. A member described in subsection 1 of this section who continues to be disabled until normal retirement eligibility may elect an annuity starting date upon termination of disability payments and shall receive a normal retirement annuity provided for in section 104.1024.

3. If the member's disability terminates, disability accruals described in subsection 1 of this section shall terminate.

4. Upon termination of disability payments and not returning to a position in which the member is an employee, the member's rights to plan benefits shall be determined as if the member had terminated employment at time of termination of disability payments.

5. Any member who was disabled under the closed plan prior to July 1, 2000, and who returns to a position in which the member is an employee after July 1, 2000, shall be covered under the closed plan and shall be eligible to elect coverage under the new plan as provided by subsection 5 of section 104.1015.

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Matter in bold-face type is proposed language.

**104.1054. BENEFITS ARE OBLIGATIONS OF THE STATE — BENEFITS NOT SUBJECT TO EXECUTION, GARNISHMENT, ATTACHMENT, WRIT OF SEQUESTRATION — BENEFITS UNASSIGNABLE — REVERSION OF BENEFITS, WHEN — REFUND RECEIVED, WHEN.** — 1. The benefits provided to each member and each member's spouse, beneficiary, or former spouse under the year 2000 plan are hereby made obligations of the state of Missouri and are an incident of every member's continued employment with the state. No alteration, amendment, or repeal of the year 2000 plan shall affect the then-existing rights of members, or their spouses, beneficiaries or former spouses, but shall be effective only as to rights which would otherwise accrue hereunder as a result of services rendered by a member after such alteration, amendment, or repeal.

2. Except as otherwise provided in section 104.1051, any annuity, benefit, funds, property, or rights created by, or accruing or paid to, any person covered under the year 2000 plan shall not be subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and shall be unassignable, except with regard to the collection of child support and maintenance, and except that a beneficiary may assign life insurance proceeds. Any retiree may request the executive director, in writing, to withhold and pay on his behalf to the proper person, from each of his monthly annuity payments, if the payment is large enough, the contribution due from the retiree to any group providing state-sponsored life or medical insurance and to the Missouri state employees charitable campaign.

3. The executive director shall, when requested in writing by a retiree, withhold and pay over the funds authorized in subsection 2 of this section until such time as the request to do so is revoked by the death or written revocation of the retiree.

4. In the event any amount is due a deceased member, survivor, or beneficiary who dies after September 1, 2002, and the member's, survivor's, or beneficiary's financial institution is unable to accept the final payments due to the member, survivor, or beneficiary, such amount shall be paid to the person or entity designated in writing as beneficiary to receive such amount by such member, survivor, or beneficiary. The member, survivor, or beneficiary may designate in writing a beneficiary to receive any final payment due after the death of a member, survivor, or beneficiary pursuant to this chapter. If no living person or entity so designated as beneficiary exists at the time of death, such amount shall be paid to the surviving spouse married to the deceased member, survivor, or beneficiary at the time of death. If no surviving spouse exists, such amount shall be paid to the surviving children of such member, survivor, or beneficiary in equal parts. If no surviving children exist, such amount shall be paid to the surviving parents of such member, survivor, or beneficiary in equal parts. If no surviving parents exist, such amount shall be paid to the surviving brothers or sisters of such member, survivor, or beneficiary in equal parts. If no surviving brothers or sisters exist, payment may be made as otherwise permitted by law. Notwithstanding this subsection, any amount due to a deceased member as payment of all or part of a lump sum pursuant to subsection 6 of section 104.1024 shall be paid to the member's surviving spouse married to the member at the time of death, and otherwise payment may be made as provided in this subsection. In the event any amount that is due to a person from either system remains unclaimed for a period of four years or more, such amount shall automatically revert to the credit of the fund of the member's system. If an application is made for such amount after such reversion, the board shall pay such amount to the person from the board's fund, except that no interest shall be paid on such amounts after the date of the reversion to the fund.

5. All annuities payable pursuant to the year 2000 plan shall be determined based upon the law in effect on the last date of termination of employment.

6. The beneficiary of any member who purchased creditable service [in the Missouri state employees' retirement system] shall receive a refund upon the member's death equal to the amount

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Matter in bold-face type is proposed language.

of any purchase less any retirement benefits received by the member unless an annuity is payable to a survivor or beneficiary as a result of the member's death. In such event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount of the member's purchase of services less any annuity amounts received by the member and the survivor or beneficiary.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**105.300. DEFINITIONS.** — When used in sections 105.300 to [105.440] **105.430**, the following terms mean:

(1) "Applicable federal law", those provisions of the federal law, including federal regulations and requirements issued pursuant thereto which provide for the extension of the benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.) to employees of states, political subdivisions and their instrumentalities;

(2) "Employee", elective or appointive officers and employees of the state, including members of the general assembly, and elective or appointive officers and employees of any political subdivision of the state, including county officers remunerated wholly by fees from sources other than county funds, or any instrumentality of either the state or such political subdivisions; and employees of a group of two or more political subdivisions of the state organized to perform common functions or services;

(3) "Employee tax", the tax imposed by section 1400 of the federal Internal Revenue Code of 1939 and section 3101 of the federal Internal Revenue Code of 1954;

(4) "Employment", any service performed by any employee of the state or any of its political subdivisions or any instrumentality of either of them, which may be covered, under applicable federal law, in the agreement between the state and the [Secretary of Health, Education and Welfare] **Commissioner of the Social Security Administration**, except services, which in the absence of an agreement entered into under sections 105.300 to [105.440] **105.430** would constitute "employment" as defined in section 210 of the Social Security Act (42 U.S.C.A. § 410); any services performed by an employee as a member of a coverage group, in positions covered by a retirement system on the date such agreement is made applicable to such coverage group, which retirement system is supported wholly or in part by the state or any of its instrumentalities or political subdivisions, shall not be considered as "employment" within the meaning of sections 105.300 to [105.440] **105.430**; however, service which under the Social Security Act may be included only upon certification by the governor **or designee** in accordance with section 218(d)(3) of that act shall be included in the term "employment" if and when the governor **or designee** issues, with respect to such service, a certificate to the [Secretary of Health, Education and Welfare pursuant to] **Commissioner of the Social Security Administration under** section 105.353;

(5) "Federal agency", any federal officer, department, or agency which is charged on behalf of the federal government with the particular federal function referred to in connection with such term;

(6) "Federal Insurance Contributions Act", subchapter A of chapter 9 of the federal Internal Revenue Code of 1939 and subchapters A and B of chapter 21 of the federal Internal Revenue Code of 1954, as such codes have been and may be amended;

(7) "Instrumentality", an instrumentality of a state or of one or more of its political subdivisions but only if such instrumentality is a juristic entity which is legally separate and distinct from the state or such political subdivision and whose employees are not by virtue of their relation to such juristic entity employees of the state or such subdivision;

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(8) "Political subdivision", any county, township, municipal corporation, school district, or other governmental entity of equivalent rank;

(9) "Social Security Act", the act of Congress approved August 14, 1935, Title 42, Chapter 7, United States Code, officially cited as the "Social Security Act", (42 U.S.C.A. § 401, et seq.), as such act has been and may from time to time be amended;

(10) "State administrator", director, division of accounting, office of administration;

(11) "State agency", office of administration, division of accounting;

(12) "Wages", all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that the term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the federal Insurance Contributions Act, would not constitute "wages" within the meaning of that act.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**105.310. FEDERAL-STATE AGREEMENT — CONTENTS — SERVICES COVERED.** — 1. The state agency, with the approval of the governor, shall enter into on behalf of the state an agreement with the [Secretary of Health and Human Services] **Commissioner of the Social Security Administration**, consistent with sections 105.300 to [105.440] **105.430**, for the purpose of extending the benefits of the federal old age and survivors insurance system to employees of the state or of any of its political subdivisions, or of any instrumentality of any one or more of them, with respect to services specified in such agreement, which constitute employment as defined in section 105.300. Such agreement may contain provisions relating to coverage, benefits, contributions, effective date, modifications and termination of the agreement, administration and other appropriate provisions, and except as otherwise required by the Social Security Act as to the services to be covered, such agreement shall provide that benefits will be granted to employees whose services are covered by the agreement, their dependents and survivors, on the same basis as though the services constituted employment within the meaning of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.).

2. A modification entered into after December 31, 1954, and prior to January 1, 1958, may be effective with respect to services performed after December 31, 1954, or after a later date specified in the modification.

3. All services which constitute employment as defined in section 105.300 and are performed in the employ of the state by employees of the state shall be covered by the agreement.

4. [All services shall be covered by the agreement which:

(1) Constitute employment as defined in section 105.300;

(2) Are performed in the employ of a political subdivision or in the employ of an instrumentality of either the state or a political subdivision; except services performed in the employ of any municipality in connection with its operation of a public transportation system as defined in section 210(1) of the Social Security Act (42 U.S.C.A. § 410); and there is hereby granted to the governing body of such municipality and the officers in charge of such transportation system such powers and authority as may be necessary to comply with the Social Security Act in extending the benefits of the federal old age and survivors insurance system to the employees of such public transportation system; and

(3) Are covered by a plan which is in conformity with the terms of the agreement approved by the state agency under section 105.350] **Services which constitute employment as defined in section 105.300 and Section 210 of the Social Security Act, 42 U.S.C. Section 410, and are**

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performed in the employ of a political subdivision or instrumentality of the state may be covered as defined by the terms of the agreement; except for specific services required in Section 210(7)(F) of the Social Security Act (42 U.S.C. 410, as amended) for which such sections are excluded from coverage.

5. As modified the agreement shall include all services described in either subsection 3 or 4 of this section and performed by individuals in positions covered by a retirement system with respect to which the governor or designee has issued a certificate to the [Secretary of Health and Human Services pursuant to] **Commissioner of the Social Security Administration under** section 105.353.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**105.330. AGREEMENTS WITH BISTATE INSTRUMENTALITY, HOW MADE.** — Any instrumentality jointly created by this state and any other state or states is hereby authorized upon the granting of like authority by such other state or states:

(1) To enter into an agreement with the [Secretary of Health, Education and Welfare] **Commissioner of the Social Security Administration** whereby the benefits of the federal old age and survivors insurance system shall be extended to employees of such instrumentality;

(2) To require its employees to pay, and for that purpose deduct from their wages, contributions equal to the amounts which they would be required to pay under section 105.340, subsection 1, if they were covered by an agreement made pursuant to section 105.310;

(3) To make payments to the Secretary of the Treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement, to the extent practicable, shall be consistent with the provisions of sections 105.300 to [105.440] **105.430.**

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**105.340. CONTRIBUTIONS BY STATE EMPLOYEES, LIABILITY FOR — COLLECTION.** — 1. Every employee of the state whose services are covered by an agreement entered into under section 105.310 shall be required to pay for the period of coverage to the trustee contributions with respect to wages equal to the amount of the employee tax which would be imposed by the Federal Insurance Contributions Act (26 U.S.C.A. § 1400). The liability shall arise in consideration of the employee's retention in the service, or his entry upon service after the passage of sections 105.300 to [105.440] **105.430.**

2. The contributions imposed by this section shall be collected by the trustee by deducting the amount of the contributions from wages paid, but failure to make the deductions shall not relieve the employee from liability for the contribution.

3. If more or less than the correct amount of the employee's contribution is paid or deducted with respect to any remuneration, proper adjustments or refund shall be made, without interest, in such manner and at such times as the state agency shall prescribe.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**105.350. AGREEMENTS BETWEEN THE STATE AND ITS POLITICAL SUBDIVISIONS — CONTENTS.** — 1. Each political subdivision of the state and each instrumentality of the state or of

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a political subdivision may submit for approval by the state agency a plan for extending the benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.) to its employees, and are hereby authorized to, by proper ordinance or resolution, enter into and ratify any such agreement upon its approval as aforesaid. Two or more political subdivisions or instrumentalities may form a joint plan if, in the absence of such joint plan, because of the requirements of the agreement entered into pursuant to section 105.310, or because of any requirement imposed by federal law, any subdivision included in such unit would be unable to submit an approvable plan.

2. Each plan or any amendment thereof shall be approved by the state agency if it finds that such plan is in conformity with the requirements provided by the regulations of the state agency, except that no plan shall be approved unless:

(1) It is in conformity with the requirements of the applicable federal law and with the agreement entered into under section 105.310;

(2) It provides that all services which constitute employment as defined in section 105.300 and are performed in the employ of the political subdivision or instrumentality, or in the employ of any member of a joint coverage unit are covered by the plan;

(3) It specifies the source or sources from which the funds necessary to make the payments required by section 105.370 are to be derived and contains reasonable assurance that such sources will be adequate for such purpose;

(4) It provides for methods of administration of the plan by the political subdivision or instrumentality or members of the joint coverage unit as are found by the state agency to be necessary for the proper and efficient administration of the plan[;

(5) It provides that the political subdivision or instrumentality or members of the joint coverage unit shall make reports, in the form and containing such information as the state agency may from time to time require, and that it shall comply with all provisions which the state or federal agency may find necessary to assure the correctness and verification of such reports].

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**105.353. REFERENDUM ON INCLUSION OF MEMBERS OF EXISTING RETIREMENT SYSTEMS — NOTICE — AGREEMENT FOR COVERAGE.** — 1. Upon the request of the governing body of a **coverage group covered by a** retirement system, the governor shall authorize a referendum supervised by the office of administration, in accordance with the requirements of section 218(d)(3) of the Social Security Act, on the question of whether service in positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under sections 105.300 to [105.440] **105.430**. The notice required by section 218(d)(3)(C) of the Social Security Act to be given to employees shall contain or be accompanied by a statement, in such form and detail necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under sections 105.300 to [105.440] **105.430**. The public school retirement system of Missouri shall constitute a single retirement system and vote in a single referendum except that each state college and teachers' college and the department of elementary and secondary education shall be treated as a separate retirement system, shall vote in a separate referendum and shall determine its coverage independently of action taken by any other entity.

2. Upon receiving evidence satisfactory to him that with respect to any referendum the conditions specified in section 218(d)(3) of the Social Security Act have been met, the governor

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or designee shall so certify to the [Secretary of Health, Education and Welfare] **Commissioner of the Social Security Administration.**

3. In the event the employees in positions covered by the public school retirement system of Missouri, except employees of any state college [or state teachers' college], vote to be included under an agreement under sections 105.300 to [105.440] **105.430**, the employing political subdivision, instrumentalities and the state shall enter into and execute an agreement with the state agency for extending the benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.) to their employees.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**105.370. CONTRIBUTIONS BY POLITICAL SUBDIVISIONS AND EMPLOYEES — LIABILITY FOR.** — 1. Each political subdivision or instrumentality whose plan has been approved under section 105.350 shall pay to the [trustee with respect to wages at such times as the state agency may prescribe contributions in the amounts and at the rates specified in the agreement entered into by the state agency] **Internal Revenue Service contributions, together with any applicable interest and penalties, in the amounts and at the rates prescribed by federal law.**

2. Each political subdivision or instrumentality required to make payments under sections 105.300 to [105.440] **105.430** is authorized, in consideration of the employee's retention in, or entry upon, employment after the passage of sections 105.300 to [105.440] **105.430**, to impose upon its employees, as to services which are covered by an approved plan, a contribution with respect to wages, not exceeding the amount of the employee tax which would be imposed by the Federal Insurance Contributions Act (26 U.S.C.A. § 1400) and to deduct the amount of the contribution from the wages when paid. Contributions so collected shall be paid to the [trustee] **Internal Revenue Service** in partial discharge of the liability of the political subdivision or instrumentality. Failure to deduct the contribution shall not relieve the employee or employer of liability therefor.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**105.375. OFFICER COMPENSATED SOLELY BY FEES TO REIMBURSE COUNTY FOR CONTRIBUTIONS.** — Any county officer who is compensated wholly by fees derived from sources other than county or state moneys shall pay into the county treasury out of fees received by him amounts equal to the contributions required to be paid by the county under section 105.370 and shall collect from all deputies, assistants and employees in his office and turn over to the officer or agent of the county charged with the payment thereof to the [state agency] **Internal Revenue Service** the amounts required to be collected and paid under section 105.370.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**105.390. STATE TREASURER AS TRUSTEE OF CONTRIBUTIONS — RECEIPT, DEPOSIT AND DISPOSITION OF FUNDS.** — 1. The state treasurer is appointed trustee of the old age and survivors insurance contributions. The trustee shall deposit in one or more banks or trust companies to the credit of the trust the following:

(1) All contributions, interest and penalties collected under [sections 105.340 to 105.385] **section 105.340;**

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(2) All moneys appropriated thereto;  
 (3) [All moneys paid to the state pursuant to any agreement entered into under section 105.350;  
 (4)] Any property or securities and earnings thereof acquired through the use of the moneys in the account; and

[(5)] **(4)** All sums recovered upon the bond of the trustee or otherwise for losses sustained by the account and all other moneys received for the account from any other source.

2. No money shall be deposited in or be retained by any bank or trust company which does not have on deposit with and for the trustee at the time the kind and value of collateral required by section 30.270 for depositories of the state treasurer.

3. All moneys in the trustee's account shall be mingled and undivided. Subject to the provisions of sections 105.300 to [105.440] **105.430**, the trustee is vested with full power, authority and jurisdiction over the account, including all moneys and property or securities belonging thereto, and may perform any and all acts which are necessary to the administration thereof consistent with the provisions of sections 105.300 to [105.440] **105.430**, except that all withdrawals from the trustee's account shall be accompanied by a certification of the director of the division of accounting that the withdrawal is in the correct amount and for a proper and legal purpose.

4. The trustee's account shall be held separate and apart from any other funds or moneys of the state and shall be used and administered exclusively for the purpose of sections 105.300 to [105.440] **105.430**. Withdrawals from such account shall be made solely for:

(1) Payment of amounts required to be paid to the federal agency [pursuant to an agreement entered into under section 105.310];

(2) Payments of refunds provided for in section 105.340; **or**

(3) [Refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality; or

(4)] Investing part or all of the account in United States obligations or for placing part or all of the account in open account time deposits in banking institutions in this state selected by the state treasurer and approved by the governor and state auditor.

5. All interest received from the investment or deposit of funds from this account and all interest and penalties collected but not remitted to the federal agency shall be credited by the state treasurer to general revenue.

6. From his account the trustee shall pay to the federal agency such amounts and at such times as may be directed by the state agency in accordance with any agreement entered into under section 105.310.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**105.400. CERTIFICATION AND TRANSFER OF STATE'S SHARE — CONTRIBUTION FUND. —** The director of the division of accounting at such times as may be prescribed by federal law or regulation shall certify to the state treasurer the amount of the state's share of the contributions required to be paid to the federal agency on account of the officers and employees of each department, division, **or** agency [or unit of state government whose services are covered by an agreement entered into under section 105.310] **of the state**. Thereupon the state treasurer shall immediately transfer such amounts from the proper funds from which the officers and employees were paid to the "Contribution Fund" which is hereby created.

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

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**105.420. ADDITIONAL APPROPRIATIONS FOR FEDERAL PAYMENTS AUTHORIZED.** — There are hereby authorized to be appropriated to the trustee [in addition to the contributions paid into the account under sections 105.340 to 105.375, to be available for the purpose of subsections 4 and 5 of section 105.390, until expended, such additional] **such** sums as are found to be necessary in order to make the payments to the federal agency which the state is obligated to make [pursuant to an agreement entered into under section 105.310].

EXPLANATION: OBSOLETE SOCIAL SECURITY PROVISIONS ARE CHANGED TO BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**105.430. RULES AND REGULATIONS — PUBLICATION.** — The state agency shall make and publish such rules and regulations, not inconsistent with the provisions of sections 105.300 to [105.440] **105.430**, as it finds necessary to the efficient administration of the provisions of sections 105.300 to [105.440] **105.430**.

EXPLANATION: THERE ARE INCORRECT INTERSECTIONAL REFERENCES IN THESE SECTIONS:

**115.003. PURPOSE CLAUSE.** — The purpose of [sections 115.001 to 115.801] **this chapter** is to simplify, clarify and harmonize the laws governing elections. It shall be construed and applied so as to accomplish its purpose.

**115.005. SCOPE OF ACT.** — Notwithstanding any other provision of law to the contrary, [sections 115.001 to 115.801] **the provisions of this chapter** shall apply to all public elections in the state, except elections for which ownership of real property is required by law for voting.

**115.007. PRESUMPTION AGAINST IMPLIED REPEALER.** — No part of [sections 115.001 to 115.801] **the provisions of this chapter** shall be construed as impliedly amended or repealed by subsequent legislation if such construction can be reasonably avoided.

**115.023. ELECTION AUTHORITY TO CONDUCT ALL ELECTIONS — WHICH AUTHORITY, HOW DETERMINED.** — 1. Except as provided in subsections 2 and 3 of this section, each election authority shall conduct all public elections within its jurisdiction.

2. When an election is to be conducted for a political subdivision or special district, and the political subdivision or special district is located within the jurisdiction of more than one election authority, the election authority of the jurisdiction with the greatest proportion of the political subdivision's or special district's registered voters shall be responsible for publishing any legal notice required in this chapter.

3. When an election is to be conducted for a political subdivision or special district, and the political subdivision or special district is located within the jurisdiction of more than one election authority, the affected election authorities may, by contract, authorize one of their number to conduct the election for all or any part of the political subdivision or special district. In any election conducted pursuant to this subsection, the election authority conducting part of an election in an area outside its jurisdiction may consolidate precincts across jurisdiction lines and shall have all powers and duties granted pursuant to this chapter, except the provisions of sections 115.133 to [115.223] **115.221** and sections 115.279 and 115.297, in the area outside its jurisdiction.

4. Notwithstanding the [provision of section 493.030] **provisions of sections 493.025 and 493.027**, whenever the publication of a legal advertisement, legal notice, order of court or public notice of any kind is allowed or required pursuant to this chapter, a newspaper publishing such notice shall charge and

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receive not more than its regular local classified advertising rate. The regular local classified advertising rate is that rate shown by the newspaper's rate schedule as offered to the public, and shall have been in effect for at least thirty days preceding publication of the particular notice to which it is applied.

**115.049. NUMBER OF EMPLOYEES AND SALARIES AUTHORIZED — SALARY ADJUSTMENTS, WHEN.** — 1. Each board of election commissioners in existence on January 1, 1978, shall set the salaries of its employees. Except as provided in subsection 3 of this section, the number of employees of each board and the total yearly amount of all salaries paid to the board's employees shall not exceed the number of employees and the total yearly amount of all salaries authorized on January 1, 1982; except that, in any city which has over three hundred thousand inhabitants and is located in more than one county, the board of election commissioners having jurisdiction in the part of the city situated in the county containing the major portion of the city may set the number of its employees and the total yearly amount of all salaries authorized by statute on January 1, 1982.

2. Each board of election commissioners established after January 1, 1978, shall set the salaries of its employees. Except as provided in subsection 3 of this section, the number of employees of each board and the total yearly amount of all salaries paid to the board's employees shall not exceed the number of employees and the total yearly amount of all salaries authorized on December 31, 1977, for counties of the first class not having a charter form of government [by sections 119.090 and 119.100].

3. If any board of election commissioners wishes to increase the number of its employees or the total yearly amount of all salaries paid to its employees, the board shall deliver a notice of the fact to the presiding officer of the local legislative body or bodies responsible for providing payment of the election commissioners' salaries. The notice shall specify the number of additional employees requested and the additional yearly amount requested by the board and shall include a justification of the increase and a day, not less than ninety days after the notice is delivered, on which the increase is to take effect. Unless any legislative body responsible for approving payment of the election commissioners' salaries adopts a resolution disapproving the increase, the increase shall take effect on the day specified. Any board of election commissioners may implement salary adjustments, after notice to the presiding officer of the local legislative body or bodies responsible for providing payment of the election commissioners' salaries, equal to, but not more than, those adjustments granted to the employees of the local legislative body or bodies without prior legislative approval.

**115.155. REGISTRATION — OATH.** — 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

APPLICATION FOR REGISTRATION

Are you a citizen of the United States?

YES

NO

Will you be 18 years of age on or before election day?

YES

NO

IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS FORM.

IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL DOCUMENT, OTHER

PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI DRIVERS LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

	_____ Township (or Ward)
_____ Name	_____ Precinct
_____ Home Address	_____ Required Personal Identification Information
_____ City                      ZIP	
_____ Date of Birth	_____ Place of Birth (Optional)
_____ Telephone Number (Optional)	_____ Mother's Maiden Name (Optional)
_____ Occupation (Optional)	_____ Last Place Previously Registered
_____ Last four digits of Social Security Number (Required for registration unless no Social Security number exists for Applicant)	_____ Under What Name
Remarks:	

\_\_\_\_\_  
When

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief.

I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.

_____ Signature of Voter	_____ Date
_____ Signature of Election Official	

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2. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

3. Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service within the time established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

4. If, upon receipt by mail of a voter registration application or a voter registration application forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may [have such determination reviewed pursuant to the provisions of section 115.223] **file a complaint with the elections division of the secretary of state's office under section 115.219**. If an applicant for voter registration fails to answer the question on the application concerning United States citizenship, the election authority shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form before the next election.

5. It shall be the responsibility of the secretary of state to prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law.

6. All voter registration applications shall be preserved in the office of the election authority.

**115.177. REGISTRATIONS IN EFFECT JANUARY 1, 1978, TO REMAIN VALID, EXCEPTION.** — Nothing in this subchapter shall be construed in any way as interfering with or discontinuing any person's valid registration which is in effect on January 1, 1978, until such time as the person is required to transfer his registration or to reregister under the provisions of [sections 115.001 to 115.641 and section 51.460] **this chapter**.

**115.227. CONSISTENT PROVISIONS OF GENERAL LAW TO APPLY TO ELECTRONIC VOTING SYSTEMS.** — All provisions of law not inconsistent with sections [8.001 to 8.040] **115.225 to 115.235** shall apply with full force and effect to elections in each jurisdiction using an electronic voting system.

**115.243. PRESIDENT AND VICE PRESIDENT TO BE CONSIDERED ONE CANDIDATE — BALLOT, HOW PRINTED, CONTENTS OF.** — 1. For the purposes of [sections 115.001 to 115.641 and sections 51.450 and 51.460] **this chapter**, the candidates for president and vice president of the United States from any political party or group of petitioners shall be considered one candidate.

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The names of the candidates for president and vice president from each political party or group of petitioners shall be enclosed in a brace directly to the left of the names in the appropriate column on the official ballot. Directly to the left of each brace shall be printed one square, the sides of which are not less than one-fourth inch in length. The names of candidates for presidential electors shall not be printed on the ballot but shall be filed with the secretary of state in the manner provided in section 115.399.

2. A vote for any candidate for president and vice president shall be a vote for their electors.

3. When presidential and vice-presidential candidates are to be elected, the following instruction shall be printed on the official ballot: "A vote for candidates for President and Vice President is a vote for their electors."

**115.247. ELECTION AUTHORITY TO PROVIDE ALL BALLOTS — ERROR IN BALLOT, PROCEDURE TO CORRECT — NUMBER OF BALLOTS PROVIDED — RETURN OF UNUSED BALLOTS — ALL BALLOTS PRINTED AT PUBLIC EXPENSE.** — 1. Each election authority shall provide all ballots for every election within its jurisdiction. Ballots other than those printed by the election authority in accordance with [sections 115.001 to 115.641 and section 51.460] **this chapter** shall not be cast or counted at any election.

2. Whenever it appears that an error has occurred in any publication required by [sections 115.001 to 115.641 and section 51.460] **this chapter**, or in the printing of any ballot, any circuit court may, upon the application of any voter, order the appropriate election authorities to correct the error or to show cause why the error should not be corrected.

3. For each election held in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority may provide for each polling place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters registered in the voting district at the time of the election. For each election, except a general election, held in any county other than a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to at least one and one-third times the number of ballots cast in the voting district served by such polling place at the election held two years before at that polling place or at the polling place that served the voting district in the previous election. For each general election held in any county other than a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to one and one-third times the number of ballots cast in the voting district served by such polling place or at the polling place that served the voting district in the general election held four years prior. When determining the number of ballots to provide for each polling place, the election authority shall consider any factors that would affect the turnout at such polling place. The election authority shall keep a record of the exact number of ballots delivered to each polling place. For purposes of this subsection, the election authority shall not be required to count registered voters designated as inactive pursuant to section 115.193.

4. After the polls have closed on every election day, the election judges shall return all unused ballots to the election authority with the other election supplies.

5. All ballots cast in public elections shall be printed and distributed at public expense, payable as provided in sections [115.061] **115.063** to 115.077.

**115.287. ABSENTEE BALLOT, HOW DELIVERED.** — 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority, or in the case of a covered voter as defined in section 115.902, the method of transmission prescribed in section 115.914. Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant may [appeal the decision of the election authority to the circuit court in the manner provided in section 115.223] **file a complaint with the elections division of the secretary of state's office under section 115.219.**

2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined in an adult boarding facility, **or in an** intermediate care facility, residential care facility, or skilled nursing facility, as defined in section 198.006, in the county in which the jurisdiction is located or in the jurisdiction [or] of an adjacent election authority within the same county, the election authority shall appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. In counties with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may appoint a team to deliver and witness the voting and return of absentee ballots by voters residing at that address, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. Each team appointed pursuant to this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

4. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an absentee ballot.

**115.421. DUTIES OF ELECTION JUDGES TO BE PERFORMED PRIOR TO OPENING OF THE POLLS.** — Before the time fixed by law for the opening of the polls, the election judges shall:

(1) Set up the voting equipment, arrange the furniture, supplies and records and make all other arrangements necessary to open the polls at the time fixed by law;

(2) Post a voter instruction card in each voting booth or machine and in at least one other conspicuous place within the polling place and post a sample ballot in a conspicuous place near the voting booths;

(3) Certify the number of ballots received at each polling place. In each polling place using voting machines, the election judges shall, in lieu of certifying the number of ballots received, certify the number on each voting machine received at the polling place, the number on the seal of each voting machine, the number on the protective counter of each voting machine and that all recording counters on all voting machines at the polling place are set at zero. If a recording counter on any voting machine is not set at zero, the election judges shall immediately notify the election authority and proceed as it directs;

(4) Compare the ballot, ballot label or ballot card and ballot label with the sample ballots, see that the names, numbers and letters agree and certify thereto in the tally book. If the names, numbers or letters do not agree, the election judges shall immediately notify the election authority and proceed as it directs;

(5) Sign the tally book in the manner provided in the form for tally books in section 115.461[,] or 115.473 [or 115.487]. If any election judge, challenger or watcher has not been previously sworn as the law directs, he shall take and subscribe the oath of his office as provided in section 115.091 or 115.109, and the oath shall be returned to the election authority with the tally book.

**115.429. PERSON NOT ALLOWED TO VOTE — APPEAL, HOW TAKEN — VOTER MAY BE REQUIRED TO SIGN AFFIDAVIT, WHEN — FALSE AFFIDAVIT A CLASS ONE OFFENSE. —** 1. The election judges shall not permit any person to vote unless satisfied that such person is the person whose name appears on the precinct register.

2. The identity or qualifications of any person offering to vote may be challenged by any election authority personnel, any registered voter, or any duly authorized challenger at the polling place. No person whose right to vote is challenged shall receive a ballot until his identity and qualifications have been established.

3. Any question of doubt concerning the identity or qualifications of a voter shall be decided by a majority of the judges from the major political parties. If such election judges decide not to permit a person to vote because of doubt as to his identity or qualifications, the person may apply to the election authority [or to the circuit court] as provided in [sections 115.193 and 115.223] **section 115.193 or file a complaint with the elections division of the secretary of state's office under section 115.219.**

4. If the election judges cannot reach a decision on the identity or qualifications of any person, the question shall be decided by the election authority[, subject to appeal to the circuit court as provided in section 115.223].

5. The election judges or the election authority may require any person whose right to vote is challenged to execute an affidavit affirming his qualifications. The election authority shall furnish to the election judges a sufficient number of blank affidavits of qualification, and the election judges shall enter any appropriate information or comments under the title "Remarks" which shall appear at the bottom of the affidavit. All executed affidavits of qualification shall be returned to the election authority with the other election supplies. Any person who makes a false affidavit of qualification shall be guilty of a class one election offense.

**115.453. PROCEDURE FOR COUNTING VOTES FOR CANDIDATES. —** Election judges shall count votes for all candidates in the following manner:

(1) No candidate shall be counted as voted for, except a candidate before whose name a distinguishing mark appears preceding the name and a distinguishing mark does not appear in the square preceding the name of any candidate for the same office in another column. Except as provided in this subdivision and subdivision (2) of this section, each candidate with a distinguishing mark preceding his or her name shall be counted as voted for;

(2) If distinguishing marks appear next to the names of more candidates for an office than are entitled to fill the office, no candidate for the office shall be counted as voted for. If more than one candidate is to be nominated or elected to an office, and any voter has voted for the same candidate more than once for the same office at the same election, no votes cast by the voter for the candidate shall be counted;

(3) No vote shall be counted for any candidate that is not marked substantially in accordance with the provisions of this section. The judges shall count votes marked substantially in accordance with this section and section 115.456 when the intent of the voter seems clear. Regulations promulgated by the secretary of state shall be used by the judges to determine voter intent. No ballot containing any proper votes shall be rejected for containing fewer marks than are authorized by law;

(4) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate for election to office with the proper election authority, who shall then notify the proper filing officer of the write-in candidate prior to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in votes shall be counted only for candidates for election to state or federal office who have filed a declaration of intent to be a write-in candidate for election to state or federal office with the secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday immediately preceding the election day. No person who filed as a party or independent candidate for nomination or election to an office may, without withdrawing as provided by law, file as a write-in candidate for election to the same office for the same term. No candidate who files for nomination to an office and is not nominated at a primary election may file a declaration of intent to be a write-in candidate for the same office at the general election. When declarations are properly filed with the secretary of state, the secretary of state shall promptly transmit copies of all such declarations to the proper election authorities for further action pursuant to this section. The election authority shall furnish a list to the election judges and counting teams prior to election day of all write-in candidates who have filed such declaration. This subdivision shall not apply to elections wherein candidates are being elected to an office for which no candidate has filed. No person shall file a declaration of intent to be a write-in candidate for election to any municipal office unless such person is qualified to be certified as a candidate under section [115.346] **115.306**;

(5) Write-in votes shall be cast and counted for a candidate without party designation. Write-in votes for a person cast with a party designation shall not be counted. Except for candidates for political party committees, no candidate shall be elected as a write-in candidate unless such candidate receives a separate plurality of the votes without party designation regardless of whether or not the total write-in votes for such candidate under all party and without party designations totals a majority of the votes cast;

(6) When submitted to the election authority, each declaration of intent to be a write-in candidate for the office of United States president shall include the name of a candidate for vice president and the name of nominees for presidential elector equal to the number to which the state is entitled. At least one qualified resident of each congressional district shall be nominated as presidential elector. Each such declaration of intent to be a write-in candidate shall be accompanied by a declaration of candidacy for each presidential elector in substantially the form

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set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of presidential elector shall be subscribed and sworn to by the candidate before the election official receiving the declaration of intent to be a write-in, notary public or other officer authorized by law to administer oaths.

**115.507. ANNOUNCEMENT OF RESULTS BY VERIFICATION BOARD, CONTENTS, WHEN DUE — ABSTRACT OF VOTES TO BE OFFICIAL RETURNS.** — 1. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election held within its jurisdiction and shall certify the returns to each political subdivision and special district submitting a candidate or question at the election. The statement shall include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast; provided however, that absentee votes shall not be reported separately where such reporting would disclose how any single voter cast his or her vote. When absentee votes are not reported separately the statement shall include the reason why such reporting did not occur. Nothing in this section shall be construed to require the election authority to tabulate absentee ballots by precinct on election night.

2. The verification board shall prepare the returns by drawing an abstract of the votes cast for each candidate and on each question submitted to a vote of people in its jurisdiction by the state and by each political subdivision and special district at the election. The abstract of votes drawn by the verification board shall be the official returns of the election.

3. Any home rule city with more than four hundred thousand inhabitants and located in more than one county may by ordinance designate one of the election authorities situated partially or wholly within that home rule city to be the verification board that shall certify the returns of such city submitting a candidate or question at any election and shall notify each verification board within the city of that designation by providing each with a copy of such duly adopted ordinance. Not later than the second Tuesday after any election in any city making such a designation, each verification board within the city shall certify the returns of such city submitting a candidate or question at the election to the election authority so designated by the city to be its verification board, and such election authority shall announce the results of the election and certify the cumulative returns to the city in conformance with subsections 1 and 2 of this section not later than ten days thereafter.

4. Not later than the second Tuesday after each election at which the name of a candidate for nomination or election to the office of president of the United States, United States senator, representative in Congress, governor, lieutenant governor, state senator, state representative, judge of the circuit court, secretary of state, attorney general, state treasurer, or state auditor, or at which an initiative, referendum, constitutional amendment or question of retaining a judge subject to the provisions of Article V, [Section 29] **Sections 29(a) to 29(g)** of the State Constitution, appears on the ballot in a jurisdiction, the election authority of the jurisdiction shall mail or deliver to the secretary of state the abstract of the votes given in its jurisdiction, by polling place or precinct, for each such office and on each such question. If mailed, the abstract shall be enclosed in a strong, sealed envelope or envelopes. On the outside of each envelope shall be printed: "Returns of election held in the county of \_\_\_\_\_ (City of St. Louis, Kansas City) on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_," etc.

**115.515. TIE VOTE IN PRIMARY ELECTION, PROCEDURE TO BE FOLLOWED.** — 1. If two or more persons receive an equal number of votes for nomination as a party's candidate for any federal office, governor, lieutenant governor, secretary of state, attorney general, state treasurer, state

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auditor, circuit judge not subject to the provisions of Article V, [Section 29] **Sections 29(a) to 29(g)** of the State Constitution, state senator or state representative, and a higher number of votes than any other candidate for the same office on the same party ballot, the governor shall, immediately after the results of the election have been announced, issue a proclamation stating the fact and ordering a special primary election to determine the party's nominee for the office. The proclamation shall set the date of the election, which shall be not less than fourteen or more than thirty days after the proclamation is issued, and shall be sent by the governor to each election authority responsible for conducting the special primary election. In his proclamation, the governor shall specify the name of each candidate for the office to be voted on at the election, and the special primary election shall be conducted and the votes counted as in other primary elections.

2. If two or more persons receive an equal number of votes for nomination as a party's candidate for any other office, except party committeeman or committeewoman, and a higher number of votes than any other candidate for the same office on the same party ballot, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special primary election to determine the party's nominee for the office. The proclamation shall set the date of the election, which shall be not less than fourteen or more than thirty days after the proclamation is issued, and shall be sent by the officer to each election authority responsible for conducting the special primary election. In his proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special primary election shall be conducted and the votes counted as in other primary elections.

3. As an alternative to the procedure prescribed in subsections 1 and 2 of this section, if the candidates who received an equal number of votes in such election agree to the procedure prescribed in this subsection, the officer with whom such candidates filed their declarations of candidacy may, after notification of the time and place of such drawing given to each such candidate at least five days before such drawing, determine the winner of such election by lot. Any candidate who received an equal number of votes may decline to have his name put into such drawing.

**115.629. FOUR CLASSES OF ELECTION OFFENSES.** — There shall be four classes of election offenses consisting of all offenses arising under [sections 115.001 to 115.641 and sections 51.450 and 51.460] **this chapter**, and such other offenses as are specified by law.

**115.631. CLASS ONE ELECTION OFFENSES.** — The following offenses, and any others specifically so described by law, shall be class one election offenses and are deemed felonies connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) Willfully and falsely making any certificate, affidavit, or statement required to be made pursuant to any provision of [sections 115.001 to 115.641] **this chapter**, including but not limited to statements specifically required to be made "under penalty of perjury"; or in any other manner knowingly furnishing false information to an election authority or election official engaged in any lawful duty or action in such a way as to hinder or mislead the authority or official in the performance of official duties. If an individual willfully and falsely makes any certificate, affidavit, or statement required to be made under section 115.155, including but not limited to statements specifically required to be made "under penalty of perjury", such individual shall be guilty of a class D felony;

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(2) Voting more than once or voting at any election knowing that the person is not entitled to vote or that the person has already voted on the same day at another location inside or outside the state of Missouri;

(3) Procuring any person to vote knowing the person is not lawfully entitled to vote or knowingly procuring an illegal vote to be cast at any election;

(4) Applying for a ballot in the name of any other person, whether the name be that of a person living or dead or of a fictitious person, or applying for a ballot in his own or any other name after having once voted at the election inside or outside the state of Missouri;

(5) Aiding, abetting or advising another person to vote knowing the person is not legally entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

(6) An election judge knowingly causing or permitting any ballot to be in the ballot box at the opening of the polls and before the voting commences;

(7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or knowingly practicing any fraud upon a voter to induce him to cast a vote which will be rejected, or otherwise defrauding him of his vote;

(8) An election judge knowingly placing or attempting to place or permitting any ballot, or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the ballot is offered by a qualified voter as provided by law;

(9) Knowingly placing or attempting to place or causing to be placed any false or fraudulent or bogus ballot in a ballot box at any election;

(10) Knowingly removing any legal ballot from a ballot box for the purpose of changing the true and lawful count of any election or in any other manner knowingly changing the true and lawful count of any election;

(11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after it has been voted for the purpose of changing the lawful count of any election;

(12) Knowingly altering, defacing, damaging, destroying or concealing any poll list, report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

(13) On the part of any person authorized to receive, tally or count a poll list, tally sheet or election return, receiving, tallying or counting a poll list, tally sheet or election return the person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of any election;

(14) On the part of any person whose duty it is to grant certificates of election, or in any manner declare the result of an election, granting a certificate to a person the person knows is not entitled to receive the certificate, or declaring any election result the person knows is based upon fraudulent, fictitious or illegal votes or returns;

(15) Willfully destroying or damaging any official ballots, whether marked or unmarked, after the ballots have been prepared for use at an election and during the time they are required by law to be preserved in the custody of the election judges or the election authority;

(16) Willfully tampering with, disarranging, altering the information on, defacing, impairing or destroying any voting machine or marking device after the machine or marking device has been prepared for use at an election and during the time it is required by law to remain locked and sealed with intent to impair the functioning of the machine or marking device at an election, mislead any voter at the election, or to destroy or change the count or record of votes on such machine;

(17) Registering to vote knowing the person is not legally entitled to register or registering in the name of another person, whether the name be that of a person living or dead or of a fictitious person;

(18) Procuring any other person to register knowing the person is not legally entitled to register, or aiding, abetting or advising another person to register knowing the person is not legally entitled to register;

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- (19) Knowingly preparing, altering or substituting any computer program or other counting equipment to give an untrue or unlawful result of an election;
- (20) On the part of any person assisting a blind or disabled person to vote, knowingly failing to cast such person's vote as such person directs;
- (21) On the part of any registration or election official, permitting any person to register to vote or to vote when such official knows the person is not legally entitled to register or not legally entitled to vote;
- (22) On the part of a notary public acting in his official capacity, knowingly violating any of the provisions of [sections 115.001 to 115.627] **this chapter** or any provision of law pertaining to elections;
- (23) Violation of any of the provisions of sections 115.275 to 115.303, or of any provision of law pertaining to absentee voting;
- (24) Assisting a person to vote knowing such person is not legally entitled to such assistance, or while assisting a person to vote who is legally entitled to such assistance, in any manner coercing, requesting or suggesting that the voter vote for or against, or refrain from voting on any question, ticket or candidate;
- (25) Engaging in any act of violence, destruction of property having a value of five hundred dollars or more, or threatening an act of violence with the intent of denying a person's lawful right to vote or to participate in the election process; and
- (26) Knowingly providing false information about election procedures for the purpose of preventing any person from going to the polls.

**115.641. FAILURE TO PERFORM A DUTY UNDER SECTIONS 115.001 TO 115.641 AND SECTIONS 51.450 AND 51.460 A CLASS FOUR OFFENSE — EXCEPTIONS.** — Any duty or requirement imposed by [sections 115.001 to 115.641 and sections 51.450 and 51.460] **this chapter** which is not fulfilled and for which no other or different punishment is prescribed shall constitute a class four election offense.

EXPLANATION: REMOVES LANGUAGE REFERRING TO THE JOINT COMMITTEE ON ECONOMIC POLICY AND PLANNING WHICH WAS REPEALED IN 2014:

**135.210. DESIGNATION AS ENTERPRISE ZONE, PROCEDURE — MAXIMUM NUMBER, EXCEPTIONS — REPORT REQUIRED FROM ALL ZONES — CANCELLATION OF ZONE, PROCEDURE.** — 1. Any governing authority which desires to have any portion of a city or unincorporated area of a county under its control designated as an enterprise zone shall hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation. The governing authority shall notify the director of such hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by such designation at least twenty days prior to the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state the time, location, date and purpose of the hearing. The director, or the director's designee, shall attend such hearing.

2. After a public hearing is held as required in subsection 1 of this section, the governing authority may file a petition with the department requesting the designation of a specific area as an enterprise zone. Such petition shall include, in addition to a description of the physical, social, and economic characteristics of the area:

- (1) A plan to provide adequate police protection within the area;
- (2) A specific and practical process for individual businesses to obtain waivers from burdensome local regulations, ordinances, and orders which serve to discourage economic

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development within the area to be designated an enterprise zone; except that, such waivers shall not substantially endanger the health or safety of the employees of any such business or the residents of the area;

(3) A description of what other specific actions will be taken to support and encourage private investment within the area;

(4) A plan to ensure that resources are available to assist area residents to participate in increased development through self-help efforts and in ameliorating any negative effects of designation of the area as an enterprise zone;

(5) A statement describing the projected positive and negative effects of designation of the area as an enterprise zone; and

(6) A specific plan to provide assistance to any person or business dislocated as a result of activities within the zone. Such plan shall determine the need of dislocated persons for relocation assistance; provide, prior to displacement, information about the type, location and price of comparable housing or commercial property; provide information concerning state and federal programs for relocation assistance and provide other advisory services to displaced persons. Public agencies may choose to provide assistance under the Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. section 4601, et seq. to meet the requirements of this subdivision.

3. [Notwithstanding the provisions of section 135.250, the director of the department of economic development shall, prior to the designation of any enterprise zone, submit to the joint committee on economic development policy and planning, established in section 620.602, rules and regulations pertaining to the designation of enterprise zones. Following approval by the joint committee, such rules and regulations shall be issued pursuant to the provisions of section 536.021. Upon approval of an enterprise zone designation by the department, the director shall submit such enterprise zone designation to the joint committee for its approval. An enterprise zone designation shall be effective upon such approval by the joint committee. The director shall report annually to the joint committee the number and location of all enterprise zones designated, together with the business activity within each designated enterprise zone.

4.] No more than fifty such areas may be designated by the director as an enterprise zone under the provisions of this subsection, except that any enterprise zones authorized apart from this subsection by specific legislative enactment, on or after August 28, 1991, shall not be counted toward the limitation set forth in this subsection. After fifty enterprise zones, plus any others authorized apart from this subsection by specific legislative enactment first designated on or after August 28, 1991, have been designated by the director, additional enterprise zones may be authorized apart from this subsection by specific legislative enactment, except that if an enterprise zone designation is cancelled under the provision of subsection [5] 4 of this section, the director may designate one area as an enterprise zone for each enterprise zone designation which is cancelled.

[5.] 4. Each designated enterprise zone or satellite zone must report to the director on an annual basis regarding the status of the zone and business activity within the zone. On the fifth anniversary of the designation of each zone after August 8, 1989, and each five years thereafter, the director shall evaluate the activity which has occurred within the zone during the previous five-year period, including business investments and the creation of new jobs. [The director shall present the director's evaluation to the joint legislative committee on economic development policy and planning.] If the director finds that the plan outlined in the application for designation was not implemented in good faith, or if such zone no longer qualifies under the original criteria, or if the director finds that the zone is not being effectively promoted or developed, the director may recommend [to the committee] that the designation of that area as an enterprise zone be cancelled.

All agreements negotiated under the benefits of such zone shall remain in effect for the originally

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agreed upon duration. The [committee] **director** shall schedule a hearing on such recommendation for not later than sixty days after the recommendation is filed with it. At the hearing, interested parties, including the director, may present witnesses and evidence as to why the enterprise zone designation for that particular area should be continued or cancelled. Within thirty days after the hearing, the [committee] **director** shall determine whether or not the designation should be continued. If it is not continued, the director shall remove the designation from the area and, following the procedures outlined in this section, award the designation of an enterprise zone to another applicant. If an area has requested a designated enterprise zone, and met all existing statutory requirements, but has not been designated such, then the applicant may appeal [to the joint legislative committee on economic development policy and planning] for a hearing to determine its eligibility for such a designation. [The review of the director's evaluation and the hearing thereon, and any appeal as provided for in this subsection, by the joint legislative committee on economic development policy and planning shall be an additional duty for that body.]

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**135.311. APPLICATION, CONTENT, FILED WHERE.** — When applying for a tax credit the wood energy producer shall make application for the credit to the division of energy of the department of [natural resources] **economic development**. The application shall include:

- (1) The number of tons of processed wood products produced during the preceding calendar year;
- (2) The name and address of the person to whom processed products were sold and the number of tons sold to each person;
- (3) Other information which the department of [natural resources] **economic development** reasonably requires. The application shall be received and reviewed by the division of energy of the department of [natural resources] **economic development** and the division shall certify to the department of revenue each applicant which qualifies as a wood energy-producing facility.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**135.950. DEFINITIONS.** — The following terms, whenever used in sections 135.950 to 135.970 mean:

- (1) "Average wage", the new payroll divided by the number of new jobs;
- (2) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. The term "blighted area" shall also include any area which produces or generates or has the potential to produce or generate electrical energy from a renewable energy resource, and which, by reason of obsolescence, decadence, blight, dilapidation, deteriorating or inadequate site improvements, substandard conditions, the predominance or defective or inadequate street layout, unsanitary or unsafe conditions, improper subdivision or obsolete platting, or the existence of conditions which endanger the life or property by fire or other means, or any combination of such factors, is underutilized, unutilized, or diminishes the economic usefulness of the land, improvements, or lock and dam site within such

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area for the production, generation, conversion, and conveyance of electrical energy from a renewable energy resource;

(3) "Board", an enhanced enterprise zone board established pursuant to section 135.957;

(4) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;

(5) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, such taxpayer shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(6) "Department", the department of economic development;

(7) "Director", the director of the department of economic development;

(8) "Employee", a person employed by the enhanced business enterprise that is scheduled to work an average of at least one thousand hours per year, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;

(9) "Enhanced business enterprise", an industry or one of a cluster of industries that is either:

(a) Identified by the department as critical to the state's economic security and growth; or

(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

(10) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(11) "Facility", any building used as an enhanced business enterprise located within an enhanced enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(12) "Facility base employment", the greater of the number of employees located at the facility on the date of the notice of intent, or for the twelve-month period prior to the date of the notice of intent, the average number of employees located at the facility, or in the event the project facility has not been in operation for a full twelve-month period, the average number of employees for the number of months the facility has been in operation prior to the date of the notice of intent;

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(13) "Facility base payroll", the total amount of taxable wages paid by the enhanced business enterprise to employees of the enhanced business enterprise located at the facility in the twelve months prior to the notice of intent, not including the payroll of owners of the enhanced business enterprise unless the enhanced business enterprise is participating in an employee stock ownership plan. For the purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

(14) "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;

(15) "Megaproject", any manufacturing or assembling facility, approved by the department for construction and operation within an enhanced enterprise zone, which satisfies the following:

(a) The new capital investment is projected to exceed three hundred million dollars over a period of eight years from the date of approval by the department;

(b) The number of new jobs is projected to exceed one thousand over a period of eight years beginning on the date of approval by the department;

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

(16) "NAICS", the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

(17) "New business facility", a facility that does not produce or generate electrical energy from a renewable energy resource and satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the same or a substantially similar enhanced business enterprise is not continued by the taxpayer at such facility; and

(d) Such facility is not a replacement business facility, as defined in subdivision (27) of this section;

(18) "New business facility employee", an employee of the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.967 is claimed,

except that truck drivers and rail and barge vehicle operators and other operators of rolling stock for hire shall not constitute new business facility employees;

(19) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by 135.967 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(20) "New job", the number of employees located at the facility that exceeds the facility base employment less any decrease in the number of the employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(21) "Notice of intent", a form developed by the department which is completed by the enhanced business enterprise and submitted to the department which states the enhanced business enterprise's intent to hire new jobs and request benefits under such program;

(22) "Related facility", a facility operated by the enhanced business enterprise or a related company in this state that is directly related to the operation of the project facility;

(23) "Related facility base employment", the greater of:

(a) The number of employees located at all related facilities on the date of the notice of intent; or

(b) For the twelve-month period prior to the date of the notice of intent, the average number of employees located at all related facilities of the enhanced business enterprise or a related company located in this state;

(24) "Related taxpayer":

(a) A corporation, partnership, trust, or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. "Control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(25) "Renewable energy generation zone", an area which has been found, by a resolution or ordinance adopted by the governing authority having jurisdiction of such area, to be a blighted area and which contains land, improvements, or a lock and dam site which is unutilized or underutilized

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for the production, generation, conversion, and conveyance of electrical energy from a renewable energy resource;

(26) "Renewable energy resource", shall include:

(a) Wind;

(b) Solar thermal sources or photovoltaic cells and panels;

(c) Dedicated crops grown for energy production;

(d) Cellulosic agricultural residues;

(e) Plant residues;

(f) Methane from landfills, agricultural operations, or wastewater treatment;

(g) Thermal depolymerization or pyrolysis for converting waste material to energy;

(h) Clean and untreated wood such as pallets;

(i) Hydroelectric power, which shall include electrical energy produced or generated by hydroelectric power generating equipment, as such term is defined in section 137.010;

(j) Fuel cells using hydrogen produced by one or more of the renewable resources provided in paragraphs (a) to (i) of this subdivision; or

(k) Any other sources of energy, not including nuclear energy, that are certified as renewable by rule by the department of [natural resources] **economic development**;

(27) "Replacement business facility", a facility otherwise described in subdivision (17) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year for which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of an enhanced business enterprise and the taxpayer continues the operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subdivision (19) of this section, in the new facility during the tax period for which the credits allowed in section 135.967 are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

(28) "Same or substantially similar enhanced business enterprise", an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.

EXPLANATION: AN INACCURATE INTERSECTIONAL REFERENCE CREATED IN 2012 IS CHANGED:

**141.540. PLACE OF SALE — FORM OF ADVERTISEMENT — NOTICE TO BE POSTED ON LAND AND SENT TO CERTAIN PERSONS, PROCEDURE.** — 1. In any county at a certain front door of whose courthouse sales of real estate are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell the respective parcels of real estate ordered sold by him or her pursuant to any judgment of foreclosure by any court pursuant to sections 141.210 to 141.810 **and 141.980 to**

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**141.1015** at any of such courthouses, but the sale of such parcels of real estate shall be held at the same front door as sales of real estate are customarily made by the sheriff under execution.

2. Such advertisements may include more than one parcel of real estate, and shall be in substantially the following form:

NOTICE OF SHERIFF' S  
SALE UNDER JUDGMENT OF  
FORECLOSURE OF LIENS FOR  
DELINQUENT LAND TAXES

No. \_\_\_\_\_

In the Circuit Court of \_\_\_\_\_ County, Missouri.  
In the Matter of Foreclosure of Liens for Delinquent Land Taxes  
Collector of Revenue of \_\_\_\_\_ County, Missouri, Plaintiff,

vs.

Parcels of Land encumbered with Delinquent Tax Liens, Defendants.

WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest, penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the description thereof, the name of the person appearing in the petition in the suit, and the total amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and costs, all as set out in said judgment and described in each case, respectively, as follows: (Here set out the respective serial numbers, descriptions, names and total amounts of each judgment, next above referred to.) and,

WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,  
NOW, THEREFORE,

Public Notice is hereby given that I \_\_\_\_\_, Sheriff of \_\_\_\_\_ County, Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the \_\_\_\_\_ front door of the \_\_\_\_\_ County Courthouse in \_\_\_\_\_, Missouri, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel shall be sold to the Land Trust of \_\_\_\_\_ (insert name of County), Missouri or Land Bank of the City of \_\_\_\_\_ (insert name of municipality), Missouri.

Any bid received shall be subject to confirmation by the court.

\_\_\_\_\_  
Sheriff of \_\_\_\_\_ County, Missouri

\_\_\_\_\_  
Delinquent Land Tax Attorney

Address: \_\_\_\_\_

First Publication \_\_\_\_\_, 20\_\_\_\_\_

3. Such advertisement shall be published four times, once a week, upon the same day of each week during successive weeks prior to the date of such sale, in a daily newspaper of general circulation regularly published in the county, qualified according to law for the publication of public notices and advertisements.

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4. In addition to the provisions herein for notice and advertisement of sale, the county collector shall enter upon the property subject to foreclosure of these tax liens and post a written informational notice in any conspicuous location thereon. This notice shall describe the property and advise that it is the subject of delinquent land tax collection proceedings before the circuit court brought pursuant to sections 141.210 to 141.810 **and 141.980 to 141.1015** and that it may be sold for the payment of delinquent taxes at a sale to be held at ten o'clock a.m., date and place, and shall also contain a file number and the address and phone number of the collector. If the collector chooses to post such notices as authorized by this subsection, such posting must be made not later than the fourteenth day prior to the date of the sale.

5. The collector shall, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810 **and 141.980 to 141.1015**, to the persons named in the petition as being the last known persons in whose names tax bills affecting the respective parcels of real estate described in said petition were last billed or charged on the books of the collector, or the last known owner of record, if different, and to the addresses of said persons upon said records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any person who, from such records, appears as a successor to the person to whom the original notice was addressed, and to cause another notice to be mailed to such person. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected of any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name or address does not appear on the records of the collector, then of that fact. The affidavit in addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

6. The collector may, at his or her option, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if known, of the respective parcels of real estate described in said petition, and to the addressee of such mortgagee or security holder according to the records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any security holder who, from such records, appears as a successor to the security holder to whom the original notice was addressed, and to cause another notice to be mailed

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to such security holder. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected by any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, and stating the reason for the nondelivery of such notice.

EXPLANATION: BASED ON A 2008 COURT DECISION, THE INTERSECTIONAL REFERENCE IN SUBSECTION 1 OF THIS SECTION IS INACCURATE:

**143.811. INTEREST ON OVERPAYMENT.** — 1. Under regulations prescribed by the director of revenue, interest shall be allowed and paid at the rate determined by section [32.065] **32.068** on any overpayment in respect of the tax imposed by sections 143.011 to 143.996; except that, where the overpayment resulted from the filing of an amendment of the tax by the taxpayer after the last day prescribed for the filing of the return, interest shall be allowed and paid at the rate of six percent per annum. With respect to the part of an overpayment attributable to a deposit made pursuant to subsection 2 of section 143.631, interest shall be paid thereon at the rate in section [32.065] **32.068** from the date of the deposit to the date of refund. No interest shall be allowed or paid if the amount thereof is less than one dollar.

2. For purposes of this section:

(1) Any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day determined without regard to any extension of time granted the taxpayer;

(2) Any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year, and any amount paid by the taxpayer as estimated income tax for a taxable year shall be deemed to have been paid by him on the fifteenth day of the fourth month following the close of his taxable year to which such amount constitutes a credit or payment.

3. For purposes of this section with respect to any withholding tax:

(1) If a return for any period ending with or within a calendar year is filed before April fifteenth of the succeeding calendar year, such return shall be considered filed April fifteenth of such succeeding calendar year; and

(2) If a tax with respect to remuneration paid during any period ending with or within a calendar year is paid before April fifteenth of the succeeding calendar year, such tax shall be considered paid on April fifteenth of such succeeding calendar year.

4. If any overpayment of tax imposed by sections 143.061 and 143.071 is refunded within four months after the last date prescribed (or permitted by extension of time) for filing the return of such tax or within four months after the return was filed, whichever is later, no interest shall be allowed under this section on overpayment.

5. If any overpayment of tax imposed by sections 143.011 and 143.041 is refunded within forty-five days after the date the return or claim is filed, no interest shall be allowed under this section on overpayment.

6. Any overpayment resulting from a carryback, including a net operating loss and a corporate capital loss, shall be deemed not to have been made prior to the close of the taxable year in which the loss arises.

7. Any overpayment resulting from a carryback of a tax credit, including but not limited to the tax credits provided in sections 253.557 and 348.432, shall be deemed not to have been made prior to the close of the taxable year in which the tax credit was authorized.

EXPLANATION: SUBDIVISION (4) OF SUBSECTION 2 IS MOVED TO SUBDIVISION (44) OF SUBSECTION 2 TO PREVENT NUMEROUS DEPARTMENT OF REVENUE FORMS FROM BECOMING OBSOLETE:

**144.030. EXEMPTIONS FROM STATE AND LOCAL SALES AND USE TAXES.** — 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) [Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision, "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

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(5)] Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

[(6)] (5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

[(7)] (6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

[(8)] (7) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

[(9)] (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

[(10)] (9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

[(11)] (10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

[(12)] (11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

[(13)] (12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision [(5)] (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon

materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

[(14)] **(13)** Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

[(15)] **(14)** Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

[(16)] **(15)** Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

[(17)] **(16)** Tangible personal property purchased by a rural water district;

[(18)] **(17)** All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

[(19)] **(18)** All sales of insulin, and all sales, rentals, repairs, and parts of durable medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories including parts, and hospital beds and accessories and ambulatory aids including parts, and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters including parts, and reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

[(20)] **(19)** All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

[(21)] **(20)** All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations,

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including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision [(20)] **(19)** of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

[(22)] **(21)** All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

[(23)] **(22)** All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

[(24)] **(23)** Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

- (a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county,

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metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

[(25)] **(24)** All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

[(26)] **(25)** Excise taxes, collected on sales at retail, imposed by Sections 4041, [4061,] 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

[(27)] **(26)** Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

[(28)] **(27)** All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

[(29)] **(28)** Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

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[(30)] **(29)** All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

[(31)] **(30)** All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

[(32)] **(31)** Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision [(5)] **(4)** of this subsection;

[(33)] **(32)** Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

[(34)] **(33)** Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

[(35)] **(34)** All sales of grain bins for storage of grain for resale;

[(36)] **(35)** All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

[(37)] **(36)** All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

[(38)] **(37)** All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

[(39)] **(38)** Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

[(40)] (39) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

[(41)] (40) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

[(42)] (41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

[(43)] (42) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in section 306.010;

[(44)] (43) Any new or used aircraft sold or delivered in this state to a person who is not a resident of this state or a corporation that is not incorporated in this state, and such aircraft is not to be based in this state and shall not remain in this state more than ten business days subsequent to the last to occur of:

(a) The transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state; or

(b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that are completed contemporaneously with the transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state;

**(44) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020.**

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended.

EXPLANATION: AN INACCURATE INTERSECTIONAL REFERENCE ENACTED IN 2015 IS CHANGED AND THE LANGUAGE FOR A CERTAIN DEFINED TERM IS CHANGED TO BE CONSISTENT WITH ITS DEFINITION:

**144.810. DATA STORAGE CENTERS, EXEMPTION FROM SALES AND USE TAX — DEFINITIONS — PROCEDURE — CERTIFICATES OF EXEMPTION — RULEMAKING AUTHORITY.** — 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Commencement of commercial operations", shall be deemed to occur during the first calendar year for which the data storage center is first available for use by the operating taxpayer, or first capable of being used by the operating taxpayer, as a data storage center;

(2) "Constructing taxpayer", if more than one taxpayer is responsible for a project, the taxpayer responsible for the construction of the facility, as opposed to the taxpayer responsible for the ongoing operations of the facility;

(3) "County average wage", the average wages in each county as determined by the department of economic development for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility;

(4) "Data storage center" or "facility", a facility constructed, extended, improved, or operating under this section, provided that such business facility is engaged primarily in:

(a) Data processing, hosting, and related services (NAICS 518210); or

(b) Internet publishing and broadcasting and web search portals (NAICS 519130) at the business facility;

(5) "Existing facility", an operational data storage center in this state as it existed prior to August 28, 2015, as determined by the department;

(6) "Expanding facility" or "expanding data storage center", an existing facility or replacement facility that expands its operations in this state on or after August 28, 2015, and has net new investment related to the expansion of operations in this state of at least five million dollars during a period of up to twelve consecutive months and results in the creation of at least five new jobs during a period of up to twenty-four consecutive months from the date of conditional approval for an exemption under this section, if the average wage of the new jobs equals or exceeds one hundred fifty percent of the county average wage. An expanding facility shall continue to be an expanding facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(7) "Expanding facility project" or "expanding data storage center project", the construction, extension, improvement, equipping, and operation of an expanding facility;

(8) "Investment", shall include the value of real and depreciable personal property, acquired as part of the new or expanding facility project which is used in the operation of the facility following conditional approval of an exemption under this section;

(9) "NAICS", the 2007 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

(10) "New data storage center project" or "new facility project", the construction, extension, improvement, equipping, and operation of a new facility;

(11) "New facility" or "new data storage center", a facility in this state meeting the following requirements:

(a) The facility is acquired by or leased to an operating taxpayer on or after August 28, 2015. A facility shall be deemed to have been acquired by or leased to an operating taxpayer on or after August 28, 2015, if the transfer of title to an operating taxpayer, the transfer of possession under a binding contract to transfer title to an operating taxpayer, or an operating taxpayer takes possession of the facility under the terms of the lease on or after August 28, 2015, or if the facility is

constructed, erected, or installed by or on behalf of an operating taxpayer, such construction, erection, or installation is completed on or after August 28, 2015;

(b) Such facility is not an expanding or replacement facility, as defined in this section;

(c) The new facility project investment is at least twenty-five million dollars during a period of up to thirty-six consecutive months from the date of the conditional approval for an exemption under this section. If more than one taxpayer is responsible for a project, the investment requirement may be met by an operating taxpayer, a constructing taxpayer, or a combination of constructing taxpayers and operating taxpayers; and

(d) At least ten new jobs are created at the new facility during a period of up to thirty-six consecutive months from the date of conditional approval for an exemption under this section if the average wage of the new jobs equals or exceeds one hundred fifty percent of the county average wage; Any facility which was acquired by an operating or constructing taxpayer from another person or persons on or after August 28, 2015, and such facility was employed prior to August 28, 2015, by any other person or persons in the operation of a data storage center shall not be considered a new facility. A new facility shall continue to be a new facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(12) "New job", in the case of a new data **storage** center project, the total number of full-time employees located at a new data storage center for a period of up to thirty-six consecutive months from the date of conditional approval for an exemption under this section. In the case of an expanding data storage center project, the total number of full-time employees located at the expanding data storage center that exceeds the greater of the number of full-time employees located at the project facility on the date of the submission of a project plan under this section or for the twelve-month period prior to the date of the submission of a project plan, the average number of full-time employees located at the expanding data storage center facility. In the event the expanding data storage center facility has not been in operation for a full twelve-month period at the time of the submission of a project plan, the total number of full-time employees located at the expanded data storage center that exceeds the greater of the number of full-time employees located at the project facility on the date of the submission of a project plan under this section or the average number of full-time employees for the number of months the expanding data storage center facility has been in operation prior to the date of the submission of the project plan;

(13) "Notice of intent", a form developed by the department of economic development, completed by the project taxpayer, and submitted to the department, which states the project taxpayer's intent to construct or expand a data center and request the exemptions under this program;

(14) "Operating taxpayer", if more than one taxpayer is responsible for a project, the taxpayer responsible for the ongoing operations of the facility, as opposed to the taxpayer responsible for the purchasing or construction of the facility;

(15) "Project taxpayers", each constructing taxpayer and each operating taxpayer for a data storage center project;

(16) "Replacement facility", a facility in this state otherwise described in subdivision [(7)] (6) of this subsection, but which replaces another facility located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating within one year prior to the commencement of commercial operations at the new facility;

(17) "Taxpayer", the purchaser of tangible personal property or a service that is subject to state or local sales or use tax and from whom state or local sales or use tax is owed. Taxpayer shall not mean the seller charged by law with collecting the sales tax from the purchaser.

2. In addition to the exemptions granted under this chapter, project taxpayers for a new data storage center project shall be entitled, for a project period not to exceed fifteen years from the date

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of conditional approval under this section and subject to the requirements of subsection 3 of this section, to an exemption of one hundred percent of the state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, limited to the net fiscal benefit of the state calculated over a ten-year period, on:

- (1) All electrical energy, gas, water, and other utilities including telecommunication and internet services used in a new data storage center;
- (2) All machinery, equipment, and computers used in any new data storage center; and
- (3) All sales at retail of tangible personal property and materials for the purpose of constructing any new data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal benefit to the state over a period of ten years, as determined by the department of economic development using the Regional Economic Modeling, Inc., data set.

3. (1) Any data storage center project seeking a tax exemption under subsection 2 of this section shall submit a notice of intent and a project plan to the department of economic development, which shall identify each known constructing taxpayer and known operating taxpayer for the project and include any additional information the department of economic development may require to determine eligibility for the exemption. The department of economic development shall review the project plan and determine whether the project is eligible for the exemption under subsection 2 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for a new facility project. The department shall make such conditional determination within thirty days of submission by the operating taxpayer. Failure of the department to respond within thirty days shall result in a project plan being deemed conditionally approved.

(2) The department of economic development shall convey conditional approvals to the department of revenue and the identified project taxpayers. After a conditionally approved new facility has met the requirements in subsection 1 of this section for a new facility and the execution of the agreement specified in subsection 6 of this section, the project taxpayers shall provide proof of the same to the department of economic development. Upon verification of such proof, the department of economic development shall certify the new facility to the department of revenue as being eligible for the exemption dating retroactively to the first day of construction on the new facility. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of construction, shall issue a refund of taxes paid but eligible for exemption under subsection 2 of this section to each operating taxpayer and each constructing taxpayer and issue a certificate of exemption to each new project taxpayer for ongoing exemptions under subsection 2 of this section. The department of revenue shall issue such a refund within thirty days of receipt of certification from the department of economic development.

(3) The commencement of the exemption period may be delayed at the option of the operating taxpayer, but not more than twenty-four months after the execution of the agreement required under subsection 6 of this section.

4. In addition to the exemptions granted under this chapter, upon approval by the department of economic development, project taxpayers for expanding data **storage** center projects may, for a period not to exceed ten years, be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235 on:

- (1) All electrical energy, gas, water, and other utilities including telecommunication and internet services used in an expanding data storage center which, on an annual basis, exceeds the amount of electrical energy, gas, water, and other utilities including telecommunication and

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internet services used in the existing facility or the replaced facility prior to the expansion. For purposes of this subdivision only, "amount" shall be measured in kilowatt hours, gallons, cubic feet, or other measures applicable to a utility service as opposed to in dollars, to account for increases in utility rates;

(2) All machinery, equipment, and computers used in any expanding data storage center; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any expanding data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal benefit to the state over a period of ten years, as determined by the department of economic development using the Regional Economic Modeling, Inc., data set or comparable data.

5. (1) Any data storage center project seeking a tax exemption under subsection 4 of this section shall submit a notice of intent and a project plan to the department of economic development, which shall identify each known constructing taxpayer and each known operating taxpayer for the project and include any additional information the department of economic development may reasonably require to determine eligibility for the exemption. The department of economic development shall review the project plan and determine whether the project is eligible for the exemption under subsection 4 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for an expanding facility project and the execution of the agreement specified in subsection 6 of this section. The department shall make such conditional determination within thirty days of submission by the operating taxpayer. Failure of the department to respond within thirty days shall result in a project plan being deemed conditionally approved.

(2) The department of economic development shall convey such conditional approval to the department of revenue and the identified project taxpayers. After a conditionally approved facility has met the requirements in subsection 1 of this section, the project taxpayers shall provide proof of the same to the department of economic development. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption dating retroactively to the first day of the expansion of the facility. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of the expansion of the facility, shall issue a refund of taxes paid but eligible for exemption under subsection 4 of this section to any applicable project taxpayer and issue a certificate of exemption to any applicable project taxpayer for ongoing exemptions under subsection 4 of this section. The department of revenue shall issue such a refund within thirty days of receipt of certification from the department of economic development.

(3) The commencement of the exemption period may be delayed at the option of the operating taxpayer, but not more than twenty-four months after the execution of the agreement required under subsection 6 of this section.

6. (1) The exemptions in subsections 2 and 4 of this section shall be tied to the new or expanding facility project. A certificate of exemption in the hands of a taxpayer that is no longer an operating or constructing taxpayer of the new or expanding facility project shall be invalid as of the date the taxpayer was no longer an operating or constructing taxpayer of the new or expanding facility project. New certificates of exemption shall be issued to successor constructing taxpayers and operating taxpayers at such new or expanding facility projects. The right to the exemption by successor taxpayers shall exist without regard to subsequent levels of investment in the new or expanding facility by successor taxpayers.

(2) As a condition of receiving an exemption under subsection 2 or 4 of this section, the project taxpayers shall enter into an agreement with the department of economic development providing

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for repayment penalties in the event the data storage center project fails to comply with any of the requirements of this section.

(3) The department of revenue shall credit any amounts remitted by the project taxpayers under this subsection to the fund to which the sales and use taxes exempted would have otherwise been credited.

7. Any project taxpayer who submits a notice of intent to the department of economic development to expand a new facility by additional construction, extension, improvement, or equipping within five years of the date the new facility became operational shall be entitled to request the department undertake an additional analysis to determine the projected net fiscal benefit of the expansion to the state over a period of ten years as determined by the department using the Regional Economic Modeling, Inc., data set or comparable data and shall be entitled to an exemption under this section not to exceed such fiscal benefit to the state for a period of not to exceed fifteen years.

8. The department of economic development and the department of revenue shall cooperate in conducting random audits to ensure that the intent of this section is followed.

9. Notwithstanding any other provision of law to the contrary, no recipient of an exemption pursuant to this section shall be eligible for benefits under any business recruitment tax credit, as defined in section 135.800.

10. The department of economic development and the department of revenue shall jointly prescribe such rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

EXPLANATION: DUE TO THE ELIMINATION OF THE STATE FRANCHISE TAX IN 2016, A TERMINATION DATE IS NECESSARY:

**147.020. CORPORATION TO MAKE REPORT TO DIRECTOR OF REVENUE — CONTENT — EXTENSIONS.** — 1. For each taxable year beginning on or after January 1, 1980, **but before January 1, 2016**, every corporation liable for the tax prescribed in section 147.010 shall make a report in writing showing the financial condition of the corporation at the beginning of business on the first day of its taxable year to the director of revenue annually on or before the due date of the corporation's state income tax return pursuant to chapter 143 in such form as the director of revenue may prescribe. The report shall be signed by an officer of the corporation.

2. For each taxable year beginning on or after January 1, 1980, **but before January 1, 2016**, if a corporation obtains an extension of time for filing its annual Missouri income tax return pursuant to section 143.551, such corporation shall also be granted a corresponding extension of time for filing the report required pursuant to sections 147.010 to 147.120 for its taxable year immediately succeeding the taxable year for which the income tax extension is granted.

3. Every corporation having a transitional year liable for the tax prescribed in section 147.010 shall make a report in writing, showing the financial condition of the corporation at the beginning of business on the first day of its transitional year, on or before April 15, 1980, in such form as the director may prescribe. The report shall be signed by an officer of the corporation.

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EXPLANATION: DUE TO THE ELIMINATION OF THE STATE FRANCHISE TAX IN 2016, A TERMINATION DATE IS NECESSARY:

**147.050. CORPORATIONS WITH NO SHARES TO REPORT TO DIRECTOR OF REVENUE, WHEN, CONTENT.** — 1. For each taxable year beginning on or after January 1, 1980, **but before January 1, 2016**, every corporation organized pursuant to any laws of this state and every foreign corporation engaged in business in this state and having no shares shall make a report in writing to the director of revenue, annually, on or before the fifteenth day of the fourth month of the corporation's taxable year, in the form as the director of revenue may prescribe.

2. The report shall be signed by an officer of the corporation, and forwarded to the director of revenue.

3. Every corporation having a transitional year and coming under the provisions of this section shall make the report required in this section on or before the fifteenth day of April, 1980.

EXPLANATION: THE AUTHORITY FOR AUDITS UNDER SUBSECTION 8 OF THIS SECTION EXPIRED 12-31-13:

**161.215. EARLY CHILDHOOD DEVELOPMENT, EDUCATION AND CARE FUND CREATED, PURPOSE, USE OF MONEYS — RULEMAKING AUTHORITY — AUDIT.** — 1. There is hereby created in the state treasury the "Early Childhood Development, Education and Care Fund" which is created to give parents meaningful choices and assistance in choosing the child-care and education arrangements that are appropriate for their family. All interest received on the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. Any moneys deposited in such fund shall be used to support programs that prepare children prior to the age in which they are eligible to enroll in kindergarten under section 160.053 to enter school ready to learn. All moneys deposited in the early childhood development, education and care fund shall be annually appropriated for voluntary early childhood development, education and care programs serving children in every region of the state not yet enrolled in kindergarten. For fiscal year 2013 and each subsequent fiscal year, at least thirty-five million dollars of the funds received from the master settlement agreement, as defined in section 196.1000, shall be deposited in the early childhood development, education and care fund.

2. No less than sixty percent of moneys deposited in the early childhood development, education and care fund shall be appropriated as provided in this subsection to the department of elementary and secondary education and to the department of social services to provide early childhood development, education and care programs through competitive grants to, or contracts with, governmental or private agencies. Eighty percent of such moneys under the provisions of this subsection and additional moneys as appropriated by the general assembly shall be appropriated to the department of elementary and secondary education and twenty percent of such moneys under the provisions of this subsection shall be appropriated to the department of social services. The departments shall provide public notice and information about the grant process to potential applicants:

(1) Grants or contracts may be provided for:

(a) Start-up funds for necessary materials, supplies, equipment and facilities; and

(b) Ongoing costs associated with the implementation of a sliding parental fee schedule based on income;

(2) Grant and contract applications shall, at a minimum, include:

(a) A funding plan which demonstrates funding from a variety of sources including parental fees;

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(b) A child development, education and care plan that is appropriate to meet the needs of children;

(c) The identity of any partner agencies or contractual service providers;

(d) Documentation of community input into program development;

(e) Demonstration of financial and programmatic accountability on an annual basis;

(f) Commitment to state licensure within one year of the initial grant, if funding comes from the appropriation to the department of elementary and secondary education and commitment to compliance with the requirements of the department of social services, if funding comes from the department of social services; and

(g) With respect to applications by public schools, the establishment of a parent advisory committee within each public school program;

(3) In awarding grants and contracts under this subdivision, the departments may give preference to programs which:

- (a) Are new or expanding programs which increase capacity;
- (b) Target geographic areas of high need, namely where the ratio of program slots to children under the age of six in the area is less than the same ratio statewide;
- (c) Are programs designed for special needs children;
- (d) Are programs that offer services during nontraditional hours and weekends; or
- (e) Are programs that serve a high concentration of low-income families.

3. No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide early childhood development, education and care programs through child development, education and care certificates to families whose income does not exceed one hundred eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. Section 9858c(c)(2)(A) and 42 U.S.C. Section 9858n(2) for the purpose of funding early childhood development, education and care programs as approved by the department of social services. At a minimum, the certificate shall be of a value per child which is commensurate with the per-child payment under paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the grants or contracts. On February first of each year the department shall certify the total amount of child development, education and care certificates applied for and the unused balance of the funds shall be released to be used for supplementing the competitive grants and contracts program authorized under subsection 2 of this section.

4. No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to increase reimbursements to child-care facilities for low-income children that are accredited by a recognized, early childhood accrediting organization.

5. No less than ten percent of the funds deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide assistance to eligible parents whose family income does not exceed one hundred eighty-five percent of the federal poverty level who wish to care for their children under three years of age in the home, to enable such parent to take advantage of early childhood development, education and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per-child payment under paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods.

6. In setting the value of parental certificates under subsection 3 of this section and payments under subsection 5 of this section, the department of social services may increase the value based on the following:

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(1) The adult caretaker of the children successfully participates in the parents as teachers program under the provisions of sections 178.691 to 178.699, a training program provided by the department on early childhood development, education and care, the home-based Head Start program as defined in 42 U.S.C. Section 9832 or a similar program approved by the department;

(2) The adult caretaker consents to and clears a child abuse or neglect screening [under subdivision (1) of subsection 2 of section 210.152]; and

(3) The degree of economic need of the family.

7. The department of elementary and secondary education and the department of social services each shall by rule promulgated under chapter 536 establish guidelines for the implementation of the early childhood development, education and care programs as provided in subsections 2 to 6 of this section.

8. [The state auditor shall conduct an audit of all moneys in the early childhood development, education and care fund created in subsection 1 of this section every year beginning January 1, 2011, and ending on December 31, 2013. The findings of each audit shall be distributed to the general assembly no later than ten business days after the completion of such audit.

9.] Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

EXPLANATION: REMOVES LANGUAGE SUBSECTION 6 REGARDING A ONE-TIME TRANSFER DURING THE 2014-2015 SCHOOL YEAR:

**165.011. TUITION — ACCOUNTING OF SCHOOL MONEYS, FUNDS — USES — TRANSFERS TO AND FROM INCIDENTAL FUND, WHEN — TRANSFERS TO DEBT SERVICE FUND, WHEN — ONE-TIME TRANSFER FOR CARTHAGE SCHOOL DISTRICT — DEDUCTION FOR UNLAWFUL TRANSFERS — TRANSFER OF UNRESTRICTED FUNDS.** — 1. The following funds are created for the accounting of all school moneys: "Teachers' Fund", "Incidental Fund", "Capital Projects Fund" and "Debt Service Fund". The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under section 163.031, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education, except as provided in subsection 5 of section 163.031. Money received from other districts for transportation and money derived from taxation for incidental expenses shall be credited to the incidental fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings, and equipment by a school district as authorized under section 177.088 shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to

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the debt service fund, which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may transfer any portion of the unrestricted balance remaining in the incidental fund to the teachers' fund. Any district that uses an incidental fund transfer to pay for more than twenty-five percent of the annual certificated compensation obligation of the district and has an incidental fund balance on June thirtieth in any year in excess of fifty percent of the combined incidental teachers' fund expenditures for the fiscal year just ended shall be required to transfer the excess from the incidental fund to the teachers' fund. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund. A school district may borrow from one of the following funds: teachers' fund, incidental fund, or capital projects fund, as necessary to meet obligations in another of those funds; provided that the full amount is repaid to the lending fund within the same fiscal year.

3. Tuition shall be paid from either the teachers' or incidental funds. Employee benefits for certificated staff shall be paid from the teachers' fund.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that meets the provisions of subsection 5 of section 163.031 may transfer from the incidental fund to the capital projects fund the sum of:

(1) The amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year; plus

(2) Any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools; plus

(3) Current year obligations for lease-purchase obligations entered into prior to January 1, 1997; plus

(4) The amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district, provided that the contract is only for energy conservation measures as defined in section 640.651 and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district; plus

(5) An amount not to exceed the greater of:

(a) One hundred sixty-two thousand three hundred twenty-six dollars; or

(b) Seven percent of the state adequacy target multiplied by the district's weighted average daily attendance,

provided that transfer amounts in excess of current year obligations of the capital projects fund authorized under this subdivision may be transferred only by a resolution of the school board

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approved by a majority of the board members in office when the resolution is voted on and identifying the specific capital projects to be funded directly by the district by the transferred funds and an estimated expenditure date.

5. Beginning in the 2006-07 school year, a district meeting the provisions of subsection 5 of section 163.031 and not making the transfer under subdivision (5) of subsection 4 of this section, nor making payments or expenditures related to obligations made under section 177.088 may transfer from the incidental fund to the debt service fund or the capital projects fund the greater of:

(1) The state aid received in the 2005-06 school year as a result of no more than eighteen cents of the sum of the debt service and capital projects levy used in the foundation formula and placed in the respective debt service or capital projects fund, whichever fund had the designated tax levy; or

(2) Five percent of the state adequacy target multiplied by the district's weighted average daily attendance.

6. [A district with territory in a county of the first classification with more than one hundred fifteen thousand but fewer than one hundred fifty thousand inhabitants that maintains the district office in a home rule city with more than thirteen thousand five hundred but fewer than fifteen thousand inhabitants shall be permitted a one-time transfer during school year 2014-15 of unrestricted funds from the incidental fund to the capital projects fund in an amount that leaves the incidental fund at a balance no lower than twenty percent for the purpose of constructing capital projects to improve student safety.

7.] Beginning in the 2006-07 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031 an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund or debt service fund performed during the previous year in violation of this section; except that the state aid shall be deducted over no more than five school years following the school year of an unlawful transfer based on a plan from the district approved by the commissioner of elementary and secondary education.

[8.] 7. A school district may transfer unrestricted funds from the capital projects fund to the incidental fund in any year to avoid becoming financially stressed as defined in subsection 1 of section 161.520. If on June thirtieth of any fiscal year the sum of unrestricted balances in a school district's incidental fund and teacher's fund is less than twenty percent of the sum of the school district's expenditures from those funds for the fiscal year ending on that June thirtieth, the school district may, during the next succeeding fiscal year, transfer to its incidental fund an amount up to and including the amount of the unrestricted balance in its capital projects fund on that June thirtieth. For purposes of this subsection, in addition to any other restrictions that may apply to funds in the school district's capital projects fund, any funds that are derived from the proceeds of one or more general obligation bond issues shall be considered restricted funds and shall not be transferred to the school district's incidental fund.

EXPLANATION: REMOVES OBSOLETE TEXTBOOK LANGUAGE:

**170.051. TEXTBOOK DEFINED — SCHOOL BOARD TO PROVIDE FREE TEXTBOOKS IN PUBLIC SCHOOLS — FUNDS TO BE USED.** — 1. As used in this section, the term "textbook" means workbooks, manuals, or other books, whether bound or in loose-leaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each pupil in such class or group.

2. Each public school board shall purchase and loan free all textbooks for all children who are enrolled in grades kindergarten through twelve in the public schools of the district, and may purchase textbooks and instructional materials for prekindergarten students.

3. [Only textbooks which are filed with the state board of education pursuant to section 170.061 shall be purchased and loaned under this section. No textbooks shall be purchased or loaned under this section to be used in any form of religious instruction or worship.

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4.] Each school board shall purchase from the incidental fund of the district all the new or used textbooks for all the pupils in all grades and preschool programs of the public schools of the district. The board may also expend incidental fund moneys to provide supplementary texts, library and reference books, contractual educational television services, and any other instructional supplies for all the pupils of the public schools of the district. All books purchased from district funds are the property of the district but shall be furnished, under rules and regulations prescribed by the school board, to the pupils without charge, except for abuse or willful destruction.

EXPLANATION: REMOVES LANGUAGE WHICH APPLIED ONLY TO FISCAL YEAR 2010:

**178.930. STATE AID, COMPUTATION OF — RECORDS, KEPT ON PREMISES — SHELTERED WORKSHOP PER DIEM REVOLVING FUND CREATED.** — 1. [(1) Beginning July 1, 2009, and until June 30, 2010, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to ninety dollars for each standard workweek (Monday through Friday) of up to and including thirty hours worked during the preceding calendar month. Eighteen dollars shall be paid for each six-hour or longer day worked by a handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.

(2)] Beginning July 1, 2010, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to ninety-five dollars for each standard workweek (Monday through Friday) of up to and including thirty hours worked during the preceding calendar month. Nineteen dollars shall be paid for each six-hour or longer day worked by a handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.

2. The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.

3. There is hereby created in the state treasury the "Sheltered Workshop Per Diem Revolving Fund" which shall be administered by the commissioner of the department of elementary and secondary education. All moneys appropriated pursuant to subsection 1 of this section shall be deposited in the fund and expended as described in subsection 1 of this section.

4. The balance of the sheltered workshop per diem revolving fund shall not exceed five hundred thousand dollars at the end of each fiscal year and shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund. Any unexpended balance in the sheltered workshop per diem revolving fund at the end of each fiscal year exceeding five hundred thousand dollars shall be deposited in the general revenue fund.

EXPLANATION: THESE SECTIONS CONTAIN OBSOLETE PROVISIONS BECAUSE THERE ARE NO PARTICIPATING LIBRARIES REMAINING:

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**181.100. DISTRIBUTION OF REPORTS, DEFINITIONS, REQUIREMENTS, CHARGES, WHEN. —**

1. As used in sections 181.100 [to 181.130] **and 181.110** the following terms shall mean, unless the context requires otherwise:

(1) "Agency", each department, office, commission, board, or other administrative office or unit of state government;

(2) "Electronic repository", a collection of electronic publications kept in a secure environment with adequate backup to protect the collection;

(3) "Format", any media used in the publication of state information including electronic, print, audio, visual, and microform;

(4) ["Participating libraries", a library selected by the secretary of state to assist the public in locating and using state publications in any format; and designated to house and make available to the public publications which agencies have produced in print;

(5)] "Publications", the information published by agencies intended for distribution to the legislature, agencies, political subdivisions, nonprofit organizations or broad distribution to the public, including publications issued electronically or in other formats;

[(6)] **(5)** "State publications access program", a program to provide access to state publications for all citizens of Missouri through a secure repository of electronic publications available to the public through electronic networks [and print collections located in libraries throughout Missouri].

2. [Other provisions of law to the contrary notwithstanding, all state agencies required to issue and distribute multiple-produced annual, biannual, or periodic reports shall distribute such reports without charge only to those persons and offices listed in subsection 4 of this section.] For the purposes of sections 181.100 [to 181.130] **and 181.110**, the word "report" means a state publication which is either a printed statement by a state agency, issued at specific intervals, which describes its operations and progress, and possibly contains a statement of its future plans; or a formal, written account of an investigation given by a person or group delegated to make the investigation. Such reports shall not be distributed to any other person, including members of the general assembly, state officeholders, other state agencies, divisions or departments, or to members of the public, except upon request.

3. [No report described in subsection 2 of this section shall be distributed free of charge to any person or office, except as provided in subsection 4 of this section. Each recipient of any such report shall pay the cost of printing and postage, which cost shall be determined by the issuing agency prior to distribution of the document.

4.] Each agency of state government which distributes annual, biannual, or periodic reports printed in paper shall provide such copies of each such document free of charge to the state library as the state library shall specify, along with a statement of the cost and address where additional copies of such report may be requested. Two copies of all reports shall be provided to the legislative library, one copy to the chief clerk of the house of representatives, one copy to the secretary of the senate, one copy to the supreme court library and one copy to the governor.

**181.110. AGENCIES TO AID IN PUBLICATION OF STATE PUBLICATIONS — STATE LIBRARY TO PROVIDE ELECTRONIC REPOSITORY, RESPONSIBILITIES — RULEMAKING AUTHORITY. —**

1. For the purpose of providing the services described in this section, each agency shall have the following responsibilities and powers:

(1) To submit to the state library electronically each publication created by the agency in a manner consistent with the state's enterprise architecture;

(2) [To determine the format used to publish;

(3)] For those publications which the agency determines shall be printed and published in paper, to supply the number of copies for participating libraries as determined by the secretary of state;

[(4)] (3) To assign a designee as a contact for the state publications access program and forward this information to the secretary of state annually.

2. For the purpose of providing the services described in this section, the secretary of state shall have the following responsibilities:

(1) Through the state library, to provide a secure electronic repository of state publications. Access to the state publications in the repository shall be provided through multiple methods of access, including the statewide online library catalog and a publicly accessible electronic network;

(2) [To create, in administrative rule, the criteria for selection of participating libraries and the responsibilities incumbent upon those libraries in serving the citizens of Missouri;

(3)] To set by administrative rule the electronic formats acceptable for submission of publications to the electronic repository;

[(4)] (3) May issue and promulgate rules to enforce, implement and effectuate the powers and duties established in sections 181.100 [to 181.130] and **181.110**.

3. For the purpose of providing the services described in this section, the state library shall have the following responsibilities, all to be performed in a manner consistent with e-government:

(1) To administer the electronic repository of state publications for access by the citizens of Missouri, and receive and distribute publications in other formats, which will be housed and made available to the public by the participating libraries;

(2) To ensure the organization and classification of state publications regardless of formats and the distribution of materials in additional formats to participating libraries;

(3) To publish regularly a list of all publications of the agencies, regardless of format.

4. [For the purpose of providing the services described in this section, the participating libraries shall have the following responsibilities:

(1) To ensure citizens who come to the library will be able to access publications electronically;

(2) To maintain paper copies of those state publications that agencies publish in paper that are designated by the secretary of state to be included in the Missouri state publications access program;

(3) To maintain a collection of older state publications published by the agencies in paper and designated by the secretary of state to be included in the Missouri state publications access program;

(4) To provide training for staff of other libraries to assist the public in the use of state publications;

(5) To assist agencies in the distribution of paper copies of state publications to the public.

5.] All responsibilities and powers set out in this section shall be carried out consistent with the provisions of section 161.935.

[6.] **5.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

EXPLANATION: REMOVES AN OBSOLETE REFERENCE TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT REPEALED IN 1997:

**196.973. DEFINITIONS.**— As used in sections 196.970 to 196.984, the following terms shall mean:

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

(1) "Health care professional", any of the following persons licensed and authorized to prescribe and dispense drugs and to provide medical, dental, or other health-related diagnoses, care, or treatment:

- (a) A licensed physician or surgeon;
- (b) A registered nurse or licensed practical nurse;
- (c) A physician assistant;
- (d) A dentist;
- (e) A dental hygienist;
- (f) An optometrist;
- (g) A pharmacist; and
- (h) A podiatrist;

(2) "Hospital", the same meaning as such term is defined in section 197.020;

(3) "Nonprofit clinic", a facility organized as not for profit in which advice, counseling, diagnosis, treatment, surgery, care, or services relating to the preservation or maintenance of health are provided on an outpatient basis for a period of less than twenty-four consecutive hours to persons not residing or confined at such facility;

(4) "Out-of-state charitable repository", any of the following:

(a) A bona fide charitable, religious, or nonprofit organization, licensed or registered in this state as an out-of-state wholesale drug distributor under sections 338.210 to 338.370 and that otherwise qualifies as an exempt organization under Section 501(c)(3) of Title 26, United States Code, as amended; or

(b) A foreign medical aid mission group that distributes pharmaceuticals and health care supplies to needy persons abroad;

(5) "Prescription drug", a drug which may be dispensed only upon prescription by an authorized prescriber and which is approved for safety and effectiveness as a prescription drug under Section 505 [or 507] of the Federal Food, Drug, and Cosmetic Act.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 03-02:

**208.156. HEARINGS GRANTED APPLICANTS AND SUPPLIERS OF SERVICES, WHEN — CLASS ACTION AUTHORIZED FOR SUPPLIERS, REQUIREMENTS — CLAIMS MAY BE CUMULATIVE — PROCEDURE — APPEAL.** — 1. The **family support** division [of family services] or the **MO HealthNet division** shall provide for granting an opportunity for a fair hearing under section 208.080 to any applicant or recipient whose claim for medical assistance is denied or is not acted upon with reasonable promptness.

2. Any person authorized under section 208.153 to provide services for which benefit payments are authorized under section 208.152 whose claim for reimbursement for such services is denied or is not acted upon with reasonable promptness shall be entitled to a hearing before the administrative hearing commission pursuant to the provisions of chapter 621.

3. Any person authorized under section 208.153 to provide services for which benefit payments are authorized under section 208.152 who is denied participation in any program or programs established under the provisions of chapter 208 shall be entitled to a hearing before the administrative hearing commission pursuant to the provisions of chapter 621.

4. Any person authorized under section 208.153 to provide services for which benefit payments are authorized under section 208.152 who is aggrieved by any rule or regulation

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promulgated by the department of social services or any division therein shall be entitled to a hearing before the administrative hearing commission pursuant to the provisions of chapter 621.

5. Any person authorized under section 208.153 to provide services for which benefit payments are authorized under section 208.152 who is aggrieved by any rule or regulation, contractual agreement, or decision, as provided for in section 208.166, by the department of social services or any division therein shall be entitled to a hearing before the administrative hearing commission pursuant to the provisions of chapter 621.

6. No provider of service may file a petition for a hearing before the administrative hearing commission unless the amount for which he seeks reimbursement exceeds five hundred dollars.

7. One or more providers of service as will fairly insure adequate representation of others having similar claims against the department of social services or any division therein may institute the hearing on behalf of all in the class if there is a common question of law or fact affecting the several rights and a common relief is sought.

8. Any person authorized under section 208.153 to provide services for which benefit payments are authorized under section 208.152 and who is entitled to a hearing as provided for in the preceding sections shall have thirty days from the date of mailing or delivery of a decision of the department of social services or its designated division in which to file his petition for review with the administrative hearing commission except that claims of less than five hundred dollars may be accumulated until they total that sum and at which time the provider shall have ninety days to file his petition.

9. When a person entitled to a hearing as provided for in this section applies to the administrative hearing commission for a stay order staying the actions of the department of social services or its divisions, the administrative hearing commission shall not grant such stay order until after a full hearing on such application. The application shall be advanced on the docket for immediate hearing and determination. The person applying for such stay order shall not be granted such stay order unless that person shall show that immediate and irreparable injury, loss, or damage will result if such stay order is denied, or that such person has a reasonable likelihood of success upon the merits of his claim; and provided further that no stay order shall be issued without the person seeking such order posting a bond in such sum as the administrative hearing commission finds sufficient to protect and preserve the interest of the department of social services or its divisions. In no event may the administrative hearing commission grant such stay order where the claim arises under a program or programs funded by federal funds or by any combination of state and federal funds, unless it is specified in writing by the financial section of the appropriate federal agency that federal financial participation will be continued under the stay order.

10. The other provisions of this section notwithstanding, a person receiving or providing benefits shall have the right to bring an action in appealing from the administrative hearing commission in the circuit court of Cole County, Missouri, or the county of his residence pursuant to section 536.050.

EXPLANATION: SUBDIVISION (4) OF SUBSECTION 3 OF THIS SECTION IS OBSOLETE DUE TO THE REPEAL OF SECTION 167.195 IN 2015:

**209.015. BLINDNESS EDUCATION, SCREENING AND TREATMENT PROGRAM FUND — USES OF FUND — RULEMAKING.** — 1. There is hereby created in the state treasury the "Blindness Education, Screening and Treatment Program Fund". The fund shall consist of moneys donated pursuant to subsection 7 of section 301.020 and subsection 3 of section 302.171. Unexpended

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balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund, the provisions of section 33.080 to the contrary notwithstanding.

2. Subject to the availability of funds in the blindness education, screening and treatment program fund, the department of social services shall develop a blindness education, screening and treatment program to provide blindness prevention education and to provide screening and treatment for persons who do not have adequate coverage for such services under a health benefit plan.

3. The program shall provide for:

- (1) Public education about blindness and other eye conditions;
- (2) Screenings and eye examinations to identify conditions that may cause blindness; **and**
- (3) Treatment procedures necessary to prevent blindness; and

(4) Any additional costs for vision examinations under section 167.195 that are not covered by existing public or private health insurance. Subject to appropriations, moneys from the fund shall be used to pay for those additional costs, provided that the costs do not exceed ninety-nine thousand dollars per year. Payment from the fund for vision examinations under section 167.195 shall not exceed the allowable state Medicaid reimbursement amount for vision examinations].

4. The department may contract for program development with any department-approved nonprofit organization dealing with regional and community blindness education, eye donor and vision treatment services.

5. The department may adopt rules to prescribe eligibility requirements for the program.

6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

EXPLANATION: REPLACES INACCURATE LANGUAGE ENACTED IN 2014 WITH CORRECT TERMINOLOGY:

**210.027. DIRECT PAYMENT RECIPIENTS, CHILD CARE PROVIDERS — DEPARTMENT'S DUTIES.** — 1. For child-care providers who receive state or federal funds for providing child-care [fee assistance] **services**, either by direct payment or through reimbursement to a child-care beneficiary, the department of social services shall:

(1) Establish publicly available website access to provider-specific information about any health and safety licensing or regulatory requirements for the providers, and including dates of inspections, history of violations, and compliance actions taken, as well as the consumer education information required under subdivision (12) of this section;

(2) Establish or designate one hotline for parents to submit complaints about child care providers;

(3) Be authorized to revoke the registration of a registered provider for due cause;

(4) Require providers to be at least eighteen years of age;

(5) Establish minimum requirements for building and physical premises to include:

(a) Compliance with state and local fire, health, and building codes, which shall include the ability to evacuate children in the case of an emergency; and

(b) Emergency preparedness and response planning.

Child care providers shall meet these minimum requirements prior to receiving federal assistance. Where there are no local ordinances or regulations regarding smoke detectors, the department shall require providers, by rule, to install and maintain an adequate number of smoke detectors in the residence or other building where child care is provided;

(6) Require providers to be tested for tuberculosis on the schedule required for employees in licensed facilities;

(7) Require providers to notify parents if the provider does not have immediate access to a telephone;

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

- (8) Make providers aware of local opportunities for training in first aid and child care;
- (9) Promulgate rules and regulations to define preservice training requirements for child care providers and employees pursuant to applicable federal laws and regulations;
- (10) Establish procedures for conducting unscheduled on-site monitoring of child care providers prior to receiving state or federal funds for providing child care services either by direct payment or through reimbursement to a child care beneficiary, and annually thereafter;
- (11) Require child care providers who receive assistance under applicable federal laws and regulations to report to the department any serious injuries or death of children occurring in child care; and
- (12) With input from statewide stakeholders such as parents, child care providers or administrators, and system advocate [group] **groups**, establish a transparent system of quality indicators appropriate to the provider setting that shall provide parents with a way to differentiate between child care providers available in their communities as required by federal rules. The system shall describe the standards used to assess the quality of child care providers. The system shall indicate whether the provider meets Missouri's registration or licensing standards, is in compliance with applicable health and safety requirements, and the nature of any violations related to registration or licensing requirements. The system shall also indicate if the provider utilizes curricula and if the provider is in compliance with staff educational requirements. Such system of quality indicators established under this subdivision with the input from stakeholders shall be promulgated by rules. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void. This subdivision shall not be construed as authorizing the operation, establishment, maintenance, or mandating or offering of incentives to participate in a quality rating system under section 161.216.

2. No state agency shall enforce the provisions of this section until October 1, 2015, or six months after the implementation of federal regulations mandating such provisions, whichever is later.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBSECTION 1:

**210.114. QUALIFIED IMMUNITY FOR PRIVATE CONTRACTOR, WHEN — EXCEPTIONS.** — 1. Except as otherwise provided in section 207.085, [a private contractor, as defined in subdivision (4) of section 210.110, with the children's division that receives] **private contractors who in their capacities as children's services providers and agencies, as defined in section 210.110, receive state moneys from the division or the department for providing services to children and their families under section 210.112** shall have qualified immunity from civil liability for providing such services when the child is not in the physical care of such private contractor to the same extent that the children's division has qualified immunity from civil liability when the division or department directly provides such services.

2. This section shall not apply if a private contractor described above knowingly violates a stated or written policy of the division, any rule promulgated by the division, or any state law directly related to child abuse and neglect, or any state law directly related to the child abuse and neglect activities of the division or any local ordinance relating to the safety condition of the property.

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EXPLANATION: THIS SECTION CHANGES THE NUMERICAL REFERENCE TO BLOOD ALCOHOL CONTENT TO A WORD DESCRIPTION TO MAKE IT CONSISTENT WITH OTHER STATUTORY BLOOD ALCOHOL REFERENCES:

**211.447. JUVENILE OFFICER PRELIMINARY INQUIRY, WHEN — PETITION TO TERMINATE PARENTAL RIGHTS FILED, WHEN — JUVENILE COURT MAY TERMINATE PARENTAL RIGHTS, WHEN — INVESTIGATION TO BE MADE — GROUNDS FOR TERMINATION.** — 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it appears that the information could justify the filing of a petition, the juvenile officer may take further action, including filing a petition. If it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(c) The parent has voluntarily relinquished a child under section 210.950; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development. Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape or rape in the first degree. When the biological father has pled guilty to, or is convicted of, the forcible rape or rape in the first degree of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) (a) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse including, but not limited to, specific conditions directly relating to the parent and child relationship which are determined by the court to be of a duration or nature that renders the parent unable for the reasonably foreseeable future to care appropriately for the ongoing physical, mental, or emotional needs of the child.

(b) It is presumed that a parent is unfit to be a party to the parent and child relationship upon a showing that:

a. Within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3), or (4) of this subsection or similar laws of other states;

b. If the parent is the birth mother and within eight hours after the child's birth, the child's birth mother tested positive and over [.08] **eight-hundredths of one percent** blood alcohol content pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case;

c. If the parent is the birth mother and at the time of the child's birth or within eight hours after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case; or

d. Within a three-year period immediately prior to the termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent of at least one other child who was adjudicated an abused or neglected minor by such parent or such parent has previously failed to complete recommended treatment services by the children's division through a family-centered services case.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that

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Matter in bold-face type is proposed language.

the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

- (1) The emotional ties to the birth parent;
- (2) The extent to which the parent has maintained regular visitation or other contact with the child;
- (3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;
- (4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;
- (5) The parent's disinterest in or lack of commitment to the child;
- (6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;
- (7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

EXPLANATION: UPDATES OBSOLETE TERMINOLOGY REGARDING DISABILITIES AND THE TITLES OF DEPARTMENT PERSONNEL:

**226.805. INTERSTATE AGENCY COMMITTEE ON SPECIAL TRANSPORTATION CREATED — MEMBERS — POWERS AND DUTIES.** — 1. There is hereby created the "Interagency Committee on Special Transportation" within the Missouri department of transportation. The members of the committee shall be: the [assistant for transportation] **director** of the Missouri department of transportation, or his or her designee; the [assistant] **deputy** commissioner of the department of elementary and secondary education, responsible for special transportation, or his or her designee; the **director of the division of senior and disability services** of the department of health and senior services, or the director's designee; the director of the [children's] **family support** division of the department of social services, or the director's designee; the director of the division of developmental disabilities and the [deputy] director [for administration] **of the division of administrative services** of the department of mental health, or [their] **the directors'** designees; the executive [secretary] **director** of the governor's [committee on the employment of the handicapped] **council on disability**; and other state agency representatives as the governor deems appropriate for temporary or permanent membership by executive order.

2. The interagency committee on special transportation shall:

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- (1) Jointly designate substate special transportation planning and service areas within the state;
  - (2) Jointly designate a special transportation planning council for each special transportation planning and service area. The special transportation planning council shall be composed of the area agency on aging, the regional center for developmental disabilities, the regional planning commission and other local organizations responsible for funding and organizing special transportation designated by the interagency committee. The special transportation planning councils will oversee and approve the preparation of special transportation plans. Staff support for the special transportation planning councils will be provided by the regional planning commissions serving the area with funds provided by the department of transportation for this purpose;
  - (3) Jointly establish a uniform planning format and content;
  - (4) Individually and jointly establish uniform budgeting and reporting standards for all transportation funds administered by the member agencies. These standards shall be adopted into the administrative rules of each member agency;
  - (5) Individually establish annual allocations of funds to support special transportation services in each of the designated planning and service areas;
  - (6) Individually and jointly adopt a five-year planning budget for the capital and operating needs of special transportation in Missouri;
  - (7) Individually develop administrative and adopt rules for the substate division of special transportation funds;
  - (8) Jointly review and accept annual capital and operating plans for the designated special transportation planning and service areas;
  - (9) Individually submit proposed expenditures to the interagency committee for review as to conformity with the areas special transportation plans. All expenditures are to be made in accordance with the plans or by special action of the interagency committee.
3. The assistant for transportation of the Missouri department of transportation shall serve as chairman of the committee.
  4. Staff for the committee shall be provided by the Missouri department of transportation.
  5. The committee shall meet on such a schedule and carry out its duties in such a way as to discharge its responsibilities over special transportation expenditures made for the state fiscal year beginning July 1, 1989, and all subsequent years.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE ENACTED IN 2015:

**261.295. RULEMAKING AUTHORITY.** — The department of agriculture shall promulgate rules and regulations for the implementation of sections 261.270 to 261.295. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section and section [348.273] **348.075** shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

EXPLANATION: REMOVES THE LANGUAGE IN SUBSECTION 2 (INACCURATE PLACEMENT, SEE SECTION 288.128 BELOW):

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

**288.121. RATE INCREASED WHEN AVERAGE BALANCE IN FUND IS LESS THAN CERTAIN AMOUNT, HOW — RATE CALCULATIONS FOR CERTAIN YEARS.** — [1.] On October first of each calendar year, if the average balance, less any federal advances, of the unemployment compensation trust fund of the four preceding quarters (September thirtieth, June thirtieth, March thirty-first and December thirty-first of the preceding calendar year) is less than four hundred fifty million dollars, then each employer's contribution rate calculated for the four calendar quarters of the succeeding calendar year shall be increased by the percentage determined from the following table:

Balance in Trust Fund		Percentage
Less Than	Equals or Exceeds	of Increase
\$450,000,000	\$400,000,000	10%
\$400,000,000	\$350,000,000	20%
\$350,000,000		30%

For calendar years 2005, 2006, and 2007, the contribution rate of any employer who is paying the maximum contribution rate shall be increased by forty percent, instead of thirty percent as previously indicated in the table in this section.

[2. For calendar year 2007 and each year thereafter, an employer's total contribution rate shall equal the employer's contribution rate plus a temporary debt indebtedness assessment equal to the amount to be determined in subdivision (6) of subsection 2 of section 288.330 added to the contribution rate plus the increase authorized under subsection 1 of this section. Any moneys overcollected beyond the actual administrative, interest and principal repayment costs for the credit instruments used shall be deposited into the state unemployment insurance trust fund and credited to the employer's experience account.]

EXPLANATION: ADDS THE LANGUAGE REMOVED FROM SECTION 288.121 TO PLACE IT IN THE APPROPRIATE STATUTORY SECTION:

**288.128. ADDITIONAL ASSESSMENT FOR INTEREST ON FEDERAL ADVANCEMENTS AND PROCEEDS OF CREDIT INSTRUMENTS, PROCEDURE — EXCESS COLLECTIONS, USE OF — CREDIT INSTRUMENT AND FINANCING AGREEMENT REPAYMENT SURCHARGE.** — 1. If the fund is utilizing moneys advanced by the federal government under the provisions of 42 U.S.C.A., Section 1321, pursuant to section 288.330, each employer may be assessed an amount solely for the payment of interest due on such federal advancements. The rate shall be determined by dividing the interest due on federal advancements by ninety-five percent of the total taxable wages paid by all Missouri employers in the preceding calendar year. Each employer's proportionate share shall be the product obtained by multiplying such employer's total taxable wages for the preceding calendar year by the rate specified in this section. Each employer shall be notified of the amount due under this section by June thirtieth of each year and such amount shall be considered delinquent thirty days thereafter. The moneys collected from each employer for the payment of interest due on federal advances shall be deposited in the special employment security fund.

2. If on December thirty-first of any year the money collected under subsection 1 of this section exceeds the amount of interest due on federal advancements by one hundred thousand dollars or more, then each employer's experience rating account shall be credited with an amount which bears the same ratio to the excess moneys collected under this section as that employer's

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payment collected under this section bears to the total amount collected under this section. Further, if on December thirty-first of any year the moneys collected under this section exceed the amount of interest due on the federal advancements by less than one hundred thousand dollars, the balance shall be transferred from the special employment security fund to the Secretary of the Treasury of the United States to be credited to the account of this state in the unemployment trust fund.

3. If the fund is utilizing moneys from the proceeds of credit instruments issued under section 288.330, or from the moneys advanced under financial agreements under subdivision (17) of subsection 2 of section 288.330, or a combination of credit instrument proceeds and moneys advanced under financial agreements each employer may be assessed a credit instrument and financing agreement repayment surcharge. The total of such surcharge shall be calculated as an amount up to one hundred fifty percent of the amount required in the twelve-month period following the due date for the payment of such surcharge for the payment of the principal, interest, and administrative expenses related to such credit instruments, or in the case of financial agreements for the payment of principal, interest, and administrative expenses related to such financial agreements, or in the case of a combination of credit instruments and financial agreements for the payment of principal, interest, and administrative expenses for both. The total annual surcharge to be collected shall be calculated by the division as a percentage of the total statewide contributions collected during the previous calendar year. Each employer's proportionate share shall be the product obtained by multiplying the percentage calculated under this subsection by each employer's contributions due under this chapter for each filing period during the preceding calendar year. Each employer shall be notified by the division of the amount due under this section by April thirtieth of each year and such amount shall be considered delinquent thirty days thereafter. **Any moneys overcollected in excess of the actual administrative, interest, and principal repayments costs for the credit instruments or financial agreements used shall be deposited into the state unemployment insurance trust fund and credited to the employer's experience account.**

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE IN SUBDIVISION (4) OF SUBSECTION 6:

**301.562. LICENSE SUSPENSION, REVOCATION, REFUSAL TO RENEW — PROCEDURE — GROUNDS — COMPLAINT MAY BE FILED, WHEN — CLEAR AND PRESENT DANGER, WHAT CONSTITUTES, REVOCATION OR SUSPENSION AUTHORIZED, PROCEDURE — AGREEMENT PERMITTED, WHEN.** — 1. The department may refuse to issue or renew any license required pursuant to sections 301.550 to 301.580 for any one or any combination of causes stated in subsection 2 of this section. The department shall notify the applicant or licensee in writing at his or her last known address of the reasons for the refusal to issue or renew the license and shall advise the applicant or licensee of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license issued under sections 301.550 to 301.580 for any one or any combination of the following causes:

(1) The applicant or license holder was previously the holder of a license issued under sections 301.550 to 301.580, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled;

(2) The applicant or license holder was previously a partner, stockholder, director or officer controlling or managing a partnership or corporation whose license issued under sections 301.550

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to 301.580 was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled;

(3) The applicant or license holder has, within ten years prior to the date of the application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any business licensed under sections 301.550 to 301.580; for any offense, an essential element of which is fraud, dishonesty, or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued pursuant to sections 301.550 to 301.580;

(5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or other compensation by fraud, deception, or misrepresentation;

(6) Violation of, or assisting or enabling any person to violate any provisions of this chapter and chapters 143, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation adopted pursuant to this chapter and chapters 143, 144, 306, 307, 407, 578, and 643;

(7) The applicant or license holder has filed an application for a license which, as of its effective date, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(8) The applicant or license holder has failed to pay the proper application or license fee or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a bona fide place of business;

(9) Uses or permits the use of any special license or license plate assigned to the license holder for any purpose other than those permitted by law;

(10) The applicant or license holder is finally adjudged insane or incompetent by a court of competent jurisdiction;

(11) Use of any advertisement or solicitation which is false;

(12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a conviction or finding of guilt or violation of any federal motor vehicle laws which result in a conviction or finding of guilt.

3. Any such complaint shall be filed within one year of the date upon which the department receives notice of an alleged violation of an applicable statute or regulation. After the filing of such complaint, the proceedings shall, except for the matters set forth in subsection 5 of this section, be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, refuse to issue the person a license, issue a license for a period of less than two years, issue a private reprimand, place the person on probation on such terms and conditions as the department deems appropriate for a period of one day to five years, suspend the person's license from one day to six days, or revoke the person's license for such period as the department deems appropriate. The applicant or licensee shall have the right to appeal the decision of the administrative hearing commission and department in the manner provided in chapter 536.

4. Upon the suspension or revocation of any person's license issued under sections 301.550 to 301.580, the department shall recall any distinctive number plates that were issued to that licensee. If any licensee who has been suspended or revoked shall neglect or refuse to surrender his or her license or distinctive number license plates issued under sections 301.550 to 301.580, the director shall direct any agent or employee of the department or any law enforcement officer, to secure possession thereof and return such items to the director. For purposes of this subsection, a "law enforcement officer"

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Matter in bold-face type is proposed language.

means any member of the highway patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his or her official capacity. Failure of the licensee to surrender his or her license or distinctive number license plates upon demand by the director, any agent or employee of the department, or any law enforcement officer shall be a class A misdemeanor.

5. Notwithstanding the foregoing provisions of this section, the following events or acts by the holder of any license issued under sections 301.550 to 301.580 are deemed to present a clear and present danger to the public welfare and shall be considered cause for suspension or revocation of such license under the procedure set forth in subsection 6 of this section, at the discretion of the director:

(1) The expiration or revocation of any corporate surety bond or irrevocable letter of credit, as required by section 301.560, without submission of a replacement bond or letter of credit which provides coverage for the entire period of licensure;

(2) The failure to maintain a bona fide established place of business as required by section 301.560;

(3) Criminal convictions as set forth in subdivision (3) of subsection 2 of this section; or

(4) Three or more occurrences of violations which have been established following proceedings before the administrative hearing commission under subsection 3 of this section, or which have been established following proceedings before the director under subsection 6 of this section, of this chapter and chapters 143, 144, 306, 307, 578, and 643 or of any lawful rule or regulation adopted under this chapter and chapters 143, 144, 306, 307, 578, and 643, not previously set forth herein.

6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or revoked, following an evidentiary hearing before the director or his or her designated hearing officer, if affidavits or sworn testimony by an authorized agent of the department alleges the occurrence of any of the events or acts described in subsection 5 of this section.

(2) For any license which the department believes may be subject to suspension or revocation under this subsection, the director shall immediately issue a notice of hearing to the licensee of record. The director's notice of hearing:

(a) Shall be served upon the licensee personally or by first class mail to the dealer's last known address, as registered with the director;

(b) Shall be based on affidavits or sworn testimony presented to the director, and shall notify the licensee that such information presented therein constitutes cause to suspend or revoke the licensee's license;

(c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;

(d) Shall specify the events or acts which may provide cause for suspension or revocation of the license, and shall include with the notice a copy of all affidavits, sworn testimony or other information presented to the director which support discipline of the license; and

(e) Shall inform the licensee that he or she has the right to attend the hearing and present any evidence in his or her defense, including evidence to show that the event or act which may result in suspension or revocation has been corrected to the director's satisfaction, and that he or she may be represented by counsel at the hearing.

(3) At any hearing before the director conducted under this subsection, the director or his or her designated hearing officer shall consider all evidence relevant to the issue of whether the license should be suspended or revoked due to the occurrence of any of the acts set forth in subsection 5 herein. Within twenty business days after such hearing, the director or his or her designated hearing officer shall issue a written order, with findings of fact and conclusions of law, which either grants or denies the issuance of an order of suspension or revocation. The suspension or revocation shall be effective ten days after the date of the order. The written order of the director

or his or her hearing officer shall be the final decision of the director and shall be subject to judicial review under the provisions of chapter 536.

(4) Notwithstanding the provisions of this chapter or chapter 610 or 621 to the contrary, the proceedings under this [section] **subsection** shall be closed and no order shall be made public until it is final, for purposes of appeal.

7. In lieu of acting under subsection 2 or 6 of this section, the department of revenue may enter into an agreement with the holder of the license to ensure future compliance with sections 301.210, 301.213, 307.380, sections 301.217 to 301.229, and sections 301.550 to 301.580. Such agreement may include an assessment fee not to exceed five hundred dollars per violation or five thousand dollars in the aggregate unless otherwise permitted by law, probation terms and conditions, and other requirements as may be deemed appropriate by the department of revenue and the holder of the license. Any fees collected by the department of revenue under this subsection shall be deposited into the motor vehicle commission fund created in section 301.560.

EXPLANATION: CHANGES THE LANGUAGE IN PARAGRAPH (a) OF SUBDIVISION (10) OF SUBSECTION 2 TO COMPLY WITH FEDERAL LAW:

**302.700. CITATION OF LAW — DEFINITIONS.** — 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act".

2. When used in sections 302.700 to 302.780, the following words and phrases mean:

(1) "Alcohol", any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath or the number of grams of alcohol per sixty-seven milliliters of urine;

(3) "CDL driver", a person holding or required to hold a commercial driver's license (CDL);

(4) "CDLIS driver record", the electronic record of the individual commercial driver's status and history stored by the state of record as part of the Commercial Driver's License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;

(5) "CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS driver record which meets the requirements for access to CDLIS information and is provided by states to users authorized in 49 CFR 384, subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;

(6) "Commercial driver's instruction permit", a commercial learner's permit issued to an individual by a state or other jurisdiction of domicile in accordance with the standards contained in 49 CFR 383, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid;

(7) "Commercial driver's license (CDL)", a license issued by this state or other jurisdiction of domicile in accordance with 49 CFR 383 which authorizes the individual to operate a class of commercial motor vehicle;

(8) "Commercial driver's license downgrade", occurs when:

(a) A driver changes the self-certification to interstate, but operates exclusively in transportation or operation excepted from 49 CFR 391, as provided in 49 CFR 390.3(f), 391.2, 391.68, or 398.3;

(b) A driver changes the self-certification to intrastate only, if the driver qualifies under the state's physical qualification requirements for intrastate only;

(c) A driver changes the self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or

(d) The state removes the commercial driver's license privilege from the driver's license;

(9) "Commercial driver's license information system (CDLIS)", the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(10) "Commercial motor vehicle", a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property:

(a) If the vehicle has a gross combination weight rating or gross combination weight of twenty-six thousand one or more pounds, **whichever is greater**, inclusive of a towed unit which has a gross vehicle weight rating or gross vehicle weight of more than ten thousand [one] pounds [or more], whichever is greater;

(b) If the vehicle has a gross vehicle weight rating or gross vehicle weight of twenty-six thousand one or more pounds, whichever is greater;

(c) If the vehicle is designed to transport sixteen or more passengers, including the driver; or

(d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. Section 1801, et seq.);

(11) "Controlled substance", any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)), and includes all substances listed in Schedules I through V of 21 CFR 1308, as they may be revised from time to time;

(12) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo contendere, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

(13) "Director", the director of revenue or his authorized representative;

(14) "Disqualification", any of the following three actions:

(a) The suspension, revocation, or cancellation of a commercial driver's license or commercial driver's instruction permit;

(b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a state, Canada, or Mexico as the result of a violation of federal, state, county, municipal, or local law relating to motor vehicle traffic control or violations committed through the operation of motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

(c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 CFR 383.52 or 391;

(15) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

(16) "Driver", any person who drives, operates, or is in physical control of a motor vehicle, or who is required to hold a commercial driver's license;

(17) "Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or commercial driver's instruction permit in this state;

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

Matter in bold-face type is proposed language.

(18) "Driving under the influence of alcohol", the commission of any one or more of the following acts:

(a) Driving a commercial motor vehicle with the alcohol concentration of four one-hundredths of a percent or more as prescribed by the Secretary or such other alcohol concentration as may be later determined by the Secretary by regulation;

(b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation of any federal or state law, or in violation of a county or municipal ordinance;

(c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol content in violation of any federal or state law, or in violation of a county or municipal ordinance;

(d) Refusing to submit to a chemical test in violation of section 302.574, section 302.750, any federal or state law, or a county or municipal ordinance; or

(e) Having any state, county or municipal alcohol-related enforcement contact, as defined in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years of age or older shall have been committed by the person with an alcohol concentration of at least eight-hundredths of one percent or more, or in the case of an individual who is less than twenty-one years of age, shall have been committed by the person with an alcohol concentration of at least two-hundredths of one percent or more, and if committed in a commercial motor vehicle, a concentration of four-hundredths of one percent or more;

(19) "Driving under the influence of a controlled substance", the commission of any one or more of the following acts in a commercial or noncommercial motor vehicle:

(a) Driving a commercial or noncommercial motor vehicle while under the influence of any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)), including any substance listed in Schedules I through V of 21 CFR 1308, as they may be revised from time to time;

(b) Driving a commercial or noncommercial motor vehicle while in a drugged condition in violation of any federal or state law or in violation of a county or municipal ordinance; or

(c) Refusing to submit to a chemical test in violation of section 302.574, section 302.750, any federal or state law, or a county or municipal ordinance;

(20) "Electronic device", includes but is not limited to a cellular telephone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text;

(21) "Employer", any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to operate such a vehicle;

(22) "Endorsement", an authorization on an individual's commercial driver's license or commercial learner's permit required to permit the individual to operate certain types of commercial motor vehicles;

(23) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer used exclusively for the transportation of agricultural products, farm machinery, farm supplies, or a combination of these, within one hundred fifty miles of the farm, other than one which requires placarding for hazardous materials as defined in this section, or used in the operation of a common or contract motor carrier, except that a farm vehicle shall not be a commercial motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand one pounds when transporting fertilizers as defined in subdivision (29) of this subsection;

(24) "Fatality", the death of a person as a result of a motor vehicle accident;

(25) "Felony", any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

(26) "Foreign", outside the fifty states of the United States and the District of Columbia;

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Matter in bold-face type is proposed language.

(27) "Gross combination weight rating" or "GCWR", the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon;

(28) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer as the loaded weight of a single vehicle;

(29) "Hazardous materials", any material that has been designated as hazardous under 49 U.S.C. Section 5103 and is required to be placarded under subpart F of CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73. Fertilizers, including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not be considered hazardous materials when transported by a farm vehicle provided all other provisions of this definition are followed;

(30) "Imminent hazard", the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begins to lessen the risk of that death, illness, injury, or endangerment;

(31) "Issuance", the initial licensure, license transfers, license renewals, and license upgrades;

(32) "Manual transmission" (also known as a stick shift, stick, straight drive or standard transmission), a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot. All other transmissions, whether semiautomatic or automatic, will be considered automatic for the purposes of the standardized restriction code;

(33) "Medical examiner", a person who is licensed, certified, or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic;

(34) "Medical variance", when a driver has received one of the following that allows the driver to be issued a medical certificate:

(a) An exemption letter permitting operation of a commercial motor vehicle under 49 CFR 381, Subpart C or 49 CFR 391.64;

(b) A skill performance evaluation certificate permitting operation of a commercial motor vehicle under 49 CFR 391.49;

(35) "Mobile telephone", a mobile communication device that is classified as or uses any commercial mobile radio service, as defined in the regulations of the Federal Communications Commission, 47 CFR 20.3, but does not include two-way or citizens band radio services;

(36) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

(37) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles not defined by the term commercial motor vehicle in this section;

(38) "Out of service", a temporary prohibition against the operation of a commercial motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier;

(39) "Out-of-service order", a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service under 49 CFR 386.72, 392.5, 392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria;

(40) "School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the Secretary;

(41) "Secretary", the Secretary of Transportation of the United States;

(42) "Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for the following offenses or driving a noncommercial motor vehicle when the driver receives a conviction for the following offenses and the conviction results in the suspension or revocation of the driver's license or noncommercial motor vehicle driving privilege:

(a) Excessive speeding, as defined by the Secretary by regulation;

(b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any violation of section 304.016, any violation of section 304.010, or any other violation of federal or state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed;

(c) A violation of any federal or state law or county or municipal ordinance regulating the operation of motor vehicles arising out of an accident or collision which resulted in death to any person, other than a parking violation;

(d) Driving a commercial motor vehicle without obtaining a commercial driver's license in violation of any federal or state or county or municipal ordinance;

(e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date that the citation was issued shall not be guilty of this offense;

(f) Driving a commercial motor vehicle without the proper commercial driver's license class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported in violation of any federal or state law or county or municipal ordinance;

(g) Violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle;

(h) Violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle; or

(i) Any other violation of a federal or state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the Secretary by regulation;

(43) "State", a state of the United States, including the District of Columbia;

(44) "Tank vehicle", any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more, that is temporarily attached to a flatbed trailer is not considered a tank vehicle;

(45) "Texting", manually entering alphanumeric text into, or reading text from, an electronic device. This action includes but is not limited to short message service, emailing, instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include:

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Matter in bold-face type is proposed language.

- (a) Inputting, selecting, or reading information on a global positioning system or navigation system;
  - (b) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or
  - (c) Using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smart phones, citizens band radios, music players) for a purpose that is not otherwise prohibited in this part;
- (46) "United States", the fifty states and the District of Columbia.

EXPLANATION: THIS SECTION CONTAINS INACCURATE INTERSECTIONAL REFERENCES:

**324.028. FORFEITURE OF MEMBERSHIP ON BOARD OR COUNCIL FOR MISSING MEETINGS.** — Any member authorized under the provisions of sections 256.459, 324.063, 324.177, 324.203, 324.243, 324.406, 324.478, 326.259, 327.031, [328.030, 329.190,] **329.015**, 330.110, 331.090, 332.021, 333.151, 334.120, 334.430, 334.625, 334.717, [334.736,] **334.749**, 334.830, 335.021, 336.130, 337.050, **337.305**, **337.535**, **337.622**, **337.739**, 338.110, 339.120, [340.210,] **340.202**, 345.080, and 346.120 who misses three consecutive regularly scheduled meetings of the board or council on which he serves shall forfeit his membership on that board or council. A new member shall be appointed to the respective board or council by the governor with the advice and consent of the senate.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBDIVISION (7):

- 324.159. BOARD DUTIES.** — The board shall:
- (1) Adopt and publish a code of ethics;
  - (2) Establish the qualifications and fitness of applicants of licenses, renewal of licenses and reciprocal licenses;
  - (3) Revoke, suspend or deny a license, suspend a license or reprimand a license holder for a violation of sections 324.125 to 324.183, the code of ethics or the rules adopted by the board;
  - (4) Provide for the expenditure of funds necessary for the proper administration of its assigned duties;
  - (5) Establish reasonable and necessary fees for the administration and implementation of sections 324.125 to 324.183. Fees shall be established at a rate that does not significantly exceed the cost of administering the provisions of sections 324.125 to 324.183;
  - (6) Establish continuing professional education requirements for licensed clinical perfusionists and provisional licensed clinical perfusionists, the standards of which shall be at least as stringent as those of the American Board of Cardiovascular Perfusion or its successor agency;
  - (7) Within the limits of its appropriation, employ and remove board personnel, as defined in subdivision (4) of subsection [10] **11** of section 324.001 as may be necessary for the efficient operation of the board;
  - (8) Adopt the training and clinical competency requirements established by the department of health and senior services through hospital licensing regulations promulgated pursuant to chapter 197. The provisions of sections 324.125 to 324.183 to the contrary notwithstanding, the board shall not regulate a perfusionist's training, education or fitness to practice except as specifically provided by the hospital licensing regulations of the department of health and senior services. In promulgating such regulations, the department of health and senior services shall adopt the standards of the American Board of Cardiovascular Perfusion, or its successor organization, or comparable standards for training and experience. The department shall by rule and regulation provide that individuals providing perfusion services who do meet such standards may continue

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their employment in accordance with section 324.130. The department shall also establish standards for provisional licensed clinical perfusionists pursuant to section 324.147.

EXPLANATION: THIS SECTION CHANGES THE LANGUAGE IN SUBSECTION 4 FOR CONSISTENCY WITH SECTION 304.028:

**324.406. INTERIOR DESIGN COUNCIL CREATED, MEMBERS, TERMS, REMOVAL FOR CAUSE.**

— 1. There is hereby created within the division of professional registration a council to be known as the "Interior Design Council". The council shall consist of four interior designers and one public member appointed by the governor with the advice and consent of the senate. The governor shall give due consideration to the recommendations by state organizations of the interior design profession for the appointment of the interior design members to the council. Council members shall be appointed to serve a term of four years; except that of the members first appointed, one interior design member and the public member shall be appointed for terms of four years, one member shall be appointed for a term of three years, one member shall be appointed for a term of two years and one member shall be appointed for a term of one year. No member of the council shall serve more than two terms.

2. Each council member, other than the public member, shall be a citizen of the United States, a resident of the state of Missouri for at least one year, meet the qualifications for professional registration, practice interior design as the person's principal livelihood and, except for the first members appointed, be registered pursuant to sections 324.400 to 324.439 as an interior designer.

3. The public member shall be, at the time of such person's appointment, a citizen of the United States, a registered voter, a person who is not and never was a member of the profession regulated by sections 324.400 to 324.439 or the spouse of such a person and a person who does not have and never has had a material financial interest in the providing of the professional services regulated by sections 324.400 to 324.439. The duties of the public member shall not include the determination of the technical requirements for the registration of persons as interior designers.

4. The provisions of section 324.028 pertaining to [public] members of certain state boards and commissions shall apply to [the public member] **all members** of the council.

[4.] 5. Members of the council may be removed from office for cause. Upon the death, resignation or removal from office of any member of the council, the appointment to fill the vacancy shall be for the unexpired portion of the term so vacated and shall be filled in the same manner as the first appointment and due notice be given to the state organizations of the interior design profession prior to the appointment.

[5.] 6. Each member of the council may receive as compensation an amount set by the division not to exceed fifty dollars per day and shall be reimbursed for the member's reasonable and necessary expenses incurred in the official performance of the member's duties as a member of the council. The director shall establish by rule guidelines for payment.

[6.] 7. The council shall meet at least twice each year and advise the division on matters within the scope of sections 324.400 to 324.439. The organization of the council shall be established by the members of the council.

[7.] 8. The council may sue and be sued as the interior design council and the council members need not be named as parties. Members of the council shall not be personally liable either jointly or severally for any act committed in the performance of their official duties as council members. No council member shall be personally liable for any costs which accrue in any action by or against the council.

EXPLANATION: THE TWO LISTS OF PROFESSIONALS IN SUBSECTION 1 ARE INCONSISTENT; ADDITIONAL LANGUAGE IS ADDED TO THE SECOND LIST TO MAKE IT CONSISTENT:

**327.451. CHARGES OF IMPROPER CONDUCT, HOW FILED, CONTENTS — ADMINISTRATIVE HEARING COMMISSION TO HEAR.** — 1. Any person who believes that an architect or a professional engineer or a professional land surveyor or a professional landscape architect has acted or failed to act so that his or her license or certificate of authority should, pursuant to the provisions of this chapter, be suspended or revoked, or who believes that any applicant for a license or certificate of authority pursuant to the provisions of this chapter is not entitled to a license or a certificate of authority, may file a written affidavit with the executive director of the board which the affiant shall sign and swear to and in which the affiant shall clearly set forth the reasons for the affiant's charge or charges that the license or certificate of an architect or professional engineer or professional land surveyor **or professional landscape architect** should be suspended or revoked or not renewed or that a license or certificate should not be issued to an applicant.

2. If the affidavit so filed does not contain statements of fact which if true would authorize, pursuant to the provisions of this chapter, suspension or revocation of the accused's license or certificate, or does not contain statements of fact which if true would authorize, pursuant to the provisions of this chapter, the refusal of the renewal of an existing license or certificate or the refusal of a license or certificate to an applicant, the board shall either dismiss the charge or charges or, within its discretion, cause an investigation to be made of the charges contained in the affidavit, after which investigation the board shall either dismiss the charge or charges or proceed against the accused by written complaint as provided in subsection 3 of this section.

3. If the affidavit contains statements of fact which if true would authorize pursuant to the provisions of this chapter the revocation or suspension of an accused's license or certificate, the board shall cause an investigation to be made of the charge or charges contained in the affidavit and unless the investigation discloses the falsity of the facts upon which the charge or charges in the affidavit are based, the board shall file with and in the administrative hearing commission a written complaint against the accused setting forth the cause or causes for which the accused's license or certificate of authority should be suspended or revoked. Thereafter, the board shall be governed by and shall proceed in accordance with the provisions of chapter 621.

4. If the charges contained in the affidavit filed with the board would constitute a cause or causes for which pursuant to the provisions of this chapter an accused's license or certificate of authority should not be renewed or a cause or causes for which pursuant to the provisions of this chapter a certificate should not be issued, the board shall cause an investigation to be made of the charge or charges and unless the investigation discloses the falsity of the facts upon which the charge or charges contained in the affidavit are based, the board shall refuse to permit an applicant to be examined upon the applicant's qualifications for licensure or shall refuse to issue or renew a license or certificate of authority, as the case may require.

5. The provisions of this section shall not be so construed as to prevent the board on its own initiative from instituting and conducting investigations and based thereon to make written complaints in and to the administrative hearing commission.

6. If for any reason the provisions of chapter 621 become inapplicable to the board, then, and in that event, the board shall proceed to charge, adjudicate and otherwise act in accordance with the provisions of chapter 536.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBDIVISION (5) OF SUBSECTION 1:

**329.025. POWERS OF THE BOARD, MEETINGS — RULEMAKING AUTHORITY.** — 1. The board shall have power to:

(1) Prescribe by rule for the examination of applicants for licensure to practice the classified occupations of barbering and cosmetology and issue licenses;

(2) Prescribe by rule for the inspection of barber and cosmetology establishments and schools and appoint the necessary inspectors and examining assistants;

(3) Prescribe by rule for the inspection of establishments and schools of barbering and cosmetology as to their sanitary conditions and to appoint the necessary inspectors and, if necessary, examining assistants;

(4) Set the amount of the fees that this chapter and chapter 328, authorize and require, by rules promulgated under section 536.021. The fees shall be set at a level sufficient to produce revenue that shall not substantially exceed the cost and expense of administering this chapter and chapter 328;

(5) Employ and remove board personnel, as set forth in subdivision (4) of subsection [10] **11** of section 324.001, including an executive secretary or comparable position, inspectors, investigators, legal counsel and secretarial support staff, as may be necessary for the efficient operation of the board, within the limitations of its appropriation;

(6) Elect one of its members president, one vice president, and one secretary with the limitation that no single profession can hold the positions of president and vice president at the same time;

(7) Promulgate rules necessary to carry out the duties and responsibilities designated by this chapter and chapter 328;

(8) Determine the sufficiency of the qualifications of applicants; and

(9) Prescribe by rule the minimum standards and methods of accountability for the schools of barbering and cosmetology licensed under this chapter and chapter 328.

2. The board shall create no expense exceeding the sum received from time to time from fees imposed under this chapter and chapter 328.

3. A majority of the board, with at least one representative of each profession being present, shall constitute a quorum for the transaction of business.

4. The board shall meet not less than six times annually.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter and chapter 328 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE:

**330.190. BOARD TO ENFORCE LAW AND EMPLOY PERSONNEL.** — The board shall investigate all complaints of violations of the provisions of this chapter as provided in section 324.002 and shall report any such violations to the proper prosecuting officers or other public officials charged with the enforcement of the provisions of this chapter. The board may employ

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such board personnel, as defined in subdivision (4) of subsection [10] **11** of section 324.001, as it deems necessary within appropriations therefor.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBSECTION 3:

**332.041. BOARD, MEETINGS, OFFICERS — RECORDS — COMPENSATION.** — 1. The board shall meet at least twice a year at such times and places in the state of Missouri as may be fixed by the board. The board shall elect from its membership a president, a vice president, and a secretary-treasurer, each of whom shall be elected at the times and serve for the terms as are determined by the board, and each of whose duties shall be prescribed by the board.

2. The board shall keep records of its official acts, and certified copies of any such records attested by a designee of the board with the board's seal affixed shall be received as evidence in all courts to the same extent as the board's original records would be received.

3. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of his expenses necessarily incurred in the discharge of his official duties. The board may employ and pay legal counsel and such board personnel, as defined in subdivision (4) of subsection [10] **11** of section 324.001, as it deems necessary within appropriations therefor.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE IN SUBDIVISION (18) OF SUBSECTION 2:

**334.100. DENIAL, REVOCATION OR SUSPENSION OF LICENSE, ALTERNATIVES, GROUNDS FOR — REINSTATEMENT PROVISIONS.** — 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

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(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;

(f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;

(g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination including failing to establish a valid physician-patient relationship pursuant to section 334.108, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

(i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;

(j) Being listed on any state or federal sexual offender registry;

(k) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

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- (l) Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;
- (m) Failure of any applicant or licensee to cooperate with the board during any investigation;
- (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;
- (o) Failure to timely pay license renewal fees specified in this chapter;
- (p) Violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency;
- (q) Failing to inform the board of the physician's current residence and business address;
- (r) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;
- (s) Any other conduct that is unethical or unprofessional involving a minor;
- (5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;
- (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or regulation adopted pursuant to this chapter or chapter 324;
- (7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;
- (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;
- (9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter. A physician who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;
- (11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;
- (12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

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(13) Violation of the drug laws or rules and regulations of this state, including but not limited to any provision of chapter 195, any other state, or the federal government;

(14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;

(15) Knowingly making a false statement, orally or in writing to the board;

(16) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;

(17) Using, or permitting the use of, the person's name under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(18) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the [federal Medicare program] **Social Security Act**;

(19) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

(20) Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing;

(21) Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;

(22) Any person licensed to practice as a physician or surgeon, requiring, as a condition of the physician-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

(23) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

(24) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;

(25) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement or licensee's professional health program;

(26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not, or voluntary termination of a controlled substance authority while under investigation;

(27) For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such facility has failed to obtain or renew a license as an ambulatory surgical center.

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE IN SUBDIVISION (5) OF SUBSECTION 1:

**334.570. CERTIFICATE OF REGISTRATION — NOTICE TO RENEW — FEES — DISPLAY OF CERTIFICATE, REQUIREMENTS.** — 1. Every person licensed under sections 334.500 to 334.620 shall, on or before the registration renewal date, apply to the board for a certificate of registration for the

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ensuing licensing period. The application shall be made under oath on a form furnished to the applicant by the board. The application shall include, but not be limited to, disclosure of the following:

- (1) The applicant's full name;
- (2) The applicant's office address or addresses and telephone number or numbers;
- (3) The applicant's home address and telephone number;
- (4) The date and number of the applicant's license;
- (5) All final disciplinary actions taken against the applicant by any professional association or society, licensed hospital or medical staff of a hospital, physical therapy facility, state, territory, federal agency or [county] **country**; and
- (6) Information concerning the applicant's current physical and mental fitness to practice his or her profession.

The applicant may be required to successfully complete a test administered by the board on the laws and rules related to the practice of physical therapy. The test process, dates, and passing scores shall be established by the board by rule.

2. A notice for application for registration shall be made available to each person licensed in this state. The failure to receive the notice does not, however, relieve any person of the duty to register and pay the fee required by sections 334.500 to 334.620 nor exempt such person from the penalties provided by sections 334.500 to 334.620 for failure to register.

3. If a physical therapist does not renew such license for two consecutive renewal periods, such license shall be deemed void.

4. Each applicant for registration shall accompany the application for registration with a registration fee to be paid to the director of revenue for the licensing period for which registration is sought.

5. If the application is filed and the fee paid after the registration renewal date, a delinquent fee shall be paid; except that, whenever in the opinion of the board the applicant's failure to register is caused by extenuating circumstances including illness of the applicant, as defined by rule, the delinquent fee may be waived by the board.

6. Upon application and submission by such person of evidence satisfactory to the board that such person is licensed to practice in this state and upon the payment of fees required to be paid by this chapter, the board shall issue to such person a certificate of registration. The certificate of registration shall contain the name of the person to whom it is issued and his or her office address, the expiration date, and the number of the license to practice.

7. Upon receiving such certificate, every person shall cause the certificate to be readily available or conspicuously displayed at all times in every practice location maintained by such person in the state. If the licensee maintains more than one practice location in this state, the board shall, without additional fee, issue to such licensee duplicate certificates of registration for each practice location so maintained. If any licensee changes practice locations during the period for which any certificate of registration has been issued, the licensee shall, within fifteen days thereafter, notify the board of such change and the board shall issue to the licensee, without additional fee, a new registration certificate showing the new location.

8. Whenever any new license is granted to any physical therapist or physical therapist assistant under the provisions of this chapter, the board shall, upon application therefor, issue to such physical therapist or physical therapist assistant a certificate of registration covering a period from the date of the issuance of the license to the next renewal date without the payment of any registration fee.

EXPLANATION: UPDATES THE REFERENCE TO THE COMMISSION ON ACCREDITATION IN PHYSICAL THERAPY EDUCATION:

**334.610. LICENSE TO PRACTICE REQUIRED, EXCEPTIONS — UNAUTHORIZED USE OF TITLES PROHIBITED.** — Any person who holds himself or herself out to be a physical therapist or a licensed physical therapist within this state or any person who advertises as a physical therapist or claims that the person can render physical therapy services and who, in fact, does not hold a valid physical therapist license is guilty of a class B misdemeanor and, upon conviction, shall be punished as provided by law. Any person who, in any manner, represents himself or herself as a physical therapist, or who uses in connection with such person's name the words or letters "physical therapist", "physiotherapist", "registered physical therapist", "doctor of physical therapy", "P.T.", "Ph.T.", "P.T.T.", "R.P.T.", "D.P.T.", "M.P.T.", or any other letters, words, abbreviations or insignia, indicating or implying that the person is a physical therapist without a valid existing license as a physical therapist issued to such person pursuant to the provisions of sections 334.500 to 334.620, is guilty of a class B misdemeanor. Nothing in sections 334.500 to 334.620 shall prohibit any person licensed in this state under chapter 331 from carrying out the practice for which the person is duly licensed, or from advertising the use of physiologic and rehabilitative modalities; nor shall it prohibit any person licensed or registered in this state under section 334.735 or any other law from carrying out the practice for which the person is duly licensed or registered; nor shall it prevent professional and semiprofessional teams, schools, YMCA clubs, athletic clubs and similar organizations from furnishing treatment to their players and members. This section, also, shall not be construed so as to prohibit masseurs and masseuses from engaging in their practice not otherwise prohibited by law and provided they do not represent themselves as physical therapists. This section shall not apply to physicians and surgeons licensed under this chapter or to a person in an entry level of a professional education program approved by the [commission for accreditation of physical therapists and physical therapist assistant education] **Commission on Accreditation in Physical Therapy Education (CAPTE)** who is satisfying supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education while under on-site supervision of a physical therapist; or to a physical therapist who is practicing in the United States Armed [Services] **Forces**, United States Public Health Service, or Veterans Administration under federal regulations for state licensure for health care providers.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE REFERENCE IN SUBDIVISION (16) OF SUBSECTION 2:

**334.613. REFUSAL TO ISSUE OR RENEW A LICENSE, PROCEDURE — COMPLAINT MAY BE FILED, WHEN, REQUIREMENTS FOR PROCEEDINGS ON — DISCIPLINARY ACTION AUTHORIZED.** — 1. The board may refuse to issue or renew a license to practice as a physical therapist or physical therapist assistant for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew a license to practice as a physical therapist or physical therapist assistant, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request

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in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a physical therapist or physical therapist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of a physical therapist or physical therapist assistant, including but not limited to the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment or services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;

(f) Performing services which have been declared by board rule to be of no physical therapy value;

(g) Final disciplinary action by any professional association, professional society, licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;

(h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;

(i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual

advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;

(j) Terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

(k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;

(l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;

(m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(n) Failure to timely pay license renewal fees specified in this chapter;

(o) Violating a probation agreement with this board or any other licensing agency;

(p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;

(q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of a physical therapist or physical therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;

(7) Impersonation of any person licensed as a physical therapist or physical therapist assistant or allowing any person to use his or her license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;

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(12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;

(13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the [federal Medicare program] **Social Security Act**;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in any physical therapy facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing;

(19) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under 334.602;

(22) Attempting to engage in conduct that subverts or undermines the integrity of the licensing examination or the licensing examination process, including but not limited to utilizing in any manner recalled or memorized licensing examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with any other examinees during the test, or copying or sharing licensing examination questions or portions of questions;

(23) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant who requests, receives, participates or engages directly or indirectly in the division, transferring, assigning, rebating or refunding of fees received for professional services or profits by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person;

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(24) Being unable to practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the physical therapist or physical therapist assistant at the physical therapist's or physical therapist assistant's last known address. Failure of a physical therapist or physical therapist assistant to submit to the examination when directed shall constitute an admission of the allegations against the physical therapist or physical therapist assistant, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's or physical therapist assistant's control. A physical therapist or physical therapist assistant whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or physical therapist assistant can resume the competent practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients;

(e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 3 of this section.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE:

**334.618. INVESTIGATION AND FILING OF COMPLAINTS FOR VIOLATIONS.** — Upon receiving information that any provision of sections 334.500 to 334.687 has been or is being violated, the executive director of the board or other person designated by the board shall investigate and, upon probable cause appearing, the executive director shall, under the direction of the board, file a complaint with the administrative hearing commission or appropriate official or court. All such complaints shall be handled as provided by rule promulgated under [subdivision (6) of subsection 16 of section 620.010] **section 324.002**.

EXPLANATION: UPDATES THE REFERENCE TO THE COMMISSION ON ACCREDITATION IN PHYSICAL THERAPY EDUCATION:

**334.686. TITLES AUTHORIZED.** — Any person who holds himself or herself out to be a physical therapist assistant or a licensed physical therapist assistant within this state or any person who advertises as a physical therapist assistant and who, in fact, does not hold a valid physical therapist assistant license is guilty of a class B misdemeanor and, upon conviction, shall be punished as provided by law. Any person who, in any manner, represents himself or herself as a

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physical therapist assistant, or who uses in connection with such person's name the words or letters, "physical therapist assistant", the letters "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any other letters, words, abbreviations or insignia, indicating or implying that the person is a physical therapist assistant without a valid existing license as a physical therapist assistant issued to such person under the provisions of sections 334.500 to 334.620, is guilty of a class B misdemeanor. This section shall not apply to physicians and surgeons licensed under this chapter or to a person in an entry level of a professional education program approved by the [Commission for Accreditation of Physical Therapists and Physical Therapist Assistant] **Commission on Accreditation in Physical Therapy** Education (CAPTE) who is satisfying supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education while under on-site supervision of a physical therapist; or to a physical therapist who is practicing in the United States Armed Forces, United States Public Health Service, or Veterans Administration under federal regulations for state licensure for health care providers.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBDIVISION (1) OF SUBSECTION 1:

**335.036. DUTIES OF BOARD — FEES SET, HOW — FUND, SOURCE, USE, FUNDS TRANSFERRED FROM, WHEN — RULEMAKING. — 1.** The board shall:

(1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection [10] **11** of section 324.001 as are necessary to administer the provisions of sections 335.011 to 335.096;

(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to 335.096;

(3) Prescribe minimum standards for educational programs preparing persons for licensure pursuant to the provisions of sections 335.011 to 335.096;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as "approved" such programs as meet the requirements of sections 335.011 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

(7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

(8) Cause the prosecution of all persons violating provisions of sections 335.011 to 335.096, and may incur such necessary expenses therefor;

(9) Keep a record of all the proceedings; and make an annual report to the governor and to the director of the department of insurance, financial institutions and professional registration;

(10) Establish an impaired nurse program.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. All fees received by the board pursuant to the provisions of sections 335.011 to 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All administrative costs and expenses of the board shall be paid from appropriations made for those

purposes. The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.

4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBSECTION 1:

**336.160. BOARD MAY PROMULGATE RULES AND EMPLOY PERSONNEL — FEES, AMOUNT, HOW SET.** — 1. The board may adopt reasonable rules and regulations within the scope and terms of this chapter for the proper administration and enforcement thereof. It may employ such board personnel, as defined in subdivision (4) of subsection [10] **11** of section 324.001, as it deems necessary within appropriations therefor.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

**337.030. LICENSE RENEWAL, REGISTRATION FEE, PROOF OF COMPLIANCE — LATE REGISTRATION, PENALTY — LOST CERTIFICATE, HOW REPLACED — FEES, AMOUNT, HOW SET — INACTIVE LICENSE ISSUED, WHEN.** — 1. Each psychologist licensed pursuant to the provisions of sections 337.010 to 337.090, who has not filed with the committee a verified statement that the psychologist has retired from or terminated the psychologist's practice of psychology in this state, shall register with the division on or before the registration renewal date. The division shall require a registration fee which shall be submitted together with proof of compliance with the continuing education requirement as provided in section 337.050 and any other information required for such registration. Upon receipt of the required material and of the registration fee, the division shall issue a renewal certificate of registration. [The division shall.] When issuing an initial license to an applicant who has met all of the qualifications of sections 337.010 to 337.093 and has been approved for licensure by the committee, **the division** shall grant the applicant, without payment of any further fee, a certificate of registration valid until the next registration renewal date.

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2. The division shall mail a renewal notice to the last known address of each licensee prior to the registration renewal date. Failure to provide the division with the proof of compliance with the continuing education requirement and other information required for registration, or to pay the registration fee after such notice shall [effect a revocation of the license after a period of sixty days from the registration renewal date] **result in the expiration of the license**. The license shall be restored if, within two years of the registration renewal date, the applicant provides written application and the payment of the registration fee and a delinquency fee and proof of compliance with the requirements for continuing education as provided in section 337.050.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a reasonable fee.

4. The committee shall set the amount of the fees authorized by sections 337.010 to 337.093 and required by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 337.010 to 337.090.

5. The committee is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established by the committee. An inactive license may be issued only to a person who has previously been issued a license to practice psychology in this state, who is no longer regularly engaged in such practice and who does not hold himself or herself out to the public as being professionally engaged in such practice in this state. Each inactive license shall be subject to all provisions of this chapter, except as otherwise specifically provided. Each inactive license may be renewed by the committee subject to all provisions of this section and all other provisions of this chapter. The inactive licensee shall not be required to submit evidence of completion of continuing education as required by this chapter. An inactive licensee may apply for a license to regularly engage in the practice of psychology upon filing a written application on a form provided by the committee, submitting the reactivation fee established by the committee, and submitting proof of current competency as established by the committee.

EXPLANATION: THIS SECTION UPDATES LANGUAGE TO REFLECT THE LICENSURE OF BEHAVIOR ANALYSTS:

**337.347. REIMBURSEMENT AND BILLING FOR PROVISIONALLY AND TEMPORARY LICENSED ANALYSTS.** — For reimbursement and billing purposes of section 376.1224, services provided by a provisionally licensed assistant behavior analyst, a provisionally licensed behavior analyst, or a temporary licensed behavior analyst shall be billed by the supervising [board-certified] **licensed** behavior analyst.

EXPLANATION: THIS SECTION REMOVES LANGUAGE WHICH CONFLICTS WITH REQUIREMENTS FOR THIRD-PARTY REIMBURSEMENT OR LICENSURE IN ANOTHER STATE:

**337.507. APPLICATIONS, CONTENTS, FEES — FAILURE TO RENEW, EFFECT — REPLACEMENT OF CERTIFICATES, WHEN — FUND ESTABLISHED — EXAMINATION, WHEN, NOTICE.** — 1. Applications for examination and licensure as a professional counselor shall be in writing, submitted to the division on forms prescribed by the division and furnished to the applicant. The application shall contain the applicant's statements showing his education, experience and such other information as the division may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is

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true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the registration renewal date. Failure to provide the division with the information required for registration, or to pay the registration fee after such notice shall [effect a revocation of the license after a period of sixty days from the registration renewal date] **result in the expiration of the license**. The license shall be restored if, within two years of the registration date, the applicant provides written application and the payment of the registration fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.500 to 337.540 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.500 to 337.540. All fees provided for in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same with the state treasurer in a fund to be known as the "Committee of Professional Counselors Fund".

5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the committee's fund for the preceding fiscal year or, if the committee requires by rule renewal less frequently than yearly then three times the appropriation from the committee's fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the committee's fund for the preceding fiscal year.

6. The committee shall hold public examinations at least two times per year, at such times and places as may be fixed by the committee, notice of such examinations to be given to each applicant at least ten days prior thereto.

EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

**337.612. APPLICATIONS, CONTENTS, FEE — FUND ESTABLISHED — RENEWAL, FEE — LOST CERTIFICATE, HOW REPLACED.** — 1. Applications for licensure as a clinical social worker, baccalaureate social worker, advanced macro social worker or master social worker shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The committee shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the committee with the information required for licensure, or to pay the licensure fee after such notice shall [effect a revocation of the license after a period of sixty days from the licensure renewal date] **result in the expiration of the license**. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

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

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.600 to 337.689 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.600 to 337.689. All fees provided for in sections 337.600 to 337.689 shall be collected by the director who shall deposit the same with the state treasurer in a fund to be known as the "Clinical Social Workers Fund". After August 28, 2007, the clinical social workers fund shall be called the "Licensed Social Workers Fund" and after such date all references in state law to the clinical social workers fund shall be considered references to the licensed social workers fund.

5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the [clinical] **licensed** social workers fund for the preceding fiscal year or, if the committee requires by rule renewal less frequently than yearly, then three times the appropriation from the committee's fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the clinical social workers fund for the preceding fiscal year.

EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

**337.662. APPLICATION FOR LICENSURE, CONTENTS — RENEWAL NOTICES — REPLACEMENT CERTIFICATES PROVIDED, WHEN — FEES SET BY COMMITTEE.**— 1. Applications for licensure as a baccalaureate social worker shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The committee shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the committee with the information required for licensure, or to pay the licensure fee after such notice shall [effect a revocation of the license after a period of sixty days from the licensure renewal date] **result in the expiration of the license.** The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.650 to 337.689 authorize and require by rules and regulations promulgated pursuant to chapter 536. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.650 to 337.689. All fees provided for in sections 337.650 to 337.689 shall be collected by the director who shall deposit the same with the state treasurer in the clinical social workers fund established in section 337.612.

EXPLANATION: THIS SECTION REMOVES CONFLICTING LANGUAGE:

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

**337.712. LICENSES, APPLICATION, OATH, FEE — LOST CERTIFICATES — FUND. — 1.**

Applications for licensure as a marital and family therapist shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the division.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the division with the information required for [license] **licensure**, or to pay the licensure fee after such notice shall [effect a revocation of the license after a period of sixty days from the license renewal date] **result in the expiration of the license**. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the division upon payment of a fee.

4. The committee shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.700 to 337.739. All fees provided for in sections 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the marital and family therapists' fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than yearly then three times the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the marital and family therapists' fund for the preceding fiscal year.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBSECTION 2:

**338.130. COMPENSATION OF BOARD MEMBERS, PERSONNEL. — 1.** Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of the member's expenses necessarily incurred in the discharge of the member's official duties.

2. The board may employ such board personnel, as defined in subdivision (4) of subsection [10] **11** of section 324.001, as it deems necessary to carry out the provisions of this chapter. The compensation and expenses of such personnel and all expenses incurred by the board in carrying into execution the provisions of this chapter shall be paid out of the board of pharmacy fund upon a warrant on the state treasurer.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBSECTION 3:

**339.120. COMMISSION, CREATED — MEMBERS, QUALIFICATIONS, TERMS, COMPENSATION — POWERS AND DUTIES — RULEMAKING AUTHORITY, PROCEDURE. — 1.** There is hereby

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created the "Missouri Real Estate Commission", to consist of seven persons, citizens of the United States and residents of this state for at least one year prior to their appointment, for the purpose of carrying out and enforcing the provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall be appointed by the governor with the advice and consent of the senate. All members, except one voting public member, of the commission must have had at least ten years' experience as a real estate broker prior to their appointment. The terms of the members of the commission shall be for five years, and until their successors are appointed and qualified. Members to fill vacancies shall be appointed by the governor for the unexpired term. The president of the Missouri Association of Realtors in office at the time shall, at least ninety days prior to the expiration of the term of the board member, other than the public member, or as soon as feasible after the vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five realtors qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Association of Realtors shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association. The commission shall organize annually by selecting from its members a chairman. The commission may do all things necessary and convenient for carrying into effect the provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860, and may promulgate necessary rules compatible with the provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860. Each member of the commission shall receive as compensation an amount set by the commission not to exceed seventy-five dollars for each day devoted to the affairs of the commission, and shall be entitled to reimbursement of his or her expenses necessarily incurred in the discharge of his or her official duties. The governor may remove any commissioner for cause.

2. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860, or an activity or organization directly related to any profession licensed or regulated pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

3. The commission shall employ such board personnel, as defined in subdivision (4) of subsection [10] **11** of section 324.001, as it shall deem necessary to discharge the duties imposed by the provisions of sections 339.010 to 339.180 and sections 339.710 to [339.860] **339.855**.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 339.010 to 339.180 and sections 339.710 to 339.860 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to

disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBSECTION 1:

**345.035. EMPLOYEES, SELECTION AND COMPENSATION, HOW.** — 1. The board may, within the limits of appropriations, employ such board personnel as defined in subdivision (4) of subsection [10] 11 of section 324.001 as may be necessary to carry out its duties.

2. All expenses of the board shall be paid only from appropriations made for that purpose from the board of registration for the healing arts fund.

EXPLANATION: THIS SECTION CONTAINS A TYPOGRAPHICAL ERROR:

**382.277. VIOLATION, BASIS FOR DISAPPROVING DIVIDENDS OR DISTRIBUTIONS AND PLACING INSURER UNDER ORDER OF SUSPENSION.** — Whenever it appears to the director that any person has committed a violation of sections 382.040 to 382.090 and the violation prevents the full understanding of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation may serve as an independent basis for disapproving dividends or distributions and for placing the insurer under an order of [suspension] **supervision** in accordance with section 375.1160.

EXPLANATION: THIS SECTION REMOVES OBSOLETE LANGUAGE:

**386.145. RECORDS DESTROYED, WHEN.** — The chairman of the public service commission[, in the presence of the speaker of the house of representatives or some member of the house of representatives designated in writing by said speaker and the president pro tem of the senate or some member of the senate designated in writing by said president pro tem,] may destroy by burning, or otherwise dispose of as ordered by the public service commission, such records, financial statements and such public documents which shall at the time of destruction or disposal have been on file in the office of the public service commission for a period of five years or longer and which are determined by the public service commission to be obsolete or of no further public use or value, except such records and documents as may at the time be the subject of litigation or dispute.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**386.890. CITATION OF LAW — DEFINITIONS — RETAIL ELECTRIC SUPPLIERS, DUTIES — METERING EQUIPMENT REQUIREMENTS — ELECTRICAL ENERGY GENERATION UNITS, CALCULATION, REQUIREMENTS — REPORT — RULES — LIABILITY FOR DAMAGES.** — 1. This section shall be known and may be cited as the "Net Metering and Easy Connection Act".

2. As used in this section, the following terms shall mean:

(1) "Avoided fuel cost", the current average cost of fuel for the entity generating electricity, as defined by the governing body with jurisdiction over any municipal electric utility, rural electric cooperative as provided in chapter 394, or electrical corporation as provided in this chapter;

(2) "Commission", the public service commission of the state of Missouri;

(3) "Customer-generator", the owner or operator of a qualified electric energy generation unit which:

(a) Is powered by a renewable energy resource;

(b) Has an electrical generating system with a capacity of not more than one hundred kilowatts;

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- (c) Is located on a premises owned, operated, leased, or otherwise controlled by the customer-generator;
  - (d) Is interconnected and operates in parallel phase and synchronization with a retail electric supplier and has been approved by said retail electric supplier;
  - (e) Is intended primarily to offset part or all of the customer-generator's own electrical energy requirements;
  - (f) Meets all applicable safety, performance, interconnection, and reliability standards established by the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory Commission, and any local governing authorities; and
  - (g) Contains a mechanism that automatically disables the unit and interrupts the flow of electricity back onto the supplier's electricity lines in the event that service to the customer-generator is interrupted;
- (4) "Department", the department of [natural resources] **economic development**;
  - (5) "Net metering", using metering equipment sufficient to measure the difference between the electrical energy supplied to a customer-generator by a retail electric supplier and the electrical energy supplied by the customer-generator to the retail electric supplier over the applicable billing period;
  - (6) "Renewable energy resources", electrical energy produced from wind, solar thermal sources, hydroelectric sources, photovoltaic cells and panels, fuel cells using hydrogen produced by one of the above-named electrical energy sources, and other sources of energy that become available after August 28, 2007, and are certified as renewable by the department;
  - (7) "Retail electric supplier" or "supplier", any municipal utility, electrical corporation regulated under this chapter, or rural electric cooperative under chapter 394 that provides retail electric service in this state.

3. A retail electric supplier shall:

- (1) Make net metering available to customer-generators on a first-come, first-served basis until the total rated generating capacity of net metering systems equals five percent of the utility's single-hour peak load during the previous year, after which the commission for a public utility or the governing body for other electric utilities may increase the total rated generating capacity of net metering systems to an amount above five percent. However, in a given calendar year, no retail electric supplier shall be required to approve any application for interconnection if the total rated generating capacity of all applications for interconnection already approved to date by said supplier in said calendar year equals or exceeds one percent of said supplier's single-hour peak load for the previous calendar year;
- (2) Offer to the customer-generator a tariff or contract that is identical in electrical energy rates, rate structure, and monthly charges to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge that would not otherwise be charged if the customer were not an eligible customer-generator; and
- (3) Disclose annually the availability of the net metering program to each of its customers with the method and manner of disclosure being at the discretion of the supplier.

4. A customer-generator's facility shall be equipped with sufficient metering equipment that can measure the net amount of electrical energy produced or consumed by the customer-generator. If the customer-generator's existing meter equipment does not meet these requirements or if it is necessary for the electric supplier to install additional distribution equipment to accommodate the customer-generator's facility, the customer-generator shall reimburse the retail electric supplier for the costs to purchase and install the necessary additional equipment. At the request of the customer-generator, such costs may be initially paid for by the retail electric supplier, and any amount up to the total costs and a reasonable interest charge may be recovered from the customer-

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Matter in bold-face type is proposed language.

generator over the course of up to twelve billing cycles. Any subsequent meter testing, maintenance or meter equipment change necessitated by the customer-generator shall be paid for by the customer-generator.

5. Consistent with the provisions in this section, the net electrical energy measurement shall be calculated in the following manner:

(1) For a customer-generator, a retail electric supplier shall measure the net electrical energy produced or consumed during the billing period in accordance with normal metering practices for customers in the same rate class, either by employing a single, bidirectional meter that measures the amount of electrical energy produced and consumed, or by employing multiple meters that separately measure the customer-generator's consumption and production of electricity;

(2) If the electricity supplied by the supplier exceeds the electricity generated by the customer-generator during a billing period, the customer-generator shall be billed for the net electricity supplied by the supplier in accordance with normal practices for customers in the same rate class;

(3) If the electricity generated by the customer-generator exceeds the electricity supplied by the supplier during a billing period, the customer-generator shall be billed for the appropriate customer charges for that billing period in accordance with subsection 3 of this section and shall be credited an amount at least equal to the avoided fuel cost of the excess kilowatt-hours generated during the billing period, with this credit applied to the following billing period;

(4) Any credits granted by this subsection shall expire without any compensation at the earlier of either twelve months after their issuance or when the customer-generator disconnects service or terminates the net metering relationship with the supplier;

(5) For any rural electric cooperative under chapter 394, or municipal utility, upon agreement of the wholesale generator supplying electric energy to the retail electric supplier, at the option of the retail electric supplier, the credit to the customer-generator may be provided by the wholesale generator.

6. (1) Each qualified electric energy generation unit used by a customer-generator shall meet all applicable safety, performance, interconnection, and reliability standards established by any local code authorities, the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories for distributed generation. No supplier shall impose any fee, charge, or other requirement not specifically authorized by this section or the rules promulgated under subsection 9 of this section unless the fee, charge, or other requirement would apply to similarly situated customers who are not customer-generators, except that a retail electric supplier may require that a customer-generator's system contain a switch, circuit breaker, fuse, or other easily accessible device or feature located in immediate proximity to the customer-generator's metering equipment that would allow a utility worker the ability to manually and instantly disconnect the unit from the utility's electric distribution system;

(2) For systems of ten kilowatts or less, a customer-generator whose system meets the standards and rules under subdivision (1) of this subsection shall not be required to install additional controls, perform or pay for additional tests or distribution equipment, or purchase additional liability insurance beyond what is required under subdivision (1) of this subsection and subsection 4 of this section;

(3) For customer-generator systems of greater than ten kilowatts, the commission for public utilities and the governing body for other utilities shall, by rule or equivalent formal action by each respective governing body:

(a) Set forth safety, performance, and reliability standards and requirements; and

(b) Establish the qualifications for exemption from a requirement to install additional controls, perform or pay for additional tests or distribution equipment, or purchase additional liability insurance.

7. (1) Applications by a customer-generator for interconnection of a qualified electric energy generation unit meeting the requirements of subdivision (3) of subsection 2 of this section to the distribution system shall be accompanied by the plan for the customer-generator's electrical generating system, including but not limited to a wiring diagram and specifications for the generating unit, and shall be reviewed and responded to by the retail electric supplier within thirty days of receipt for systems ten kilowatts or less and within ninety days of receipt for all other systems. Prior to the interconnection of the qualified generation unit to the supplier's system, the customer-generator will furnish the retail electric supplier a certification from a qualified professional electrician or engineer that the installation meets the requirements of subdivision (1) of subsection 6 of this section. If the application for interconnection is approved by the retail electric supplier and the customer-generator does not complete the interconnection within one year after receipt of notice of the approval, the approval shall expire and the customer-generator shall be responsible for filing a new application.

(2) Upon the change in ownership of a qualified electric energy generation unit, the new customer-generator shall be responsible for filing a new application under subdivision (1) of this subsection.

8. Each commission-regulated supplier shall submit an annual net metering report to the commission, and all other nonregulated suppliers shall submit the same report to their respective governing body and make said report available to a consumer of the supplier upon request, including the following information for the previous calendar year:

- (1) The total number of customer-generator facilities;
- (2) The total estimated generating capacity of its net-metered customer-generators; and
- (3) The total estimated net kilowatt-hours received from customer-generators.

9. The commission shall, within nine months of January 1, 2008, promulgate initial rules necessary for the administration of this section for public utilities, which shall include regulations ensuring that simple contracts will be used for interconnection and net metering. For systems of ten kilowatts or less, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures, and a brief set of terms and conditions. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

10. The governing body of a rural electric cooperative or municipal utility shall, within nine months of January 1, 2008, adopt policies establishing a simple contract to be used for interconnection and net metering. For systems of ten kilowatts or less, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures, and a brief set of terms and conditions.

11. For any cause of action relating to any damages to property or person caused by the generation unit of a customer-generator or the interconnection thereof, the retail electric supplier shall have no liability absent clear and convincing evidence of fault on the part of the supplier.

12. The estimated generating capacity of all net metering systems operating under the provisions of this section shall count towards the respective retail electric supplier's accomplishment of any renewable energy portfolio target or mandate adopted by the Missouri general assembly.

13. The sale of qualified electric generation units to any customer-generator shall be subject to the provisions of sections 407.700 to 407.720. The attorney general shall have the authority to

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Matter in bold-face type is proposed language.

promulgate in accordance with the provisions of chapter 536 rules regarding mandatory disclosures of information by sellers of qualified electric generation units. Any interested person who believes that the seller of any electric generation unit is misrepresenting the safety or performance standards of any such systems, or who believes that any electric generation unit poses a danger to any property or person, may report the same to the attorney general, who shall be authorized to investigate such claims and take any necessary and appropriate actions.

14. Any costs incurred under this act by a retail electric supplier shall be recoverable in that utility's rate structure.

15. No consumer shall connect or operate an electric generation unit in parallel phase and synchronization with any retail electric supplier without written approval by said supplier that all of the requirements under subdivision (1) of subsection 7 of this section have been met. For a consumer who violates this provision, a supplier may immediately and without notice disconnect the electric facilities of said consumer and terminate said consumer's electric service.

16. The manufacturer of any electric generation unit used by a customer-generator may be held liable for any damages to property or person caused by a defect in the electric generation unit of a customer-generator.

17. The seller, installer, or manufacturer of any electric generation unit who knowingly misrepresents the safety aspects of an electric generation unit may be held liable for any damages to property or person caused by the electric generation unit of a customer-generator.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**393.1025. DEFINITIONS.** — As used in sections 393.1020 to 393.1030, the following terms mean:

- (1) "Commission", the public service commission;
- (2) "Department", the department of [natural resources] **economic development**;
- (3) "Electric utility", any electrical corporation as defined by section 386.020;
- (4) "Renewable energy credit" or "REC", a tradeable certificate of proof that one megawatt-hour of electricity has been generated from renewable energy sources; and
- (5) "Renewable energy resources", electric energy produced from wind, solar thermal sources, photovoltaic cells and panels, dedicated crops grown for energy production, cellulosic agricultural residues, plant residues, methane from landfills, from agricultural operations, or from wastewater treatment, thermal depolymerization or pyrolysis for converting waste material to energy, clean and untreated wood such as pallets, hydropower (not including pumped storage) that does not require a new diversion or impoundment of water and that has a nameplate rating of ten megawatts or less, fuel cells using hydrogen produced by one of the above-named renewable energy sources, and other sources of energy not including nuclear that become available after November 4, 2008, and are certified as renewable by rule by the department.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**393.1030. ELECTRIC UTILITIES, PORTFOLIO REQUIREMENTS — TRACKING REQUIREMENTS — REBATE OFFERS — CERTIFICATION OF ELECTRICITY GENERATED — RULEMAKING AUTHORITY.** — 1. The commission shall, in consultation with the department, prescribe by rule a portfolio requirement for all electric utilities to generate or purchase electricity generated from renewable energy resources. Such portfolio requirement shall provide that electricity from renewable energy resources shall constitute the following portions of each electric utility's sales:

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Matter in bold-face type is proposed language.

- (1) No less than two percent for calendar years 2011 through 2013;
- (2) No less than five percent for calendar years 2014 through 2017;
- (3) No less than ten percent for calendar years 2018 through 2020; and
- (4) No less than fifteen percent in each calendar year beginning in 2021.

At least two percent of each portfolio requirement shall be derived from solar energy. The portfolio requirements shall apply to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside of this state. A utility may comply with the standard in whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.

2. The commission, in consultation with the department and within one year of November 4, 2008, shall select a program for tracking and verifying the trading of renewable energy credits. An unused credit may exist for up to three years from the date of its creation. A credit may be used only once to comply with sections 393.1020 to 393.1030 and may not also be used to satisfy any similar nonfederal requirement. An electric utility may not use a credit derived from a green pricing program. Certificates from net-metered sources shall initially be owned by the customer-generator. The commission, except where the department is specified, shall make whatever rules are necessary to enforce the renewable energy standard. Such rules shall include:

(1) A maximum average retail rate increase of one percent determined by estimating and comparing the electric utility's cost of compliance with least-cost renewable generation and the cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking into proper account future environmental regulatory risk including the risk of greenhouse gas regulation. Notwithstanding the foregoing, until June 30, 2020, if the maximum average retail rate increase would be less than or equal to one percent if an electric utility's investment in solar-related projects initiated, owned or operated by the electric utility is ignored for purposes of calculating the increase, then additional solar rebates shall be paid and included in rates in an amount up to the amount that would produce a retail rate increase equal to the difference between a one percent retail rate increase and the retail rate increase calculated when ignoring an electric utility's investment in solar-related projects initiated, owned, or operated by the electric utility. Notwithstanding any provision to the contrary in this section, even if the payment of additional solar rebates will produce a maximum average retail rate increase of greater than one percent when an electric utility's investment in solar-related projects initiated, owned or operated by the electric utility are included in the calculation, the additional solar rebate costs shall be included in the prudently incurred costs to be recovered as contemplated by subdivision (4) of this subsection;

(2) Penalties of at least twice the average market value of renewable energy credits for the compliance period for failure to meet the targets of subsection 1 of this section. An electric utility will be excused if it proves to the commission that failure was due to events beyond its reasonable control that could not have been reasonably mitigated, or that the maximum average retail rate increase has been reached. Penalties shall not be recovered from customers. Amounts forfeited under this section shall be remitted to the department to purchase renewable energy credits needed for compliance. Any excess forfeited revenues shall be used by the [department's energy center] **division of energy** solely for renewable energy and energy efficiency projects;

(3) Provisions for an annual report to be filed by each electric utility in a format sufficient to document its progress in meeting the targets;

(4) Provision for recovery outside the context of a regular rate case of prudently incurred costs and the pass-through of benefits to customers of any savings achieved by an electrical corporation in meeting the requirements of this section.

3. As provided for in this section, except for those electrical corporations that qualify for an exemption under section 393.1050, each electric utility shall make available to its retail customers a solar rebate for new or expanded solar electric systems sited on customers' premises, up to a maximum of twenty-five kilowatts per system, measured in direct current that were confirmed by the electric utility to have become operational in compliance with the provisions of section 386.890. The solar rebates shall be two dollars per watt for systems becoming operational on or before June 30, 2014; one dollar and fifty cents per watt for systems becoming operational between July 1, 2014, and June 30, 2015; one dollar per watt for systems becoming operational between July 1, 2015, and June 30, 2016; fifty cents per watt for systems becoming operational between July 1, 2016, and June 30, 2017; fifty cents per watt for systems becoming operational between July 1, 2017, and June 30, 2019; twenty-five cents per watt for systems becoming operational between July 1, 2019, and June 30, 2020; and zero cents per watt for systems becoming operational after June 30, 2020. An electric utility may, through its tariffs, require applications for rebates to be submitted up to one hundred eighty-two days prior to the June thirtieth operational date. Nothing in this section shall prevent an electrical corporation from offering rebates after July 1, 2020, through an approved tariff. If the electric utility determines the maximum average retail rate increase provided for in subdivision (1) of subsection 2 of this section will be reached in any calendar year, the electric utility shall be entitled to cease paying rebates to the extent necessary to avoid exceeding the maximum average retail rate increase if the electrical corporation files with the commission to suspend its rebate tariff for the remainder of that calendar year at least sixty days prior to the change taking effect. The filing with the commission to suspend the electrical corporation's rebate tariff shall include the calculation reflecting that the maximum average retail rate increase will be reached and supporting documentation reflecting that the maximum average retail rate increase will be reached. The commission shall rule on the suspension filing within sixty days of the date it is filed. If the commission determines that the maximum average retail rate increase will be reached, the commission shall approve the tariff suspension. The electric utility shall continue to process and pay applicable solar rebates until a final commission ruling; however, if the continued payment causes the electric utility to pay rebates that cause it to exceed the maximum average retail rate increase, the expenditures shall be considered prudently incurred costs as contemplated by subdivision (4) of subsection 2 of this section and shall be recoverable as such by the electric utility. As a condition of receiving a rebate, customers shall transfer to the electric utility all right, title, and interest in and to the renewable energy credits associated with the new or expanded solar electric system that qualified the customer for the solar rebate for a period of ten years from the date the electric utility confirmed that the solar electric system was installed and operational.

4. The department shall, in consultation with the commission, establish by rule a certification process for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy resources, only the portion of electrical output attributable to renewable energy resources shall be used to fulfill the portfolio requirements.

5. In carrying out the provisions of this section, the commission and the department shall include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of this section.

6. The commission shall have the authority to promulgate rules for the implementation of this section, but only to the extent such rules are consistent with, and do not delay the implementation

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

Matter in bold-face type is proposed language.

of, the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

EXPLANATION: SUBSECTION 8 OF THIS SECTION EXPIRED 09-01-14:

**407.485. UNWANTED HOUSEHOLD ITEMS, COLLECTION OF DEEMED UNFAIR BUSINESS PRACTICE, WHEN — RECEPTACLES, REQUIREMENTS.** — 1. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect unwanted household items via a public receptacle and resell the deposited items for profit unless the deposited item receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DEPOSITED ITEMS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE."

2. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DONATIONS TO THE FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of the nonprofit beneficiary organization's name)."

3. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and one hundred percent of the proceeds from the sale of the items are given directly to the not-for-profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF OF (name of the nonprofit beneficiary organization's name)."

4. It shall be an unfair business practice in violation of section 407.020 for a not-for-profit entity to collect donations of unwanted household items via a public receptacle and resell the donated items unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS RECEPTACLE IS OWNED AND OPERATED BY THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity) AND (% of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity name/charitable cause)."

5. The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean a primary color on a white background so as to be clearly visible to the public.

6. Nothing in this section shall apply to paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

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

7. All receptacles described in this section shall conspicuously display the name, address, and telephone number of the owner and operator of the receptacle. The owner or operator of the receptacle shall maintain permission to place the receptacle on the property from the property owner or his or her agent where the receptacle is located. Such permission shall be in writing and clearly identify the owner of the receptacle and property owner or his or her agent in addition to the nature of the collections and where proceeds will be accrued. Failure to secure such permission shall constitute an unfair business practice in addition to any other statutory conditions. Unless otherwise agreed upon in writing, the property owner or his or her agent may remove the receptacle. Any charges incurred in such removal shall be the responsibility of the owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar days of the sending of a written certified letter from the property owner stating his or her intent to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the receptacle does not conspicuously display the name, address, and telephone number of the owner and operator of the receptacle, the receptacle shall be considered abandoned property and may be destroyed or permanently possessed by the property owner or their agent.

[8. Any owner and operator of a receptacle that does not display the address of the owner and operator, but does display the website of the owner and operator, shall make the address easily accessible on such website for the property owner to send the letter specified in subsection 7 of this section. The provisions of this subsection shall expire on September 1, 2014.]

EXPLANATION: THE DEPARTMENT REFERENCES IN THESE SECTIONS ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**414.400. DEFINITIONS — PROGRAM FOR STATE FUEL CONSUMPTION REDUCTION, FLEET MANAGEMENT AND PROMOTION OF ALTERNATIVE FUELS, UNIVERSITY OF MISSOURI, INCLUDED DUTIES — EXCEPTIONS FOR CERTAIN VEHICLES.** — 1. As used in sections 414.400 to 414.417, the following terms mean:

(1) "Alternative fuel", any fuel, including any alcohol fuel containing eighty-five percent or more by volume of such alcohol or other such percentage not less than seventy percent if determined by the United States Department of Energy by rule to be necessary to provide for the requirements of cold start, safety, or vehicle functions, natural gas, liquefied petroleum gas, any fuel other than alcohol derived from biological materials when designated by the United States Department of Energy as an alternative fuel, and hydrogen, or any power source, including electricity, and any other fuel that the United States Department of Energy determines by final rule is substantially not petroleum and would yield substantial energy security and environmental benefits, used in a vehicle that complies with the standards and requirements applicable to such vehicle pursuant to sections 414.400 to 414.417 when using such fuel or power source;

(2) "CAFE standard", the federal Corporate Average Fuel Economy standard, 15 U.S.C. 2002 or 40 CFR Parts 86 and 600 or 49 CFR Part 538 or proposed rule 49 CFR Part 538 until such rule is finalized;

(3) "Department", the department of [natural resources] **economic development**;

(4) "Director", the director of the department of [natural resources] **economic development**;

(5) "State agency", the same meaning as such term is defined in section 536.010;

(6) "Vehicle fleet", any fleet comprised of vehicles with a manufacturer's gross vehicle weight rating of not more than eight thousand five hundred pounds registered for operation on the highways of this state pursuant to chapter 301.

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

2. The department in consultation with the commissioner of administration shall develop and implement a program to manage and progressively reduce state agency vehicle fleet fuel consumption and promote the use of alternative fuels. The program shall require state agencies to meet minimum guidelines for efficient fleet management. Such guidelines shall be updated and revised every two years and shall require the overall vehicle fleet fuel efficiency for each agency to meet or exceed the fuel efficiency that would be achieved if each vehicle in the agency's fleet met the CAFE standard. The department may promulgate rules necessary to implement such guidelines. Further, provided that suppliers or state agencies have or can reasonably be expected to have established alternative fuel refueling stations as needed, the program shall require that at least thirty percent of all motor fuel purchased annually for use in alternative fuel vehicles, calculated in gasoline gallon equivalents, to be alternative fuel by July 1, 2001. Any alternative fuel purchased by a state agency for use in vehicles not included in their vehicle fleet as defined in subsection 1 of this section, calculated in gasoline gallon equivalents, may be credited toward the annual alternative fuel purchase goal. The program shall systematically replace existing state-owned vehicles and vehicles paid for with any state money, including vehicles purchased by the university system, with vehicles manufactured, assembled or produced in the United States, as required by sections 34.350 to 34.359.

3. The commissioner of administration shall identify specific vehicle models within each vehicle procurement class that meet or exceed the CAFE standard. State agencies shall identify specific vehicle models within each vehicle procurement class that have a life cycle cost which is less than or equal to the average life cycle cost of those vehicles in the class which are manufactured, assembled or produced in the United States. Life cycle costs shall include but are not limited to the original cost of the vehicle, conversion cost if applicable, costs associated with vehicle emissions to the extent that such statistics are available, and projected cost of operation, including fuel cost and maintenance and salvage value to the extent that reliable maintenance and salvage value statistics are available. Unless a state agency submits to the department a fleet efficiency plan that complies with the minimum guidelines for energy efficiency established pursuant to subsection 2 of this section, or unless otherwise approved by the office of administration pursuant to subsection 4 of this section, all purchases of vehicles for state agency vehicle fleets shall meet the above standards.

4. The commissioner of administration may waive the CAFE standard requirements of subsection 3 of this section, for only those vehicles which satisfy one or more of the following conditions, for any state agency upon receipt of documentation that has been certified by the director of the state agency as satisfying one or more of the following conditions:

- (1) Such vehicles are used primarily in off-road, construction, or road maintenance applications;
- (2) Such vehicles are regularly used in the movement of maintenance or construction equipment;
- (3) Such vehicles are trucks or utility vehicles as defined by the office of administration that are regularly used to transport trailers for the purpose of moving state equipment; or
- (4) Such vehicles are vehicles with manufacturer-stated seating capacity exceeding that for six persons and the director of the agency has certified that the vehicle will be used to transport its rated capacity in persons and/or cargo. Agencies which are granted such waivers shall comply with the planning requirements of section 414.403.

5. The purchase of all class III vehicles, as defined by the office of administration, shall be approved through the appropriations process for all departments except the highway patrol. The provisions of this subsection shall not apply to the purchase of used vehicles from the highway patrol.

**414.406. VEHICLE FLEET PLAN REVIEWED — OFFICE OF ADMINISTRATION TO PURCHASE ONLY VEHICLES CONFORMING TO PLAN — ANNUAL REPORT, CONTENT. — 1. The director of**

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the department of [natural resources] **economic development** shall review each agency's vehicle fleet plan and the vehicular demands of the agency by vehicle class. The office of administration shall only purchase for an agency those vehicles which conform to the agency's plan as outlined in sections 414.400 and 414.403.

2. Each state agency shall annually file a report with the director of the department of [natural resources] **economic development** on forms provided by the department showing its progress in achieving the requirements and goals of sections 414.400 to 414.417. The director of the department of [natural resources] **economic development** shall compile such information into an annual report and submit such report to the commissioner of administration, the secretary of the senate, the clerk of the house of representatives and the chairman of each committee of jurisdiction of the general assembly.

3. The director's report shall document progress in achieving the requirements and goals of sections 414.400 to 414.417 and shall include, but not be limited to, annual fuel consumption, number of vehicles, vehicle miles traveled, average fleet fuel economy, estimated cost savings and state use of alternative fuels.

EXPLANATION: THIS SECTION CONTAINS AN INACCURATE INTERSECTIONAL REFERENCE IN SUBSECTION 3:

**414.412. ALTERNATIVE USE OF FUEL, WAIVED OR PERCENTAGE REDUCED BY DIRECTOR, CERTIFIED EVIDENCE REQUIRED — OTHER VEHICLES, ETHANOL USE REQUIRED, EXCEPTIONS.** — 1. The director may reduce any percentage specified or waive the requirement of subsection 3 of section 414.410 for any state agency upon receipt of certification supported by evidence acceptable to the director that:

(1) The agency's vehicles will be operating primarily in an area in which neither the agency nor a supplier has or can reasonably be expected to have a central refueling station for alternative fuels; or

(2) The agency is unable to acquire or operate vehicles within the cost limitations of section 414.400 or section 414.415; or

(3) The use of alternative fuels would not meet the energy conservation and exhaust emissions reduction criteria of subsection 2 of section 414.410.

2. State agencies shall submit information describing the acquisition and use of vehicles capable of using alternative fuels to the department in a format prescribed by the department. The report shall include for each vehicle model capable of using alternative fuel:

(1) The types of alternative fuels used;

(2) The number of miles traveled using alternative fuels and the ratios to the total numbers of miles traveled;

(3) The number of vehicles owned which are capable of using alternative fuels;

(4) Maintenance costs.

3. Each state-owned vehicle equipped to operate on gasoline, other than vehicles using alternative fuel, shall use a fuel ethanol blend as defined in section [142.027] **142.028**, when available at a competitive price, as its motor fuel, unless the United States Environmental Protection Agency, or the governor by executive order, promulgates rules which prohibit, limit or otherwise regulate the use of ethanol-blended fuels in ozone nonattainment areas, as defined by Section 107 of the federal Clean Air Act, as amended, or in an area designated as a maintenance area for ozone under Section 175A of the federal Clean Air Act, as amended, state-owned vehicles shall not be required to use a fuel ethanol blend.

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

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**414.417. CRIMINAL LAW ENFORCEMENT VEHICLES AND CERTAIN OTHER VEHICLES, LAW NOT APPLICABLE — DEMONSTRATION VEHICLES FOR ALTERNATIVE FUELS AUTHORIZED. —**

1. Sections 414.400 to 414.417 shall not apply to the purchase or lease of a vehicle to be used primarily for criminal law enforcement or to the purchase or lease of a motorcycle, all-terrain vehicle, ambulance, or any type of vehicle for which the Environmental Protection Agency has not published fuel economy comparisons.

2. Notwithstanding the provisions of sections 414.400 to 414.417, the department of natural resources **and the department of economic development** may acquire vehicles which use alternative fuels for the purposes of assessing and demonstrating either or both alternative vehicles and alternative fuels.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**414.510. DEFINITIONS. —** As used in sections 414.500 to 414.590, the following terms mean:

- (1) "Council", the Missouri propane education and research council created pursuant to section 414.530;
- (2) "Director", the director of the division of energy of the department of [natural resources] **economic development** or the director's designee;
- (3) "Education", any action to provide information on propane, propane use equipment, mechanical and technical practices, and propane uses to consumers and to members of the propane industry;
- (4) "Manufacturers and distributors of LP-gas use equipment", any person or firm engaged in the manufacturing, assembling and marketing of appliances, containers and products used in the LP-gas industry, and those persons and firms in the wholesale marketing of appliances, containers and products used in the LP-gas industry;
- (5) "Marketing", any action taken by the council to present positive information about propane to the public, including paid promotional advertising;
- (6) "Person", any individual, group of individuals, partnership, association, cooperative, corporation, or any other entity;
- (7) "Producer", the owner of the propane at the time it is recovered at a manufacturing facility, irrespective of the state where production occurs;
- (8) "Propane" includes propane, butane, mixtures, and liquefied petroleum gas as defined by the National Fire Protection Association Standard 58 for the storage and handling of liquefied petroleum gases;
- (9) "Public member", a member of the council selected from among significant users of odorized propane, organizations representing significant users of odorized propane, public safety officials, state propane gas regulatory officials, or voluntary standard-setting organizations;
- (10) "Qualified industry organization", the National Propane Gas Association, the Missouri Propane Gas Association, the Gas Processors Association, or a successor association;
- (11) "Research", any type of study, investigation or other activity designed to advance the image, desirability, usage, marketability, efficiency and safety of propane and propane use equipment, and to further the development of such information and products;
- (12) "Retail marketer", a business engaged primarily in the selling of propane gas, its appliances and equipment to the ultimate consumer or to retail propane dispensers;

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

(13) "Transporter", any person involved in the commercial transportation of propane by pipeline, truck, rail or water;

(14) "Wholesaler" or "reseller", a seller of propane who is not a producer and who does not sell propane to the ultimate consumer.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE AND THE TRANSFER OF THE SECTION TO THE APPROPRIATE CHAPTER IS NECESSARY BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**[640.150.] 620.035. DUTIES AS TO ENERGY ACTIVITIES — DEPARTMENT MAY ENTER INTO CONTRACTS AND AGREEMENTS, WHEN.** — 1. The department of [natural resources] **economic development** shall be vested with the powers and duties prescribed by law and shall have the power to carry out the following activities:

(1) Assessing the impact of national energy policies on this state's supply and use of energy and this state's public health, safety and welfare;

(2) Consulting and cooperating with all state and federal governmental agencies, departments, boards and commissions and all other interested agencies and institutions, governmental and nongovernmental, public and private, on matters of energy research and development, management, conservation and distribution;

(3) The monitoring and analyzing of all federal, state, local and voluntarily disclosed private sector energy research projects and voluntarily disclosed private sector energy related data and information concerning supply and consumption, in order to plan for the future energy needs of this state. All information gathered shall be maintained, revised and updated as an aid to any interested person, foundation or other organization, public or private;

(4) Analyzing the potential for increased utilization of coal, nuclear, solar, resource recovery and reuse, landfill gas, projects to reduce and capture methane and other greenhouse gas emissions from landfills, energy efficient technologies and other energy alternatives, and making recommendations for the expanded use of alternate energy sources and technologies;

(5) Entering into cooperative agreements with other states, political subdivisions, private entities, or educational institutions for the purpose of seeking and securing federal grants for the department and its partners in the grants;

(6) The development and promotion of state energy conservation programs, including:

(a) Public education and information in energy-related areas;

(b) Developing energy efficiency standards for agricultural and industrial energy use and for new and existing buildings, to be promoted through technical assistance efforts by cooperative arrangements with interested public, business and civic groups and by cooperating with political subdivisions of this state;

(c) Preparing plans for reducing energy use in the event of an energy or other resource supply emergency.

2. No funds shall be expended to implement the provisions of this section until funds are specifically appropriated for that purpose. In order to carry out its responsibilities under this section, the department may expend any such appropriated funds by entering into agreements, contracts, grants, subgrants, or cooperative arrangements under various terms and conditions in the best interest of the state with other state, federal, or interstate agencies, political subdivisions, not-for-profit entities or organizations, educational institutions, or other entities, both public and private, to carry out its responsibilities.

EXPLANATION: THIS SECTION UPDATES OBSOLETE TERMINOLOGY:

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

**620.511. BOARD ESTABLISHED, PURPOSE, MEETINGS, MEMBERS, TERMS, COMPENSATION FOR EXPENSES.** — 1. There is hereby established the ["Missouri Workforce Investment Board";] **"Missouri Workforce Development Board", formerly known as the Missouri workforce investment board, and** hereinafter referred to as "the board" in sections 620.511 to 620.513.

2. The purpose of the board is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the state of Missouri. The board shall be the state's advisory board pertaining to workforce preparation policy.

3. The board shall meet the requirements of the federal [Workforce Investment Act of 1998, hereinafter referred to as the "WIA", P.L. 105-220] **Workforce Innovation and Opportunity Act of 2014, hereinafter referred to as the "WIOA", P.L. 113-128,** as amended. Should another federal law supplant the [WIA] **WIOA,** all references in sections 620.511 to 620.513 to the [WIA] **WIOA** shall apply as well to the new federal law.

4. Composition of the board shall comply with the [WIA] **WIOA.** Board members appointed by the governor shall be subject to the advice and consent of the senate. Consistent with the requirements of the [WIA] **WIOA,** the governor shall designate one member of the board to be its chairperson.

5. [Except as otherwise provided in subsection 6 of this section,] Each member of the board shall serve for a term of four years, subject to the pleasure of the governor, and until a successor is duly appointed. In the event of a vacancy on the board, the vacancy shall be filled in the same manner as the original appointment and said replacement shall serve the remainder of the original appointee's unexpired term.

6. Of the members initially appointed to the **WIOA, formerly known as the WIA,** board, one-fourth shall be appointed for a term of four years, one-fourth shall be appointed for a term of three years, one-fourth shall be appointed for a term of two years, and one-fourth shall be appointed for a term of one year.

7. **WIOA** board members shall receive no compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.

EXPLANATION: THIS SECTION UPDATES OBSOLETE TERMINOLOGY:

**620.512. BYLAWS TO BE ESTABLISHED — RESTRICTION ON OPERATIONS OF BOARD — RULEMAKING AUTHORITY.** — 1. The board shall establish bylaws governing its organization, operation, and procedure consistent with sections 620.511 to 620.513, and consistent with the [WIA] **WIOA.**

2. The board shall meet at least four times each year at the call of the chairperson.

3. In order to assure objective management and oversight, the board shall not operate programs or provide services directly to eligible participants, but shall exist solely to plan, coordinate, and monitor the provisions of such programs and services. A member of the board may not vote on a matter under consideration by the board that regards the provision of services by the member or by an entity that the member represents or would provide direct financial benefit to the member or the immediate family of the member. A member of the board may not engage in any other activity determined by the governor to constitute a conflict of interest.

4. The composition and the roles and responsibilities of the board membership may be amended to comply with any succeeding federal or state legislative or regulatory requirements governing workforce investment activities, except that the procedure for such change shall be outlined in state rules and regulations and adopted in the bylaws of the board.

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

5. The department of economic development shall provide professional, technical, and clerical staff for the board.

6. The board may promulgate any rules and regulations necessary to administer the provisions of sections 620.511 to 620.513. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

EXPLANATION: THIS SECTION UPDATES OBSOLETE TERMINOLOGY:

**620.513. DUTIES OF THE BOARD, REPORT — LIMITATION ON AUTHORITY.** — 1. The board shall assist the governor with the functions described in [Section 111(d) of the WIA 29 U.S.C. 2821d] **Section 101(d) of the WIOA, 29 U.S.C. Section 311d**, and any regulations issued pursuant to the [WIA] **WIOA**.

2. The board shall submit an annual report of its activities to the governor, the speaker of the house of representatives, and the president pro tem of the senate no later than January thirty-first of each year.

3. Nothing in sections 620.511 to 620.513 shall be construed to require or allow the board to assume or supersede the statutory authority granted to, or impose any duties or requirements on, the state coordinating board for higher education, the governing boards of the state's public colleges and universities, the state board of education, or any local educational agencies.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**640.153. HOME ENERGY AUDITS — DEFINITIONS — CERTIFICATION PROCESS.** — 1. As used in this section, the following terms mean:

(1) "Applicant", an entity that applies to the department for certification as a qualified home energy auditor;

(2) "Department", the department of [natural resources] **economic development**;

(3) "Qualified home energy audit", a home energy audit conducted by an entity certified by the department as a qualified home energy auditor, the purpose of which is to provide energy efficiency recommendations that will reduce the energy use or the utility costs, or both, of a residential or commercial building;

(4) "Qualified home energy auditor", an applicant who has met the certification requirements established by the department and whose certification has been approved by the department.

2. The department shall develop criteria and requirements for certification of qualified home energy auditors. Any applicant shall provide the department with an application, documentation, or other information as the department may require. The department may establish periodic requirements for qualified home energy auditors to maintain certification.

3. The department shall provide successful applicants with written notice that the applicant meets the certification requirements.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

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

**640.155. ENERGY INFORMATION, DEFINED — CONFIDENTIALITY — PENALTY FOR DISCLOSURE.** — 1. Any energy information which is voluntarily reported or conveyed to **the department of economic development** or the Missouri department of natural resources shall be considered confidential and shall be exempt upon written request and for a specific period to be determined by mutual consent from public disclosure that would reveal information traceable to a private firm, partnership, public corporation, or individual.

2. As used in this section, the term "energy information" includes that information received in whatever form on the fuel reserves, exploration, extraction, production, refining, distribution, consumption, costs, prices, capital investments, and other matters directly related to a private firm, partnership, public corporation, or individual.

3. In addition to any other penalty provided by law, any officer or employee of the department of natural resources **or the department of economic development** who, in violation of the provisions of this section, divulges any information considered confidential under this section shall be guilty of a class A misdemeanor, and such divulgence shall be grounds for the summary dismissal of such officer or employee, other provisions of law notwithstanding.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**640.157. ENERGY CENTER TO SERVE AS COORDINATOR OF ENERGY SUSTAINABILITY ACTIVITIES, DUTIES.** — The [energy center of the department of natural resources] **division of energy of the department of economic development** shall serve as a central point of coordination for activities relating to energy sustainability in the state. As such, the **division of energy** [center] shall:

(1) Consult and cooperate with other state agencies to serve as a technical advisor on sustainability issues, including but not limited to renewable energy use and green building design and construction;

(2) Provide technical assistance to local governments, businesses, schools, and homeowners on sustainability issues, including but not limited to renewable energy use and green building design and construction; and

(3) Conduct outreach and education efforts, which may be in coordination with community action agencies, for the purpose of informing the general public about financial assistance opportunities for energy conservation, including but not limited to tax incentives.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**640.160. ENERGY FUTURES FUND CREATED, USE OF MONEYS.** — 1. There is hereby created in the state treasury the "Energy Futures Fund" which shall consist of money appropriated by the general assembly or received from gifts, bequests, donations, or from the federal government. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. Upon appropriation, the department of [natural resources] **economic development** may use moneys in the fund created under this section for the purposes of carrying out the provisions of

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sections 640.150 to 640.160 including, but not limited to, energy efficiency programs, energy studies, energy resource analyses, or energy projects. After appropriation, the department may also expend funds for the administration and management of energy responsibilities and activities associated with projects and studies funded from the energy futures fund.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**640.651. DEFINITIONS.** — As used in sections 640.651 to 640.686, the following terms mean:

- (1) "Applicant", any school, hospital, small business, local government or other energy-using sector or entity authorized by the department through administrative rule, which submits an application for loans on financial assistance to the department;
- (2) "Application cycle", the period of time each year, as determined by the department, that the department shall accept and receive applications seeking loans or financial assistance under the provisions of sections 640.651 to 640.686;
- (3) "Authority", the environmental improvement and energy resources authority;
- (4) "Borrower", a recipient of loan or other financial assistance program funds subsequent to the execution of loan or financial assistance documents with the department or other applicable parties provided that a building owned by the state or an agency thereof other than a state college or state university, shall not be eligible for loans or financial assistance pursuant to sections 640.651 to 640.686;
- (5) "Building", including initial installation in a new building, any applicant-owned and -operated structure, group of closely situated structural units that are centrally metered or served by a central utility plant, or an eligible portion thereof, which includes a heating or cooling system, or both;
- (6) "Department", the department of [natural resources] **economic development**;
- (7) "Energy conservation loan account", an account to be established on the books of a borrower for purposes of tracking information related to the receipt or expenditure of the loan funds or financial assistance, and to be used to receive and remit energy cost savings for purposes of making payments on the loan or financial assistance;
- (8) "Energy conservation measure" or "ECM", an installation or modification of an installation in a building or replacement or modification to an energy-consuming process or system which is primarily intended to maintain or reduce energy consumption and reduce energy costs, or allow the use of an alternative or renewable energy source;
- (9) "Energy conservation project" or "project", the design, acquisition, installation, and implementation of one or more energy conservation measures;
- (10) "Energy cost savings" or "savings", the value, in terms of dollars, that has or is estimated to accrue from energy savings or avoided costs due to implementation of an energy conservation project;
- (11) "Estimated simple payback", the estimated cost of a project divided by the estimated energy cost savings;
- (12) "Fund", the energy set-aside program fund established in section 640.665;
- (13) "Hospital", a facility as defined in subsection 2 of section 197.020, including any medical treatment or related facility controlled by a hospital board;
- (14) "Hospital board", the board of directors having general control of the property and affairs of the hospital facility;
- (15) "Loan agreement", a document agreed to by the borrower's school, hospital or corporate board, principals of a business, the governing body of a local government or other authorized officials and the department or other applicable parties and signed by the authorized official thereof, that details all terms and requirements under which the loan is issued or other financial

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assistance granted, and describes the terms under which the loan or financial assistance repayment shall be made;

(16) "Payback score", a numeric value derived from the review of an application, calculated as prescribed by the department, which may include an estimated simple payback or life-cycle costing method of economic analysis and used solely for purposes of ranking applications for the selection of loan and financial assistance recipients within the balance of program funds available;

(17) "Project cost", all costs determined by the department to be directly related to the implementation of an energy conservation project, and, for initial installation in a new building, shall include the incremental cost of a high-efficiency system;

(18) "School", an institution operated by a state college or state university, public agency, political subdivision or a public or private nonprofit organization tax exempt under Section 501(c)(3) of the Internal Revenue Code which:

(a) Provides, and is legally authorized to provide, elementary education or secondary education, or both, on a day or residential basis;

(b) Provides and is legally authorized to provide a program of education beyond secondary education, on a day or residential basis; admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate; is accredited by a nationally recognized accrediting agency or association; and provides an educational program for which it awards a bachelor's degree or higher degree or provides not less than a two-year program which is acceptable for full credit toward such a degree at any institution which meets the preceding requirements and which provides such a program; or

(c) Provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation; provides and is legally authorized to provide a program of education beyond secondary education, on a day or residential basis; admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate; and is accredited by a nationally recognized accrediting agency or association;

(19) "School board", the board of education having general control of the property and affairs of any school as defined in this section;

(20) "Technical assistance report", a specialized engineering report that identifies and specifies the quantity of energy savings and related energy cost savings that are likely to result from the implementation of one or more energy conservation measures;

(21) "Unobligated balance", that amount in the fund that has not been dedicated to any projects at the end of each state fiscal year.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE  
BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**640.653. APPLICATION AND TECHNICAL ASSISTANCE REPORT, CONTENT AND FORM — LOANS, HOW GRANTED — REVIEW AND SUMMARY BY AGENCIES. — 1.** An application for loan funds or other financial assistance may be submitted to the department for the purpose of financing all or a portion of the costs incurred in implementing an energy conservation project. The application shall be accompanied by a technical assistance report. The application and the technical assistance report shall be in such form and contain such information, financial or otherwise, as prescribed by the department. This section shall not preclude any applicant or borrower from joining in a cooperative project with any other local government or with any state

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or federal agency or entity in an energy conservation project; provided that, all other requirements of sections 640.651 to 640.686 are met.

2. Eligible applications shall be assigned a payback score derived from the application review performed by the department. Applications shall be selected for loans and financial assistance beginning with the lowest payback score and continuing in ascending order to the highest payback score until all available program funds have been obligated within any given application cycle. The selection criteria may be applied per sector or entity to assure equity pursuant to section 640.674. In no case shall a loan or financial assistance be made to finance an energy project with a payback score of less than six months or more than ten years or eighty percent of the expected useful life of the energy conservation measures when the expected useful life exceeds ten years. Repayment periods are to be determined by the department. Applications may be approved for loans or financial assistance only in those instances where the applicant has furnished the department information satisfactory to assure that the project cost will be recovered through energy cost savings during the repayment period of the loan or financial assistance. In no case shall a loan or financial assistance be made to an applicant unless the approval of the governing board or body of the applicant to the loan agreement is obtained and a written certification of such approval is provided, where applicable.

3. The department shall approve or disapprove all applications for loans or financial assistance which are sent by certified or registered mail or hand delivered and received by the department's division of energy on, or prior to, the ninetieth day following the date of application cycle closing. Any applications which are not acted upon by the department by such date shall be deemed to be approved as submitted.

4. The department of elementary and secondary education shall be provided a summary of all proposed public elementary and secondary school projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans or financial assistance by the department, the department of elementary and secondary education shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related state programs for public education facilities.

5. The department of health and senior services shall be provided a summary of all proposed hospital projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans or financial assistance by the department of [natural resources] **economic development**, the department of health and senior services shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related health requirements for hospital facilities.

6. The coordinating board for higher education shall be provided a summary of all proposed public higher education facility projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans and financial assistance by the department, the coordinating board for higher education shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related state programs for education facilities.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**660.135. EXPENDITURES — UTILICARE STABILIZATION FUND.** — 1. The utilicare stabilization fund for any fiscal year shall be funded, subject to appropriations, by the general assembly.

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2. The department of social services shall, in coordination with the department of [natural resources] **economic development**, apply a portion of the funds appropriated annually by the general assembly to the utilicare stabilization fund established pursuant to section 660.136 to the low income weatherization assistance program of the department of [natural resources] **economic development**; provided that any project financed with such funds shall be consistent with federal guidelines for the Weatherization Assistance Program for Low-Income Persons as authorized by 42 U.S.C. 6861.

EXPLANATION: THE DEPARTMENT REFERENCES IN THIS SECTION ARE OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**701.500. NEW PRODUCT SALES, ENERGY EFFICIENCY REQUIREMENTS — EXCEPTIONS. —**

1. As used in sections 701.500 to 701.515, the following terms shall mean:
  - (1) "Department", the department of [natural resources] **economic development**;
  - (2) "Director", the director of the department of [natural resources] **economic development**;
  - (3) "Energy Star program", a joint program of the United States Environmental Protection Agency and the United States Department of Energy that identifies and promotes energy efficient products and practices.
2. The provisions of sections 701.500 to 701.515 shall apply to appliances that do not have minimum energy efficiency standards required under federal law.
3. No person shall sell, offer for sale, or install any new product listed in subsection 2 of this section in the state unless the product meets the minimum energy efficiency standards under sections 701.500 to 701.515.
4. The provisions of sections 701.500 to 701.515 shall not apply to:
  - (1) Consumer electronics; or
  - (2) Products:
    - (a) Manufactured in the state and sold outside the state;
    - (b) Manufactured outside the state and sold at wholesale inside the state for final retail sale outside the state;
    - (c) Installed in mobile manufactured homes at the time of construction; or
    - (d) Designed expressly for installation and use in recreational vehicles.

EXPLANATION: THE DEPARTMENT REFERENCE IN THIS SECTION IS OBSOLETE BASED ON THE DEPARTMENTAL REORGANIZATION IN EXECUTIVE ORDER 13-03:

**701.509. ADVISORY GROUP CREATED — PURPOSE OF GROUP — MEMBERS, TERMS, MEETINGS. —** 1. The "Appliance Energy Efficiency Advisory Group" is hereby created. The purpose of the advisory group is to advise the department on the development and updating of the minimum energy efficiency standards for products under sections 701.500 to 701.515. The advisory group shall consist of the following eleven members who shall be appointed, in staggered terms, by the director:

- (1) A representative from the public service commission who is knowledgeable in energy efficiency;
- (2) A representative of the office of public counsel;
- (3) A representative of an electric or natural gas utility who is knowledgeable in energy efficiency;
- (4) The director of the [energy center at the department of natural resources] **division of energy of the department of economic development**, or his or her designee;
- (5) Two representatives from the appliance manufacturing industry;

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(6) Three representatives with technical knowledge in energy efficiency and appliances, including but not limited to, electrical or energy engineers;

(7) One representative from the home construction industry; and

(8) One representative from the commercial building industry.

2. Each member shall serve a term of three years and may be reappointed. The advisory group members shall serve without compensation but may be reimbursed for expenses incurred in connection with their duties. The advisory group shall meet as needed, but not less than two times per year. The department shall provide staff for the advisory group.

EXPLANATION: THIS SECTION EXPIRED 06-30-14:

**[33.295. PROGRAM ESTABLISHED, PURPOSE — FUND CREATED, USE OF MONEYS — EXPIRATION DATE.** — 1. There is hereby established the "Rebuild Damaged Infrastructure Program" to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster, including, but not limited to, the physical components of interrelated systems providing essential commodities and services to the public which includes transportation, communication, sewage, water, and electric systems as well as public elementary and secondary school buildings.

2. There is hereby created in the state treasury the "Rebuild Damaged Infrastructure Fund", which shall consist of money appropriated or collected under this section. Any amount to be transferred to the fund on July 1, 2013, pursuant to subsection 2 of section 33.080 and subsection 2 of section 360.045, in excess of fifteen million dollars shall instead be transferred to the state general revenue fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the purposes of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. No money in the fund shall be expended for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster when such reconstruction, replacement, renovation, or repair is eligible for funding by the United States Department of Housing and Urban Development through a 2013 supplemental disaster allocation of community development block grant funds.

4. The provisions of this section shall expire on June 30, 2014.]

EXPLANATION: THE FUND IN SECTIONS 33.700 TO 33.730 WAS NEVER CREATED; THESE SECTIONS ARE OBSOLETE:

**[33.700. FUND CREATED, AMOUNT LIMITED.** — There is created "The Governmental Emergency Fund" which shall consist of all moneys appropriated, transferred or otherwise credited to it by law not to exceed the sum of one hundred fifty thousand dollars per annum. ]

**[33.710. COMMITTEE, COMPOSITION — EXPENSES — OFFICERS.** — 1. There is created "The Governmental Emergency Fund Committee" consisting of the governor, the commissioner of administration as ex officio comptroller, the chairman and ranking minority member of the senate appropriations committee, the chairman and ranking minority member of the house budget committee, or its successor committee, and the director of the department of revenue who shall serve as consultant to the committee without vote.

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2. The members of the committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their official duties.

3. The committee shall elect from among its members a chair and vice chair and such other officers as it deems necessary.]

**[33.720. FUNDS TO BE ALLOCATED FOR CERTAIN PURPOSES.** — The moneys in the fund are subject to allocation and expenditure in the manner prescribed in sections 33.700 to 33.730 and only to meet emergency and unanticipated requirements necessary to insure the proper functioning of state government and to render essential state services when the general assembly is not in session and which were not foreseeable or predictable at the time of the preparation and adoption of the budget and the passage of appropriation measures during the session of the general assembly next preceding the occurrence of the emergency and for which moneys, other than from this fund, are not available or are insufficient.]

**[33.730. REQUESTS FOR ALLOCATION, HOW MADE — ALLOCATIONS, VOTE REQUIRED.** —

1. Requests by a state department or agency for the allocation and expenditure of money from the fund shall be made by the administrative head of the department or agency in writing to the governor and to the chairman of the governmental emergency fund committee who shall transmit the request to the committee.

2. The request shall recite the existence of the circumstances which are deemed to require the requested allocation and expenditure from the fund, the amount necessary to meet the emergency and such other information as the committee may by rule or regulation require.

3. No allocation or expenditure of money from the fund shall be made except after authorization by a majority vote of the full membership of the governmental emergency fund committee and only for the specific purpose authorized by the committee. Upon approval of any allocation and expenditure from the fund, the committee shall certify to the commissioner of administration the amount and purposes allowed.]

EXPLANATION: THE REPORTING REQUIREMENTS IN THIS SECTION ARE OBSOLETE:

**[61.081. REPORT TO SECRETARY OF STATE HIGHWAYS AND TRANSPORTATION COMMISSION, CONTENTS, WHEN MADE (CERTAIN FIRST CLASS COUNTIES).** — The highway administrator shall report his full name and address to the office of the secretary of the state highways and transportation commission at Jefferson City within ten days after he is qualified for such office. He shall also make an annual report during the month of January in each year, when requested so to do, upon blanks furnished by the state highways and transportation commission, to the commission, and shall file a copy of such report with the county commission. Such report shall show the general condition of all established public highways, roads, bridges and culverts in the county, together with a general description of all improvements and construction made during the previous year.]

EXPLANATION: THIS SECTION IS OBSOLETE DUE TO THE REPEAL OF SECTION 115.346 IN 2014:

**[71.005. CANDIDATES FOR MUNICIPAL OFFICE, NO ARREARAGE FOR MUNICIPAL TAXES OR USER FEES PERMITTED.** — No person shall be a candidate for municipal office unless such person complies with the provisions of section 115.346 regarding payment of municipal taxes or user fees.]

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EXPLANATION: SECTIONS 105.380, 105.385, 105.440, AND 105.445 REPEAL OBSOLETE SOCIAL SECURITY PROVISIONS AND BRING MISSOURI INTO COMPLIANCE WITH FEDERAL LAW:

**[105.380. DELINQUENT CONTRIBUTIONS, INTEREST CHARGED, PENALTY, EXTENSION OF TIME TO FILE NEW REPORTS, ABATEMENT OF PENALTIES.** — 1. Delinquent payments due under section 105.370 shall bear interest at a rate equal to that charged by the federal agency for the period for which said payments are delinquent. No interest shall be charged if less than one dollar.

2. Delinquent wage reports or adjustment reports or contributions due but not filed or submitted by prescribed due dates shall be subject to a penalty of five dollars for the first day and one dollar for each day thereafter, or the penalty prescribed by the federal agency, whichever is greater. No more than one penalty shall apply in case of any joint failure to file a deposit return and to pay deposit contributions on the same prescribed due date.

3. Extensions to file required annual wage reports and adjustment reports may be granted by the state agency for good cause providing a written extension request is mailed to the state agency on or before the prescribed due date with an estimated deposit no less than the previous deposit, as adjusted. No penalty shall be applied to any report for which an extension of time has been authorized by the state agency.

4. The state administrator or his designate may, upon written request by any political subdivision or instrumentality covered by an agreement entered into under section 105.350 and upon showing of "good cause", abate any portion or all of a penalty charge which has been assessed in accordance with subsection 2 of this section. Good cause abatement can only be granted within the rules and regulations established by the state agency pursuant to section 105.430.]

**[105.385. DELINQUENT CONTRIBUTIONS, HOW COLLECTED — WITHHELD FROM DISTRIBUTIONS OF STATE FUNDS — PAYMENT REQUIRED BY COUNTY OFFICER OUT OF AVAILABLE FUNDS.** — 1. Delinquent payments due under section 105.370, together with accrued interest and penalties, may, at the request of the state agency, be deducted from any moneys payable to the subdivision or instrumentality by any department or agency of the state, or may be recovered in a court of competent jurisdiction against the political subdivision or instrumentality.

2. Whenever the state agency shall certify to any agency of the state authorized to apportion or allocate funds to political subdivisions or instrumentalities that any political subdivision or instrumentality is delinquent in its payments as provided by sections 105.300 to 105.440, the amount so certified shall be withheld from distribution. Upon notification by the state administrator of the withholding by the distributing agency, the state treasurer, or appropriate official, if other than the state treasurer, shall transfer the amount so certified or such part thereof as is available from apportionments or allocations due the political subdivision or instrumentality to the state agency. In the event the state agency recovers any delinquent amounts from the political subdivision or instrumentality, the funds so recovered shall be credited to the fund or funds from which the transfer was made, and the distributing agency shall then apportion or allocate to the political subdivision or instrumentality the amount it was originally entitled to receive by law.

3. Whenever any political subdivision or instrumentality which is part of or located within a county shall become delinquent of any payments due under section 105.370 and/or 105.380, the state agency may certify to the treasurer or to any appropriate officer of the county and/or political subdivision or instrumentality the amount of the delinquent payment plus accrued interest and penalties. The official receiving such certification shall without regard to formal administrative

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procedure and usage of a particular fund, cause payments to be made out of available funds to the state agency sufficient to cover the amount certified by the state agency. If any treasurer or appropriate official to which the delinquent payment certification is so directed shall fail or neglect to perform the duties imposed upon him by this section he shall be liable upon his bond for the failure or neglect.]

**[105.440. STUDIES — REPORT TO GENERAL ASSEMBLY.** — The state agency shall make studies concerning the problem of old age and survivors protection for employees of the state and local governments and their instrumentalities concerning the operation of agreements made and plans approved under sections 105.300 to 105.440, and shall submit a report to the general assembly by April fifteenth of each year covering the administration and operation of sections 105.300 to 105.440 during the preceding year, including such recommendations for amendments to sections 105.300 to 105.440 as it considers proper and necessary.]

**[105.445. ACCESS TO RECORDS, RECOVERY OF COSTS, POWER TO COMPEL PRODUCTION OF RECORDS.** — 1. The state agency shall have access to all payroll and disbursement records of political subdivisions and instrumentalities covered by agreement pursuant to section 105.350. The state agency after giving notice may order the political subdivision or instrumentality to make its books and records available to the state agency, at the office of the political subdivision or instrumentality and may audit those books and records.

2. The state agency may recover the actual costs and necessary expenses for the preparation of required Social Security wage and adjustment reports not filed with the state agency by a political subdivision or instrumentality. Such costs and expenses shall be billed and paid upon completion of wage and adjustment reports and all moneys collected shall be immediately deposited into the state's general revenue fund.

3. The state administrator shall have the power to issue a subpoena duces tecum to compel the production of any payroll and disbursement records of political subdivisions and instrumentalities covered by agreement pursuant to section 105.350.]

EXPLANATION: THESE SECTIONS WERE DECLARED UNCONSTITUTIONAL IN LEGENDS BANK V. STATE IN 2012:

**[105.456. PROHIBITED ACTS BY MEMBERS OF GENERAL ASSEMBLY AND STATEWIDE ELECTED OFFICIALS, EXCEPTIONS.** — 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; or

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for

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compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof.

2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor or spouse of such official is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest and best received.

3. No statewide elected official, member of the general assembly, or any person acting on behalf of such official or member shall expressly and explicitly make any offer or promise to confer any paid employment, where the individual is compensated above actual and necessary expenses, to any statewide elected official or member of the general assembly in exchange for the official's or member's official vote on any public matter. Any person making such offer or promise is guilty of the crime of bribery of a public servant under section 576.010.

4. Any statewide elected official or member of the general assembly who accepts or agrees to accept an offer described in subsection 3 of this section is guilty of the crime of acceding to corruption under section 576.020.]

**[105.463. APPOINTMENT TO BOARD OR COMMISSION, FINANCIAL INTEREST STATEMENT REQUIRED.** — Within thirty days of submission of the person's name to the governor and in order to be an eligible nominee for appointment to a board or commission requiring senate confirmation, a nominee shall file a financial interest statement in the manner provided by section 105.485 and shall request a list of all political contributions and the name of the candidate or committee as

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defined in chapter 130, to which those contributions were made within the four-year period prior to such appointment, made by the nominee, from the ethics commission. The information shall be delivered to the nominee by the ethics commission. The nominee shall deliver the information to the president pro tem of the senate prior to confirmation.]

**[105.473. DUTIES OF LOBBYIST — REPORT REQUIRED, CONTENTS — EXCEPTION — PENALTIES — SUPERSESION OF LOCAL ORDINANCES OR CHARTERS. —** 1. Each lobbyist shall, not later than January fifth of each year or five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission's files.

2. Each person shall, before giving testimony before any committee of the general assembly, give to the secretary of such committee such person's name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears. A person who is not a lobbyist as defined in section 105.470 shall not be required to give such person's address if the committee determines that the giving of such address would endanger the person's physical health.

3. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month;

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is made under the penalties of perjury, setting forth the following:

(a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch, judicial branch and legislative branch of government: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals, food and beverages; and gifts;

(b) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all elected local government officials, their staffs and employees, and their spouses and children. Such expenditures shall be separated into at least the following categories: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals; food and beverages; and gifts;

(c) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of value, for all expenditures made during any reporting period, paid or provided to or for a public official or elected local government official, such official's staff, employees, spouse or dependent children;

(d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date, location, and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:

a. All members of the senate, which may or may not include senate staff and employees under the direct supervision of a state senator;

b. All members of the house of representatives, which may or may not include house staff and employees under the direct supervision of a state representative;

c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate, which may or may not include joint and standing committee staff;

d. All members of a caucus of the majority party of the house of representatives, minority party of the house of representatives, majority party of the senate, or minority party of the senate;

e. All statewide officials, which may or may not include the staff and employees under the direct supervision of the statewide official;

(e) Any expenditure made on behalf of a public official, an elected local government official or such official's staff, employees, spouse or dependent children, if such expenditure is solicited by such official, the official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals and the name of such person or persons, except any expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization or other association formed to provide for good in the order of benevolence and except for any expenditure reported under paragraph (d) of this subdivision;

(f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official or elected local government official. The reports required by this subdivision shall cover the time periods since the filing of the last report or since the lobbyist's employment or representation began, whichever is most recent.

4. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists. No expenditure shall be made on behalf of a state senator or state representative, or such public official's staff, employees, spouse, or dependent children for travel or lodging outside the state of Missouri unless such travel or lodging was approved prior to the date of the expenditure by the administration and accounts committee of the house or the administration committee of the senate.

5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

6. All information required to be filed pursuant to the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

8. Any lobbyist found to knowingly omit, conceal, or falsify in any manner information required pursuant to this section shall be guilty of a class A misdemeanor.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any elected local government official on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed. This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

13. The provisions of this section shall supersede any contradicting ordinances or charter provisions.]

**[105.485. FINANCIAL INTEREST STATEMENTS — FORM — CONTENTS — POLITICAL SUBDIVISIONS, COMPLIANCE. —** 1. Each financial interest statement required by sections 105.483 to 105.492 shall be on a form prescribed by the commission and shall be signed and verified by a written declaration that it is made under penalties of perjury; provided, however, the form shall not seek information which is not specifically required by sections 105.483 to 105.492.

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself, his spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he does not know and his spouse will not divulge any information required to be reported by this section concerning the financial interest of his spouse, shall state on his financial interest statement that he has disclosed that information known to him and that his spouse has refused or failed to provide other information upon his bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

(1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

(2) The name and address of each sole proprietorship which he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each

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partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(3) The name and address of any other source not reported pursuant to subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise required to be reported on any tax return such person is required by law to file; except that only the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system need be reported pursuant to this subdivision;

(4) The location by county, the subclassification for property tax assessment purposes, the approximate size and a description of the major improvements and use for each parcel of real property in the state, other than the individual's personal residence, having a fair market value of ten thousand dollars or more in which such person held a vested interest including a leasehold for a term of ten years or longer, and, if the property was transferred during the year covered by the statement, the name and address of the persons furnishing or receiving consideration for such transfer;

(5) The name and address of each entity in which such person owned stock, bonds or other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a corporation listed on a regulated stock exchange, only the name of the corporation need be listed; and provided that any member of any board or commission of the state or any political subdivision who does not receive any compensation for his services to the state or political subdivision other than reimbursement for his actual expenses or a per diem allowance as prescribed by law for each day of such service need not report interests in publicly traded corporations or limited partnerships which are listed on a regulated stock exchange or automated quotation system pursuant to this subdivision; and provided further that the provisions of this subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant to the Employees' Retirement Income Security Act;

(6) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver;

(7) The name and address of each not-for-profit corporation and each association, organization, or union, whether incorporated or not, except not-for-profit corporations formed to provide church services, fraternal organizations or service clubs from which the officer or employee draws no remuneration, in which such person was an officer, director, employee or trustee at any time during the year covered by the statement, and for each such organization, a general description of the nature and purpose of the organization;

(8) The name and address of each source from which such person received a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in value per source during the year covered by the statement other than gifts from persons within the third degree of consanguinity or affinity of the person filing the financial interest statement. For the purposes of this section, a "gift" shall not be construed to mean political contributions otherwise required to be reported by law or hospitality such as food, beverages or admissions to social, art, or sporting events or the like, or informational material. For the purposes of this section, a "gift" shall include gifts to or by creditors

of the individual for the purpose of cancelling, reducing or otherwise forgiving the indebtedness of the individual to that creditor;

(9) The lodging and travel expenses provided by any third person for expenses incurred outside the state of Missouri whether by gift or in relation to the duties of office of such official, except that such statement shall not include travel or lodging expenses:

(a) Paid in the ordinary course of business for businesses described in subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

(b) For which the official may be reimbursed as provided by law; or

(c) Paid by persons related by the third degree of consanguinity or affinity to the person filing the statement; or

(d) Expenses which are reported by the campaign committee or candidate committee of the person filing the statement pursuant to the provisions of chapter 130; or

(e) Paid for purely personal purposes which are not related to the person's official duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of a member, of any association or entity which employs a lobbyist. The statement shall include the name and address of such person who paid the expenses, the date such expenses were incurred, the amount incurred, the location of the travel and lodging, and the nature of the services rendered or reason for the expenses;

(10) The assets in any revocable trust of which the individual is the settlor if such assets would otherwise be required to be reported under this section;

(11) The name, position and relationship of any relative within the first degree of consanguinity or affinity to any other person who:

(a) Is employed by the state of Missouri, by a political subdivision of the state or special district, as defined in section 115.013, of the state of Missouri;

(b) Is a lobbyist; or

(c) Is a fee agent of the department of revenue;

(12) The name and address of each campaign committee, political party committee, candidate committee, or political action committee for which such person or any corporation listed on such person's financial interest statement received payment; and

(13) For members of the general assembly or any statewide elected public official, their spouses, and their dependent children, whether any state tax credits were claimed on the member's, spouse's, or dependent child's most recent state income tax return.

3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an individual shall be deemed to have received a salary from his employer or income from any source at the time when he shall receive a negotiable instrument whether or not payable at a later date and at the time when under the practice of his employer or the terms of an agreement he has earned or is entitled to anything of actual value whether or not delivery of the value is deferred or right to it has vested. The term "income" as used in this section shall have the same meaning as provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at any time or from time to time for the taxable year, provided that income shall not be considered received or earned for purposes of this section from a partnership or sole proprietorship until such income is converted from business to personal use.

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and

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substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

(a) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision;

(b) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision;

(2) The chief administrative officer and chief purchasing officer of such political subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6) of subsection 2 of this section;

(3) Disclosure of such other financial interests applicable to officials, officers and employees of the political subdivision, as may be required by the ordinance or resolution;

(4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the commission and the governing body of the political subdivision. The clerk of such governing body shall maintain such disclosure reports available for public inspection and copying during normal business hours.]

**[105.957. RECEIPT OF COMPLAINTS — FORM — INVESTIGATION — DISMISSAL OF FRIVOLOUS COMPLAINTS, DAMAGES, PUBLIC REPORT. — 1. The commission shall receive any complaints alleging violation of the provisions of:**

(1) The requirements imposed on lobbyists by sections 105.470 to 105.478;

(2) The financial interest disclosure requirements contained in sections 105.483 to 105.492;

(3) The campaign finance disclosure requirements contained in chapter 130;

(4) Any code of conduct promulgated by any department, division or agency of state government, or by state institutions of higher education, or by executive order;

(5) The conflict of interest laws contained in sections 105.450 to 105.468 and section 171.181; and

(6) The provisions of the constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.

2. Complaints filed with the commission shall be in writing and filed only by a natural person. The complaint shall contain all facts known by the complainant that have given rise to the complaint and the complaint shall be sworn to, under penalty of perjury, by the complainant. No complaint shall be investigated unless the complaint alleges facts which, if true, fall within the jurisdiction of the commission. Within five days after receipt by the commission of a complaint which is properly signed and notarized, and which alleges facts which, if true, fall within the

jurisdiction of the commission, a copy of the complaint, including the name of the complainant, shall be delivered to the alleged violator.

3. No complaint shall be investigated which concerns alleged criminal conduct which allegedly occurred previous to the period of time allowed by law for criminal prosecution for such conduct. The commission may refuse to investigate any conduct which is the subject of civil or criminal litigation. The commission, its executive director or an investigator shall not investigate any complaint concerning conduct which is not criminal in nature which occurred more than two years prior to the date of the complaint. A complaint alleging misconduct on the part of a candidate for public office, other than those alleging failure to file the appropriate financial interest statements or campaign finance disclosure reports, shall not be accepted by the commission within sixty days prior to the primary election at which such candidate is running for office, and until after the general election.

4. If the commission finds that any complaint is frivolous in nature, the commission shall dismiss the case. For purposes of this subsection, "frivolous" shall mean a complaint clearly lacking any basis in fact or law. Any person who submits a frivolous complaint shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light. If the commission finds that a complaint is frivolous, the commission shall issue a public report to the complainant and the alleged violator stating with particularity its reasons for dismissal of the complaint. Upon such issuance, the complaint and all materials relating to the complaint shall be a public record as defined in chapter 610.

5. Complaints which allege violations as described in this section which are filed with the commission shall be handled as provided by section 105.961.]

**[105.959. REVIEW OF REPORTS AND STATEMENTS, NOTICE — AUDITS AND INVESTIGATIONS — FORMAL INVESTIGATIONS — REPORT — REFERRAL OF REPORT. — 1.** The executive director of the commission, under the supervision of the commission, shall review reports and statements filed with the commission or other appropriate officers pursuant to sections 105.470, 105.483 to 105.492, and chapter 130 for completeness, accuracy and timeliness of filing of the reports or statements and any records relating to the reports or statements, and upon review, if there are reasonable grounds to believe that a violation has occurred, shall conduct an investigation of such reports, statements, and records and assign a special investigator following the provisions of subsection 1 of section 105.961.

2. (1) If there are reasonable grounds to believe that a violation has occurred and after the commission unanimously votes to proceed with all six members voting, the executive director shall, without receipt of a complaint, conduct an independent investigation of any potential violations of the provisions of:

- (a) The requirements imposed on lobbyists by sections 105.470 to 105.478;
- (b) The financial interest disclosure requirements contained in sections 105.483 to 105.492;
- (c) The campaign finance disclosure requirements contained in chapter 130;
- (d) Any code of conduct promulgated by any department, division, or agency of state government, or by state institutions of higher education, or by executive order;
- (e) The conflict of interest laws contained in sections 105.450 to 105.468 and section 171.181; and
- (f) The provisions of the constitution or state statute or order, ordinance, or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.

(2) If an investigation conducted under this subsection fails to establish reasonable grounds to believe that a violation has occurred, the investigation shall be terminated and the person who had been under investigation shall be notified of the reasons for the disposition of the complaint.

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3. Upon findings of the appropriate filing officer which are reported to the commission in accordance with the provisions of section 130.056, the executive director shall investigate disclosure reports, statements and records pertaining to such findings within a reasonable time after receipt of the reports from the appropriate filing officer.

4. The commission may make such investigations and inspections within or outside of this state as are necessary to determine compliance.

5. The commission shall notify the person under investigation under this section, by registered mail, within five days of the decision to conduct such investigation and assign a special investigator following the provisions of subsection 1 of section 105.961.

6. After completion of an investigation, the executive director shall provide a detailed report of such investigation to the commission. Upon determination that there are reasonable grounds to believe that a person has violated the requirements of sections 105.470, 105.483 to 105.492, or chapter 130, by a vote of four members of the commission, the commission may refer the report with the recommendations of the commission to the appropriate prosecuting authority together with the details of the investigation by the commission as is provided in subsection 2 of section 105.961.

7. All investigations by the executive director of an alleged violation shall be strictly confidential with the exception of notification of the commission and the complainant and the person under investigation. Revealing any such confidential investigation information shall be cause for removal or dismissal of the executive director or a commission member or employee.]

**[105.961. SPECIAL INVESTIGATOR — REPORT — COMMISSION REVIEW, DETERMINATION — SPECIAL PROSECUTOR — HEARINGS — ACTION OF COMMISSION — FORMAL PROCEEDINGS — APPROPRIATE DISCIPLINARY AUTHORITIES — POWERS OF INVESTIGATORS — FEES AND EXPENSES — CONFIDENTIALITY, PENALTY — COMPENSATION. — 1.** Upon receipt of a complaint as described by section 105.957 or upon notification by the commission of an investigation under subsection 5 of section 105.959, the commission shall assign the complaint or investigation to a special investigator, who may be a commission employee, who shall investigate and determine the merits of the complaint or investigation. Within ten days of such assignment, the special investigator shall review such complaint and disclose, in writing, to the commission any conflict of interest which the special investigator has or might have with respect to the investigation and subject thereof. Within ninety days of receipt of the complaint from the commission, the special investigator shall submit the special investigator's report to the commission. The commission, after review of such report, shall determine:

(1) That there is reasonable grounds for belief that a violation has occurred; or

(2) That there are no reasonable grounds for belief that a violation exists and the complaint or investigation shall be dismissed; or

(3) That additional time is necessary to complete the investigation, and the status and progress of the investigation to date. The commission, in its discretion, may allow the investigation to proceed for no more than two additional successive periods of ninety days each, pending reports regarding the status and progress of the investigation at the end of each such period.

2. When the commission concludes, based on the report from the special investigator, or based on an investigation conducted pursuant to section 105.959, that there are reasonable grounds to believe that a violation of any criminal law has occurred, and if the commission believes that criminal prosecution would be appropriate upon a vote of four members of the commission, the commission shall refer the report to the Missouri office of prosecution services, prosecutors coordinators training council established in section 56.760, which shall submit a panel of five attorneys for recommendation to the court having criminal jurisdiction, for appointment of an

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attorney to serve as a special prosecutor; except that, the attorney general of Missouri or any assistant attorney general shall not act as such special prosecutor. The court shall then appoint from such panel a special prosecutor pursuant to section 56.110 who shall have all the powers provided by section 56.130. The court shall allow a reasonable and necessary attorney's fee for the services of the special prosecutor. Such fee shall be assessed as costs if a case is filed, or ordered by the court if no case is filed, and paid together with all other costs in the proceeding by the state, in accordance with rules and regulations promulgated by the state courts administrator, subject to funds appropriated to the office of administration for such purposes. If the commission does not have sufficient funds to pay a special prosecutor, the commission shall refer the case to the prosecutor or prosecutors having criminal jurisdiction. If the prosecutor having criminal jurisdiction is not able to prosecute the case due to a conflict of interest, the court may appoint a special prosecutor, paid from county funds, upon appropriation by the county or the attorney general to investigate and, if appropriate, prosecute the case. The special prosecutor or prosecutor shall commence an action based on the report by the filing of an information or seeking an indictment within sixty days of the date of such prosecutor's appointment, or shall file a written statement with the commission explaining why criminal charges should not be sought. If the special prosecutor or prosecutor fails to take either action required by this subsection, upon request of the commission, a new special prosecutor, who may be the attorney general, shall be appointed. The report may also be referred to the appropriate disciplinary authority over the person who is the subject of the report.

3. When the commission concludes, based on the report from the special investigator or based on an investigation conducted pursuant to section 105.959, that there are reasonable grounds to believe that a violation of any law has occurred which is not a violation of criminal law or that criminal prosecution is not appropriate, the commission shall conduct a hearing which shall be a closed meeting and not open to the public. The hearing shall be conducted pursuant to the procedures provided by sections 536.063 to 536.090 and shall be considered to be a contested case for purposes of such sections. The commission shall determine, in its discretion, whether or not that there is probable cause that a violation has occurred. If the commission determines, by a vote of at least four members of the commission, that probable cause exists that a violation has occurred, the commission may refer its findings and conclusions to the appropriate disciplinary authority over the person who is the subject of the report, as described in subsection 8 of this section.

4. If the appropriate disciplinary authority receiving a report from the commission pursuant to subsection 3 of this section fails to follow, within sixty days of the receipt of the report, the recommendations contained in the report, or if the commission determines, by a vote of at least four members of the commission that some action other than referral for criminal prosecution or for action by the appropriate disciplinary authority would be appropriate, the commission shall take any one or more of the following actions:

(1) Notify the person to cease and desist violation of any provision of law which the report concludes was violated and that the commission may seek judicial enforcement of its decision pursuant to subsection 5 of this section;

(2) Notify the person of the requirement to file, amend or correct any report, statement, or other document or information required by sections 105.473, 105.483 to 105.492, or chapter 130 and that the commission may seek judicial enforcement of its decision pursuant to subsection 5 of this section; and

(3) File the report with the executive director to be maintained as a public document; or

(4) Issue a letter of concern or letter of reprimand to the person, which would be maintained as a public document; or

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(5) Issue a letter that no further action shall be taken, which would be maintained as a public document; or

(6) Through reconciliation agreements or action of the commission, the power to seek fees for violations in an amount not greater than one thousand dollars or double the amount involved in the violation.

5. Upon vote of at least four members, the commission may initiate formal judicial proceedings in the circuit court of Cole County seeking to obtain any of the following orders:

(1) Cease and desist violation of any provision of sections 105.450 to 105.496, or chapter 130, or sections 105.955 to 105.963;

(2) Pay any civil penalties required by sections 105.450 to 105.496 or chapter 130;

(3) File any reports, statements, or other documents or information required by sections 105.450 to 105.496, or chapter 130; or

(4) Pay restitution for any unjust enrichment the violator obtained as a result of any violation of any criminal statute as described in subsection 7 of this section.

6. After the commission determines by a vote of at least four members of the commission that a violation has occurred, other than a referral for criminal prosecution, and the commission has referred the findings and conclusions to the appropriate disciplinary authority over the person who is the subject of the report, or has taken an action under subsection 4 of this section, the subject of the report may appeal the determination of the commission to the circuit court of Cole County. The court shall conduct a de novo review of the determination of the commission. Such appeal shall stay the action of the Missouri ethics commission. Such appeal shall be filed not later than the fourteenth day after the subject of the commission's action receives actual notice of the commission's action. If a petition for judicial review of a final order is not filed as provided in this section or when an order for fees under subsection 4 of this section becomes final following an appeal to the circuit court of Cole County, the commission may file a certified copy of the final order with the circuit court of Cole County. When any order for fees under subsection 4 of this section becomes final, the commission may file a certified copy of the final order with the circuit court of Cole County. The order so filed shall have the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

7. In the proceeding in the circuit court of Cole County, the commission may seek restitution against any person who has obtained unjust enrichment as a result of violation of any provision of sections 105.450 to 105.496, or chapter 130 and may recover on behalf of the state or political subdivision with which the alleged violator is associated, damages in the amount of any unjust enrichment obtained and costs and attorney's fees as ordered by the court.

8. The appropriate disciplinary authority to whom a report shall be sent pursuant to subsection 2 or 3 of this section shall include, but not be limited to, the following:

(1) In the case of a member of the general assembly, the ethics committee of the house of which the subject of the report is a member;

(2) In the case of a person holding an elective office or an appointive office of the state, if the alleged violation is an impeachable offense, the report shall be referred to the ethics committee of the house of representatives;

(3) In the case of a person holding an elective office of a political subdivision, the report shall be referred to the governing body of the political subdivision;

(4) In the case of any officer or employee of the state or of a political subdivision, the report shall be referred to the person who has immediate supervisory authority over the employment by the state or by the political subdivision of the subject of the report;

(5) In the case of a judge of a court of law, the report shall be referred to the commission on retirement, removal and discipline, or if the inquiry involves an employee of the judiciary to the applicable presiding judge;

(6) In the case of a person holding an appointive office of the state, if the alleged violation is not an impeachable offense, the report shall be referred to the governor;

(7) In the case of a statewide elected official, the report shall be referred to the attorney general;

(8) In a case involving the attorney general, the report shall be referred to the prosecuting attorney of Cole County.

9. The special investigator having a complaint referred to the special investigator by the commission shall have the following powers:

(1) To request and shall be given access to information in the possession of any person or agency which the special investigator deems necessary for the discharge of the special investigator's responsibilities;

(2) To examine the records and documents of any person or agency, unless such examination would violate state or federal law providing for confidentiality;

(3) To administer oaths and affirmations;

(4) Upon refusal by any person to comply with a request for information relevant to an investigation, an investigator may issue a subpoena for any person to appear and give testimony, or for a subpoena duces tecum to produce documentary or other evidence which the investigator deems relevant to a matter under the investigator's inquiry. The subpoenas and subpoenas duces tecum may be enforced by applying to a judge of the circuit court of Cole County or any county where the person or entity that has been subpoenaed resides or may be found, for an order to show cause why the subpoena or subpoena duces tecum should not be enforced. The order and a copy of the application therefor shall be served in the same manner as a summons in a civil action, and if, after hearing, the court determines that the subpoena or subpoena duces tecum should be sustained and enforced, the court shall enforce the subpoena or subpoena duces tecum in the same manner as if it had been issued by the court in a civil action; and

(5) To request from the commission such investigative, clerical or other staff assistance or advancement of other expenses which are necessary and convenient for the proper completion of an investigation. Within the limits of appropriations to the commission, the commission may provide such assistance, whether by contract to obtain such assistance or from staff employed by the commission, or may advance such expenses.

10. (1) Any retired judge may request in writing to have the judge's name removed from the list of special investigators subject to appointment by the commission or may request to disqualify himself or herself from any investigation. Such request shall include the reasons for seeking removal;

(2) By vote of four members of the commission, the commission may disqualify a judge from a particular investigation or may permanently remove the name of any retired judge from the list of special investigators subject to appointment by the commission.

11. Any person who is the subject of any investigation pursuant to this section shall be entitled to be represented by counsel at any proceeding before the special investigator or the commission.

12. The provisions of sections 105.957, 105.959 and 105.961 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. The provisions of this section shall not be construed to limit or affect any other remedy or right of appeal or objection.

13. No person shall be required to make or file a complaint to the commission as a prerequisite for exhausting the person's administrative remedies before pursuing any civil cause of action allowed by law.

14. If, in the opinion of the commission, the complaining party was motivated by malice or reason contrary to the spirit of any law on which such complaint was based, in filing the complaint without just cause, this finding shall be reported to appropriate law enforcement authorities. Any person who knowingly files a complaint without just cause, or with malice, is guilty of a class A misdemeanor.

15. A respondent party who prevails in a formal judicial action brought by the commission shall be awarded those reasonable fees and expenses incurred by that party in the formal judicial action, unless the court finds that the position of the commission was substantially justified or that special circumstances make such an award unjust.

16. The special investigator and members and staff of the commission shall maintain confidentiality with respect to all matters concerning a complaint, with the exception of communications with any person which are necessary to the investigation. Any person who violates the confidentiality requirements imposed by this section or subsection 17 of section 105.955 required to be confidential is guilty of a class A misdemeanor and shall be subject to removal from or termination of employment by the commission.

17. Any judge of the court of appeals or circuit court who ceases to hold such office by reason of the judge's retirement and who serves as a special investigator pursuant to this section shall receive annual compensation, salary or retirement for such services at the rates of compensation provided for senior judges by subsections 1, 2 and 4 of section 476.682. Such retired judges shall by the tenth day of each month following any month in which the judge provided services pursuant to this section certify to the commission and to the state courts administrator the amount of time engaged in such services by hour or fraction thereof, the dates thereof, and the expenses incurred and allowable pursuant to this section. The commission shall then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent, and within limitations, provided for in this section. The state treasurer upon receipt of such warrant shall pay the same out of any appropriations made for this purpose on the last day of the month during which the warrant was received by the state treasurer.]

**[105.963. ASSESSMENTS OF COMMITTEES, CAMPAIGN DISCLOSURE REPORTS — NOTICE — PENALTY — ASSESSMENTS OF FINANCIAL INTEREST STATEMENTS — NOTICE — PENALTIES — EFFECTIVE DATE. — 1.** The executive director shall assess every committee, as defined in section 130.011, failing to file with a filing officer other than a local election authority as provided by section 130.026 a campaign disclosure report or statement of limited activity as required by chapter 130, other than the report required pursuant to subdivision (1) of subsection 1 of section 130.046, a late filing fee of fifty dollars for each day after such report is due to the commission, provided that the total amount of such fees assessed under this subsection per report shall not exceed three thousand dollars. The executive director shall send a notice to any candidate and the treasurer of any committee who fails to file such report within seven business days of such failure to file informing such person of such failure and the fees provided by this section.

2. Any committee that fails to file a campaign disclosure report required pursuant to subdivision (1) of subsection 1 of section 130.046, other than a report required to be filed with a local election authority as provided by section 130.026, shall be assessed by the executive director a late filing fee of one hundred dollars for each day that the report is not filed, provided that the total amount of such fees assessed under this subsection per report shall not exceed three thousand dollars. The executive director shall send a notice to any candidate and the treasurer of any

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committee who fails to file the report described in this subsection within seven business days of such failure to file informing such person of such failure and the fees provided by this section.

3. The executive director shall assess every person required to file a financial interest statement pursuant to sections 105.483 to 105.492 failing to file such a financial interest statement with the commission a late filing fee of ten dollars for each day after such statement is due to the commission. The executive director shall send a notice to any person who fails to file such statement informing the individual required to file of such failure and the fees provided by this section. If the person persists in such failure for a period in excess of thirty days beyond receipt of such notice, the amount of the late filing fee shall increase to one hundred dollars for each day thereafter that the statement is late, provided that the total amount of such fees assessed pursuant to this subsection per statement shall not exceed six thousand dollars.

4. Any person assessed a late filing fee may seek review of such assessment or the amount of late filing fees assessed, at the person's option, by filing a petition within fourteen days after receiving notice of assessment with the circuit court of Cole County.

5. The executive director of the Missouri ethics commission shall collect such late filing fees as are provided for in this section. Unpaid late filing fees shall be collected by action filed by the commission. The commission shall contract with the appropriate entity to collect such late filing fees after a thirty-day delinquency. If not collected within one hundred twenty days, the Missouri ethics commission shall file a petition in Cole County circuit court to seek a judgment on said fees. After obtaining a judgment for the unpaid late filing fees, the commission or any entity contracted by the commission may proceed to collect the judgment in any manner authorized by law, including but not limited to garnishment of and execution against the committee's official depository account as set forth in subsection 4 of section 130.021 after a thirty-day delinquency. All late filing fees collected pursuant to this section shall be transmitted to the state treasurer and deposited to the general revenue fund.

6. The late filing fees provided by this section shall be in addition to any penalty provided by law for violations of sections 105.483 to 105.492 or chapter 130.

7. If any lobbyist fails to file a lobbyist report in a timely manner and that lobbyist is assessed a late fee, or if any individual who is required to file a personal financial disclosure statement fails to file such disclosure statement in a timely manner and is assessed a late fee, or if any candidate or the treasurer of any committee fails to file a campaign disclosure report or a statement of limited activity in a timely manner and that candidate or treasurer of any committee who fails to file a disclosure statement in a timely manner and is assessed a late filing fee, the lobbyist, individual, candidate, or the treasurer of any committee may file an appeal of the assessment of the late filing fee with the commission. The commission may forgive the assessment of the late filing fee upon a showing of good cause. Such appeal shall be filed within ten days of the receipt of notice of the assessment of the late filing fee.]

**[105.966. ETHICS COMMISSION TO COMPLETE ALL COMPLAINT INVESTIGATIONS, PROCEDURE, HEARING FOR TIME EXTENSION, WHEN — APPLICABILITY TO ONGOING INVESTIGATIONS. — 1. The ethics commission shall complete and make determinations pursuant to subsection 1 of section 105.961 on all complaint investigations within ninety days of initiation.**

**2. Any complaint investigation not completed and decided upon by the ethics commission within the time allowed by this section shall be deemed to not have been a violation.]**

THESE SECTIONS ARE OBSOLETE:

**[115.001. SHORT TITLE.** — Sections 115.001 to 115.641 and sections 51.450 and 51.460 shall be known as the "Comprehensive Election Act of 1977".]

**[115.002. CITATION OF LAW.** — Sections 115.002, 115.024, 115.105, 115.124, 115.159, 115.163, 115.203, 115.205, 115.219, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, 115.456, and 115.631, may be cited as the "Missouri Voter Protection Act".]

**[115.009. EFFECTIVE DATE OF ACT JANUARY 1, 1978.** — The effective date of sections 115.001 to 115.641 and sections 51.450 and 51.460 shall be January 1, 1978. Any amendment made to a provision repealed by sections 115.001 to 115.641 and sections 51.450 and 51.460 shall remain in force only until January 1, 1978.]

THESE SECTIONS WERE DECLARED UNCONSTITUTIONAL IN LEGENDS BANK V. STATE IN 2012:

**[130.011. DEFINITIONS.** — As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) "Appropriate officer" or "appropriate officers", the person or persons designated in section 130.026 to receive certain required statements and reports;

(2) "Ballot measure" or "measure", any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;

(3) "Campaign committee", a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election or the retention of judges under the nonpartisan court plan, such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures, and which shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election, except that no committee retiring debt shall engage in any other activities in support of a measure for which the committee was formed;

(4) "Candidate", an individual who seeks nomination or election to public office. The term "candidate" includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time the individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a write-in candidate as defined in subdivision (28) of this section. A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; except that, such individual shall not be deemed a candidate if the person files a statement with the appropriate officer within five days after learning of the receipt of

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contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that the person will not accept nomination or take office if elected; provided that, if the election at which such individual is supported as a candidate is to take place within five days after the person's learning of the above-specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office;

(5) "Candidate committee", a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed. Any candidate for elective office shall have only one candidate committee for the elective office sought, which is controlled directly by the candidate for the purpose of making expenditures. A candidate committee is presumed to be under the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part;

(6) "Cash", currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor;

(7) "Check", a check drawn on a state or federal bank, or a draft on a negotiable order of withdrawal account in a savings and loan association or a share draft account in a credit union;

(8) "Closing date", the date through which a statement or report is required to be complete;

(9) "Committee", a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee:

(a) "Committee", does not include:

a. A person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions;

b. An individual, other than a candidate, who accepts no contributions and who deals only with the individual's own funds or property;

c. A corporation, cooperative association, partnership, proprietorship, or joint venture organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no contributions, and all expenditures it makes are from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions as defined by subdivision (11) of this section;

d. A labor organization organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the organization are from its own funds or property received from membership dues or membership fees which were

given or solicited for the purpose of supporting the normal and usual activities and functions of the organization and which are not contributions as defined by subdivision (11) of this section;

e. A person who acts as an authorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable, an accurate account of each receipt or other transaction in the detail required by the treasurer to comply with all record-keeping and reporting requirements of this chapter;

f. Any department, agency, board, institution or other entity of the state or any of its subdivisions or any officer or employee thereof, acting in the person's official capacity;

(b) The term "committee" includes, but is not limited to, each of the following committees: campaign committee, candidate committee, political action committee, exploratory committee, and political party committee;

(10) "Connected organization", any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses;

(11) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures or for paying debts or obligations of any candidate or committee previously incurred for the above purposes. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value. "Contribution" includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office;

(b) Payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee;

(c) Receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or political merchandise;

(d) Receipts from fund-raising events including testimonial affairs;

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other obligation by a third party, or payment of a loan or debt or other obligation by a third party if the loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an election campaign or used or intended for the payment of such debts or obligations of a candidate or committee previously incurred, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made

available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions;

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee;

(i) "Contribution" does not include:

a. Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

b. An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

c. Interest earned on deposit of committee funds;

d. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

(12) "County", any one of the several counties of this state or the city of St. Louis;

(13) "Disclosure report", an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed;

(14) "Election", any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections;

(15) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value. "Expenditure" includes, but is not limited to:

(a) Payment by anyone other than a committee for services of another person rendered to such committee;

(b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

(c) The transfer of funds by one committee to another committee;

(d) The direct or indirect payment by any person, other than a connected organization for a committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee; but

(e) "Expenditure" does not include:

a. Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

b. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to subsection 2 of section 130.051;

c. Repayment of a loan, but such repayment shall be indicated in required reports;

d. The rendering of voluntary personal services by an individual of the sort commonly performed by volunteer campaign workers and the payment by such individual of the individual's necessary and ordinary personal expenses incidental to such volunteer activity, provided no compensation is, directly or indirectly, asked or given;

e. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

f. The use of a candidate's own money or property for expense of the candidate's personal food, lodging, travel, and payment of any fee necessary to the filing for public office, if such expense is not reimbursed to the candidate from any source;

(16) "Exploratory committees", a committee which shall be formed by an individual to receive contributions and make expenditures on behalf of this individual in determining whether or not the individual seeks elective office. Such committee shall terminate no later than December thirty-first of the year prior to the general election for the possible office;

(17) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee, testimonial, rally, auction or similar affair through which contributions are solicited or received by such means as the purchase of tickets, payment of attendance fees, donations for prizes or through the purchase of goods, services or political merchandise;

(18) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a form other than money;

(19) "Labor organization", any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(20) "Loan", a transfer of money, property or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part and which was contracted, used, or intended for use in an election campaign, or which was made or received by a committee or which was contracted, used, or intended to pay previously incurred campaign debts or obligations of a candidate or the debts or obligations of a committee;

(21) "Person", an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or

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organization however constituted or any officer or employee of such entity acting in the person's official capacity;

(22) "Political action committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee, political party committee, campaign committee, exploratory committee, or debt service committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. Such a committee includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures;

(23) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure;

(24) "Political party", a political party which has the right under law to have the names of its candidates listed on the ballot in a general election;

(25) "Political party committee", a committee of a political party which may be organized as a not-for-profit corporation under Missouri law and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party. Political party committees shall only take the following forms:

(a) One congressional district committee per political party for each congressional district in the state; and

(b) One state party committee per political party;

(26) "Public office" or "office", any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of registered voters;

(27) "Regular session", includes that period beginning on the first Wednesday after the first Monday in January and ending following the first Friday after the second Monday in May;

(28) "Write-in candidate", an individual whose name is not printed on the ballot but who otherwise meets the definition of candidate in subdivision (4) of this section.]

**[130.021. TREASURER FOR CANDIDATES AND COMMITTEES, WHEN REQUIRED — DUTIES — OFFICIAL DEPOSITORY ACCOUNT TO BE ESTABLISHED — STATEMENT OF ORGANIZATION FOR COMMITTEES, CONTENTS, WHEN FILED — TERMINATION OF COMMITTEE, PROCEDURE.**

— 1. Every committee shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state. A committee may also have a deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and serve in the capacity of committee treasurer in the event the committee treasurer is unable for any reason to perform the treasurer's duties.

2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a statement of exemption pursuant to that subsection and every candidate for offices listed in

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subsection 6 of section 130.016 who is not excluded from filing a statement of organization and disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this chapter shall prevent a candidate from appointing himself or herself as a committee of one and serving as the person's own treasurer, maintaining the candidate's own records and filing all the reports and statements required to be filed by the treasurer of a candidate committee.

3. A candidate who has more than one candidate committee supporting the person's candidacy shall designate one of those candidate committees as the committee responsible for consolidating the aggregate contributions to all such committees under the candidate's control and direction as required by section 130.041. No person shall form a new committee or serve as a deputy treasurer of any committee as defined in section 130.011 until the person or the treasurer of any committee previously formed by the person or where the person served as treasurer or deputy treasurer has filed all required campaign disclosure reports and statements of limited activity for all prior elections and paid outstanding previously imposed fees assessed against that person by the ethics commission.

4. (1) Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name. An "official depository account" shall be a checking account or some type of negotiable draft or negotiable order of withdrawal account, and the official fund depository shall, regarding an official depository account, be a type of financial institution which provides a record of deposits, cancelled checks or other cancelled instruments of withdrawal evidencing each transaction by maintaining copies within this state of such instruments and other transactions. All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official depository account. Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer or candidate. Contributions received by a committee shall not be commingled with any funds of an agent of the committee, a candidate or any other person, except that contributions from a candidate of the candidate's own funds to the person's candidate committee shall be deposited to an official depository account of the person's candidate committee. No expenditure shall be made by a committee when the office of committee treasurer is vacant except that when the office of a candidate committee treasurer is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

(2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a committee's official depository account and deposit such funds in one or more savings accounts in the committee's name in any bank, savings and loan association or credit union within this state, and may also withdraw funds from an official depository account for investment in the committee's name in any certificate of deposit, bond or security. Proceeds from interest or dividends from a savings account or other investment or proceeds from withdrawals from a savings account or from the sale of an investment shall not be expended or reinvested, except in the case of renewals of certificates of deposit, without first redepositing such proceeds in an official depository account. Investments, other than savings accounts, held outside the committee's official depository account at any time during a reporting period shall be disclosed by description, amount, any identifying

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numbers and the name and address of any institution or person in which or through which it is held in an attachment to disclosure reports the committee is required to file. Proceeds from an investment such as interest or dividends or proceeds from its sale, shall be reported by date and amount. In the case of the sale of an investment, the names and addresses of the persons involved in the transaction shall also be stated. Funds held in savings accounts and investments, including interest earned, shall be included in the report of money on hand as required by section 130.041.

5. The treasurer or deputy treasurer acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011 and any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046. The statement of organization shall contain the following information:

(1) The name, mailing address and telephone number, if any, of the committee filing the statement of organization. If the committee is deemed to be affiliated with a connected organization as provided in subdivision (10) of section 130.011, the name of the connected organization, or a legally registered fictitious name which reasonably identifies the connected organization, shall appear in the name of the committee. If the committee is a candidate committee, the name of the candidate shall be a part of the committee's name;

(2) The name, mailing address and telephone number of the candidate;

(3) The name, mailing address and telephone number of the committee treasurer, and the name, mailing address and telephone number of its deputy treasurer if the committee has named a deputy treasurer;

(4) The names, mailing addresses and titles of its officers, if any;

(5) The name and mailing address of any connected organizations with which the committee is affiliated;

(6) The name and mailing address of its depository, and the name and account number of each account the committee has in the depository. The account number of each account shall be redacted prior to disclosing the statement to the public;

(7) Identification of the major nature of the committee such as a candidate committee, campaign committee, political action committee, political party committee, incumbent committee, or any other committee according to the definition of committee in section 130.011;

(8) In the case of the candidate committee designated in subsection 3 of this section, the full name and address of each other candidate committee which is under the control and direction of the same candidate, together with the name, address and telephone number of the treasurer of each such other committee;

(9) The name and office sought of each candidate supported or opposed by the committee;

(10) The ballot measure concerned, if any, and whether the committee is in favor of or opposed to such measure.

6. A committee may omit the information required in subdivisions (9) and (10) of subsection 5 of this section if, on the date on which it is required to file a statement of organization, the committee has not yet determined the particular candidates or particular ballot measures it will support or oppose.

7. A committee which has filed a statement of organization and has not terminated shall not be required to file another statement of organization, except that when there is a change in any of the information previously reported as required by subdivisions (1) to (8) of subsection 5 of this section an amended statement of organization shall be filed within twenty days after the change

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occurs, but no later than the date of the filing of the next report required to be filed by that committee by section 130.046.

8. Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization was filed. The termination statement shall include: the distribution made of any remaining surplus funds and the disposition of any deficits; and the name, mailing address and telephone number of the individual responsible for preserving the committee's records and accounts as required in section 130.036.

9. Any statement required by this section shall be signed and attested by the committee treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

10. A committee domiciled outside this state shall be required to file a statement of organization and appoint a treasurer residing in this state and open an account in a depository within this state; provided that either of the following conditions prevails:

(1) The aggregate of all contributions received from persons domiciled in this state exceeds twenty percent in total dollar amount of all funds received by the committee in the preceding twelve months; or

(2) The aggregate of all contributions and expenditures made to support or oppose candidates and ballot measures in this state exceeds one thousand five hundred dollars in the current calendar year.

11. If a committee domiciled in this state receives a contribution of one thousand five hundred dollars or more from any committee domiciled outside of this state, the committee domiciled in this state shall file a disclosure report with the commission. The report shall disclose the full name, mailing address, telephone numbers and domicile of the contributing committee and the date and amount of the contribution. The report shall be filed within forty-eight hours of the receipt of such contribution if the contribution is received after the last reporting date before the election.]

**[130.026. ELECTION AUTHORITY DEFINED — APPROPRIATE OFFICER DESIGNATED — ELECTRONIC FILING, WHEN. —** 1. For the purpose of this section, the term "election authority" or "local election authority" means the county clerk, except that in a city or county having a board of election commissioners the board of election commissioners shall be the election authority. For any political subdivision or other district which is situated within the jurisdiction of more than one election authority, as defined herein, the election authority is the one in whose jurisdiction the candidate resides or, in the case of ballot measures, the one in whose jurisdiction the most populous portion of the political subdivision or district for which an election is held is situated, except that a county clerk or a county board of election commissioners shall be the election authority for all candidates for elective county offices other than county clerk and for any countywide ballot measures.

2. The appropriate officer or officers for candidates and ballot measures shall be as follows:

(1) In the case of candidates for the offices of governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, judges of the supreme court and appellate court judges, the appropriate officer shall be the Missouri ethics commission;

(2) Notwithstanding the provisions of subsection 1 of this section, in the case of candidates for the offices of state senator, state representative, county clerk, and associate circuit court judges and circuit court judges, the appropriate officers shall be the Missouri ethics commission and the election authority for the place of residence of the candidate;

(3) In the case of candidates for elective municipal offices in municipalities of more than one hundred thousand inhabitants and elective county offices in counties of more than one hundred thousand inhabitants, the appropriate officers shall be the Missouri ethics commission and the election authority of the municipality or county in which the candidate seeks office;

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(4) In the case of all other offices, the appropriate officer shall be the election authority of the district or political subdivision for which the candidate seeks office;

(5) In the case of ballot measures, the appropriate officer or officers shall be:

(a) The Missouri ethics commission for a statewide measure;

(b) The local election authority for any political subdivision or district as determined by the provisions of subsection 1 of this section for any measure, other than a statewide measure, to be voted on in that political subdivision or district.

3. The appropriate officer or officers for candidate committees and campaign committees shall be the same as designated in subsection 2 of this section for the candidates or ballot measures supported or opposed as indicated in the statement of organization required to be filed by any such committee.

4. The appropriate officer for political party committees shall be as follows:

(1) In the case of state party committees, the appropriate officer shall be the Missouri ethics commission;

(2) In the case of any district, county or city political party committee, the appropriate officer shall be the Missouri ethics commission and the election authority for that district, county or city.

5. The appropriate officers for a political action committee and for any other committee not named in subsections 3, 4 and 5 of this section shall be as follows:

(1) The Missouri ethics commission and the election authority for the county in which the committee is domiciled; and

(2) If the committee makes or anticipates making expenditures other than direct contributions which aggregate more than five hundred dollars to support or oppose one or more candidates or ballot measures in the same political subdivision or district for which the appropriate officer is an election authority other than the one for the county in which the committee is domiciled, the appropriate officers for that committee shall include such other election authority or authorities, except that committees covered by this subsection need not file statements required by section 130.021 and reports required by subsections 6, 7 and 8 of section 130.046 with any appropriate officer other than those set forth in subdivision (1) of this subsection.

6. The term "domicile" or "domiciled" means the address of the committee listed on the statement of organization required to be filed by that committee in accordance with the provisions of section 130.021.]

**[130.041. DISCLOSURE REPORTS — WHO FILES — WHEN REQUIRED — CONTENTS. — 1.**

Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

(1) The full name, as required in the statement of organization pursuant to subsection 5 of section 130.021, and mailing address of the committee filing the report and the full name, mailing address and telephone number of the committee's treasurer and deputy treasurer if the committee has named a deputy treasurer;

(2) The amount of money, including cash on hand at the beginning of the reporting period;

(3) Receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more

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contributions which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to obtain and report a description of any contractual relationship over five hundred dollars between the contributor and the state if the candidate is seeking election to a state office or between the contributor and any political subdivision of the state if the candidate is seeking election to another political subdivision of the state;

(b) Total amount of all anonymous contributions accepted;

(c) Total amount of all monetary contributions received through fund-raising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement or copy of the statement describing each fund-raising event as required in subsection 6 of section 130.031;

(d) Total dollar value of all in-kind contributions received;

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution;

(f) A listing of each loan received by name and address of the lender and date and amount of the loan. For each loan of more than one hundred dollars, a separate statement shall be attached setting forth the name and address of the lender and each person liable directly, indirectly or contingently, and the date, amount and terms of the loan;

(4) Expenditures for the period, including:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

(b) The total dollar amount of expenditures made in cash;

(c) The total dollar value of all in-kind expenditures made;

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;

(e) A list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms and date;

(5) The total amount of cash on hand as of the closing date of the reporting period covered, including amounts in depository accounts and in petty cash fund;

(6) The total amount of outstanding indebtedness as of the closing date of the reporting period covered;

(7) The amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought. For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and political action committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures; however, all such expenditures shall be listed pursuant to subdivision (4) of this subsection;

(8) A separate listing by full name and address of any committee including a candidate committee controlled by the same candidate for which a transfer of funds or a contribution in any

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amount has been made during the reporting period, together with the date and amount of each such transfer or contribution;

(9) A separate listing by full name and address of any committee, including a candidate committee controlled by the same candidate from which a transfer of funds or a contribution in any amount has been received during the reporting period, together with the date and amount of each such transfer or contribution;

(10) Each committee that receives a contribution which is restricted or designated in whole or in part by the contributor for transfer to a particular candidate, committee or other person shall include a statement of the name and address of that contributor in the next disclosure report required to be filed after receipt of such contribution, together with the date and amount of any such contribution which was so restricted or designated by that contributor, together with the name of the particular candidate or committee to whom such contribution was so designated or restricted by that contributor and the date and amount of such contribution.

2. For the purpose of this section and any other section in this chapter except sections 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified amount, the aggregate amount shall be computed by adding all contributions received from any one person during the following periods:

(1) In the case of a candidate committee, the period shall begin on the date on which the candidate became a candidate according to the definition of the term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an election or at 11:59 p.m. on the day of the general election. If the candidate has a general election held after a primary election, the next aggregating period shall begin at 12:00 midnight on the day after the primary election day and shall close at 11:59 p.m. on the day of the general election. Except that for contributions received during the thirty-day period immediately following a primary election, the candidate shall designate whether such contribution is received as a primary election contribution or a general election contribution;

(2) In the case of a campaign committee, the period shall begin on the date the committee received its first contribution and end on the closing date for the period for which the report or statement is required;

(3) In the case of a political party committee or a political action committee, the period shall begin on the first day of January of the year in which the report or statement is being filed and end on the closing date for the period for which the report or statement is required; except, if the report or statement is required to be filed prior to the first day of July in any given year, the period shall begin on the first day of July of the preceding year.

3. The disclosure report shall be signed and attested by the committee treasurer or deputy treasurer and by the candidate in case of a candidate committee.

4. The words "consulting or consulting services, fees, or expenses", or similar words, shall not be used to describe the purpose of a payment as required in this section. The reporting of any payment to such an independent contractor shall be on a form supplied by the appropriate officer, established by the ethics commission and shall include identification of the specific service or services provided including, but not limited to, public opinion polling, research on issues or opposition background, print or broadcast media production, print or broadcast media purchase, computer programming or data entry, direct mail production, postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount prorated for each service.]

**[130.044. CERTAIN CONTRIBUTIONS TO BE REPORTED WITHIN FORTY-EIGHT HOURS OF RECEIPT — RULEMAKING AUTHORITY. — 1. All individuals and committees required to file**

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disclosure reports under section 130.041 shall electronically report any contribution by any single contributor which exceeds five thousand dollars to the Missouri ethics commission within forty-eight hours of receiving the contribution.

2. Any individual currently holding office as a state representative, state senator, or any candidate for such office or such individual's campaign committee shall electronically report any contribution exceeding five hundred dollars made by any contributor to his or her campaign committee during the regular legislative session of the general assembly, within forty-eight hours of receiving the contribution.

3. Any individual currently holding office as the governor, lieutenant governor, treasurer, attorney general, secretary of state or auditor or any candidate for such office or such person's campaign committee shall electronically report any contribution exceeding five hundred dollars made by any contributor to his or her campaign committee during the regular legislative session or any time when legislation from the regular legislative session awaits gubernatorial action, within forty-eight hours of receiving the contribution.

4. Reports required under this section shall contain the same content required under section 130.041 and shall be filed in accordance with the standards established by the commission for electronic filing and other rules the commission may deem necessary to promulgate for the effective administration of this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.]

**[130.046. TIMES FOR FILING OF DISCLOSURE — PERIODS COVERED BY REPORTS — CERTAIN DISCLOSURE REPORTS NOT REQUIRED — SUPPLEMENTAL REPORTS, WHEN — CERTAIN DISCLOSURE REPORTS FILED ELECTRONICALLY — RULEMAKING AUTHORITY. — 1.** The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; and

(3) Not later than the fifteenth day following the close of each calendar quarter.

Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure

report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election.

2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition or referendum petition, or a recall petition seeking to remove an incumbent from office, disclosure reports relating to the time for filing such petitions shall be made as follows:

(1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of this section the treasurer of a committee, other than a political action committee, supporting or opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent from office shall file an initial disclosure report fifteen days after the committee begins the process of raising or spending money. After such initial report, the committee shall file quarterly disclosure reports as required by subdivision (3) of subsection 1 of this section until such time as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed. In addition the committee shall file a second disclosure report no later than the fifteenth day after the deadline date for submitting such petition. The period covered in the initial report shall begin on the day the committee first accepted contributions or made expenditures to support or oppose the petition effort for qualification of the measure and shall close on the fifth day prior to the date of the report;

(2) If the measure has qualified to be on the ballot in an election and if a committee subject to the requirements of subdivision (1) of this subsection is also required to file a preelection disclosure report for such election any time within thirty days after the date on which disclosure reports are required to be filed in accordance with subdivision (1) of this subsection, the treasurer of such committee shall not be required to file the report required by subdivision (1) of this subsection, but shall include in the committee's preelection report all information which would otherwise have been required by subdivision (1) of this subsection.

3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file disclosure reports pursuant to this section, except for any calendar quarter in which the contributions received by the committee or the expenditures or contributions made by the committee do not exceed five hundred dollars. The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be required to file the quarterly disclosure report required not later than the fifteenth day of any January immediately following a November election, provided that such candidate, treasurer or deputy treasurer shall file the information required on such quarterly report on the quarterly report to be filed not later than the fifteenth day of April immediately following such November election. Each report by such committee shall be cumulative from the date of the last report. In the case of the political action committee's first report, the report shall be cumulative from the date of the political action committee's organization. Every candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this section. A political action committee shall submit additional reports if it makes aggregate expenditures, other than contributions to a committee, of five hundred dollars or more, within the reporting period at the following times for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election;

(2) Not later than twenty-four hours after aggregate expenditures of two hundred fifty dollars or more are made after the twelfth day before the election; and

(3) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election.

4. The reports required to be filed no later than the thirtieth day after an election and any subsequently required report shall be cumulative so as to reflect the total receipts and disbursements of the reporting committee for the entire election campaign in question. The period covered by each disclosure report shall begin on the day after the closing date of the most recent disclosure report filed and end on the closing date for the period covered. If the committee has not previously filed a disclosure report, the period covered begins on the date the committee was formed; except that in the case of a candidate committee, the period covered begins on the date the candidate became a candidate according to the definition of the term candidate in section 130.011.

5. Notwithstanding any other provisions of this chapter to the contrary:

(1) Certain disclosure reports pertaining to any candidate who receives nomination in a primary election and thereby seeks election in the immediately succeeding general election shall not be required in the following cases:

(a) If there are less than fifty days between a primary election and the immediately succeeding general election, the disclosure report required to be filed quarterly; provided that, any other report required to be filed prior to the primary election and all other reports required to be filed not later than the eighth day before the general election are filed no later than the final dates for filing such reports;

(b) If there are less than eighty-five days between a primary election and the immediately succeeding general election, the disclosure report required to be filed not later than the thirtieth day after the primary election need not be filed; provided that any report required to be filed prior to the primary election and any other report required to be filed prior to the general election are filed no later than the final dates for filing such reports; and

(2) No disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received contributions aggregating more than three hundred dollars from any single contributor and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period. Any contributions received or expenditures made which are not reported because this statement is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the committee. This statement shall not be filed in lieu of the report for two or more consecutive disclosure periods if either the contributions received or expenditures made in the aggregate during those reporting periods exceed five hundred dollars. This statement shall not be filed, in lieu of the report, later than the thirtieth day after an election if that report would show a deficit of more than one thousand dollars.

6. (1) If the disclosure report required to be filed by a committee not later than the thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with the appropriate officer for each succeeding semiannual period until the deficit is reported in a disclosure report as being reduced to five thousand dollars or less; except that, a supplemental semiannual report shall not be required for any semiannual period which includes the closing date for the reporting period covered in any regular disclosure report which the committee is required to file in connection with an election. The reporting dates and periods covered for semiannual reports shall be not later than the fifteenth day of January and July for periods closing on the thirty-first day of December and the thirtieth day of June.

(2) Committees required to file reports pursuant to subsection 2 or 3 of this section which are not otherwise required to file disclosure reports for an election shall file semiannual reports as

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required by this subsection if their last required disclosure report shows a total of unpaid loans and other outstanding obligations in excess of five thousand dollars.

7. In the case of a committee which disbands and is required to file a termination statement pursuant to the provisions of section 130.021 with the appropriate officer not later than the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m. prevailing local time of the day designated for the filing of the report and a report postmarked not later than midnight of the day previous to the day designated for filing the report shall be deemed to have been filed in a timely manner. The appropriate officer may establish a policy whereby disclosure reports may be filed by facsimile transmission.

9. Each candidate for the office of state representative, state senator, and for statewide elected office shall file all disclosure reports described in section 130.041 electronically with the Missouri ethics commission. The Missouri ethics commission shall promulgate rules establishing the standard for electronic filings with the commission and shall propose such rules for the importation of files to the reporting program.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.]

**[130.057. CAMPAIGN FINANCE ELECTRONIC REPORTING SYSTEM, ESTABLISHMENT, USE OF — CERTAIN CANDIDATES AND COMMITTEES TO FILE IN ELECTRONIC FORMAT, WHEN, FEES TO CONVERT PAPER COPY — PURCHASE OF ELECTRONIC SYSTEM, REQUIREMENTS — PUBLIC ACCESS. —** 1. In order for candidates for election and public officials to more easily file reports required by law and to access information contained in such reports, and for the Missouri ethics commission to receive and store reports in an efficient and economical method, and for the general public and news media to access information contained in such reports, the commission shall establish and maintain an electronic reporting system pursuant to this section.

2. The ethics commission may establish for elections in 1996 and shall establish for elections and all required reporting beginning in 1998 and maintain thereafter a state campaign finance and financial interest disclosure electronic reporting system pursuant to this section for all candidates required to file. The system may be used for the collection, filing and dissemination of all reports, including monthly lobbying reports filed by law, and all reports filed with the commission pursuant to this chapter and chapter 105. The system may be established and used for all reports required to be filed for the primary and general elections in 1996 and all elections thereafter, except that the system may require maintenance of a paper backup system for the primary and general elections in 1996. The reports shall be maintained and secured in the electronic format by the commission.

3. When the commission determines that the electronic reporting system has been properly implemented, the commission shall certify to all candidates and committees required to file pursuant to this chapter that such electronic reporting system has been established and

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implemented. Beginning with the primary and general elections in 2000, or the next primary or general election in which the commission has made certification pursuant to this subsection, whichever is later, candidates and all other committees shall file reports by using either the electronic format prescribed by the commission or paper forms provided by the commission for that purpose. Political action committees shall file reports by electronic format prescribed by the commission, except political action committees which make contributions equal to or less than fifteen thousand dollars in the applicable calendar year. Any political action committee which makes contributions in support of or opposition to any measure or candidate equal to or less than fifteen thousand dollars in the applicable calendar year shall file reports on paper forms provided by the commission for that purpose or by electronic format prescribed by the commission, whichever reporting method the political action committee chooses. The commission shall supply a computer program which shall be used for filing by modem or by a common magnetic media chosen by the commission. In the event that filings are performed electronically, the candidate shall file a signed original written copy within five working days; except that, if a means becomes available which will allow a verifiable electronic signature, the commission may also accept this in lieu of a written statement.

4. Beginning January 1, 2000, or on the date the commission makes the certification pursuant to subsection 3 of this section, whichever is later, all reports filed with the commission by any candidate for a statewide office, or such candidate's committee, shall be filed in electronic format as prescribed by the commission; provided however, that if a candidate for statewide office, or such candidate's committee receives or spends five thousand dollars or less for any reporting period, the report for that reporting period shall not be required to be filed electronically.

5. A copy of all reports filed in the state campaign finance electronic reporting system shall be placed on a public electronic access system so that the general public may have open access to the reports filed pursuant to this section. The access system shall be organized and maintained in such a manner to allow an individual to obtain information concerning all contributions made to or on behalf of, and all expenditures made on behalf of, any public official described in subsection 2 of this section in formats that will include both written and electronically readable formats.

6. All records that are in electronic format, not otherwise closed by law, shall be available in electronic format to the public. The commission shall maintain and provide for public inspection, a listing of all reports with a complete description for each field contained on the report, that has been used to extract information from their database files. The commission shall develop a report or reports which contain every field in each database.

7. Annually, the commission shall provide, without cost, a system-wide dump of information contained in the commission's electronic database files to the general assembly. The information is to be copied onto a medium specified by the general assembly. Such information shall not contain records otherwise closed by law. It is the intent of the general assembly to provide open access to the commission's records. The commission shall make every reasonable effort to comply with requests for information and shall take a liberal interpretation when considering such requests.]

**[130.071. CANDIDATE NOT TO TAKE OFFICE OR FILE FOR SUBSEQUENT ELECTIONS UNTIL DISCLOSURE REPORTS ARE FILED. — 1. If a successful candidate, or the treasurer of his candidate committee, or the successful candidate who also has served as a treasurer or deputy treasurer of any committee defined by section 130.011 fails to file the reports which are required by this chapter, the candidate shall not take office until such reports are filed and all fees assessed by the commission are paid.**

2. In addition to any other penalties provided by law, no person may file for any office in a subsequent election until he or the treasurer of his existing candidate or any committee defined by section 130.011 in which he is a treasurer or deputy treasurer has filed all required campaign disclosure reports for all prior elections and paid all fees assessed by the commission.]

EXPLANATION: THIS SECTION SUNSET 08-28-13:

**[135.575. DEFINITIONS — TAX CREDIT, AMOUNT — LIMITATIONS — DIRECTOR OF REVENUE, RULES — SUNSET PROVISION.** — 1. As used in this section, the following terms mean:

- (1) "Missouri health care access fund", the fund created in section 191.1056;
- (2) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265;
- (3) "Taxpayer", any individual subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

2. The provisions of this section shall be subject to section 33.282. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be allowed a tax credit for donations in excess of one hundred dollars made to the Missouri health care access fund. The tax credit shall be subject to annual approval by the senate appropriations committee and the house budget committee. The tax credit amount shall be equal to one-half of the total donation made, but shall not exceed twenty-five thousand dollars per taxpayer claiming the credit. If the amount of the tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, the difference shall not be refundable but may be carried forward to any of the taxpayer's next four taxable years. No tax credit granted under this section shall be transferred, sold, or assigned. The cumulative amount of tax credits which may be issued under this section in any one fiscal year shall not exceed one million dollars.

3. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

4. Pursuant to section 23.253 of the Missouri sunset act:

- (1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2007, unless reauthorized by an act of the general assembly; and
- (2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and
- (3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

EXPLANATION: THESE SECTIONS EXPIRED 08-28-14:

**[135.900. DEFINITIONS.** — As used in sections 135.900 to 135.906, the following terms mean:

- (1) "Department", the department of economic development;
- (2) "Director", the director of the department of economic development;
- (3) "Earned income", all income not derived from retirement accounts, pensions, or transfer payments;

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(4) "New business facility", the same meaning as such term is defined in section 135.100; except that the term "lease" as used therein shall not include the leasing of property defined in paragraph (d) of subdivision (6) of this section;

(5) "Population", all residents living in an area who are not enrolled in any course at a college or university in the area;

(6) "Revenue-producing enterprise":

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as SIC 025;

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Renting or leasing of residential property to low- and moderate-income persons as defined in 42 U.S.C.A. 5302(a)-(20);

(e) Motor freight transportation terminal activities classified as SIC 4231;

(f) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

(g) Water transportation terminal activities classified as SIC 4491;

(h) Airports, flying fields, and airport terminal services classified as SIC 4581;

(i) Wholesale trade activities classified as SICs 50 and 51;

(j) Insurance carriers activities classified as SICs 631, 632, and 633;

(k) Research and development activities classified as SIC 873, except 8733;

(l) Farm implement dealer activities classified as SIC 5999;

(m) Employment agency activities classified as SIC 7361;

(n) Computer programming, data processing, and other computer-related activities classified as SIC 737;

(o) Health service activities classified as SICs 801, 802, 803, 804, 806, 807, 8092, and 8093;

(p) Interexchange telecommunications service as defined in section 386.020 or training activities conducted by an interexchange telecommunications company as defined in section 386.020;

(q) Recycling activities classified as SIC 5093;

(r) Banking activities classified as SICs 602 and 603;

(s) Office activities as defined in section 135.100, notwithstanding SIC classification;

(t) Mining activities classified as SICs 10 through 14;

(u) The administrative management of any of the foregoing activities; or

(v) Any combination of any of the foregoing activities;

(7) "SIC", the standard industrial classification as such classifications are defined in the 1987 edition of the standard industrial classification manual as prepared by the executive office of the president, office of management and budget;

(8) "Transfer payments", payments made under Medicaid, Medicare, Social Security, child support or custody agreements, and separation agreements.]

**[135.903. RURAL EMPOWERMENT ZONE CRITERIA — APPLICATION, ZONE CREATED, REAPPLICATION — LIMITATION. — 1.** To qualify as a rural empowerment zone, an area shall meet all the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress;

(2) At least sixty-five percent of the population has earned income below eighty percent of the median income of all residents within the state according to the United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five or other appropriate source as approved by the director;

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Matter in bold-face type is proposed language.

(3) The population of the area is at least four hundred but not more than three thousand five hundred at the time of designation as a rural empowerment zone;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than fifty percent of the statewide percentage of residents employed on a full-time basis;

(5) The area is situated more than ten miles from any existing rural empowerment zone;

(6) The area is situated in a county of the third classification without a township form of government and with more than eight thousand nine hundred twenty-five but less than nine thousand twenty-five inhabitants; and

(7) The area is not situated in an existing enterprise zone.

2. The governing body of any county in which an area may be designated a rural empowerment zone shall submit to the department an application showing that the area complies with the requirements of subsection 1 of this section. The department shall declare the area a rural empowerment zone if upon investigation the department finds that the area meets the requirements of subsection 1 of this section. If the area is found not to meet the requirements, the governing body shall have the opportunity to submit another application for designation as a rural empowerment zone and the department shall designate the area a rural empowerment zone if upon investigation the department finds that the area meets the requirements of subsection 1 of this section.

3. There shall be no more than two rural empowerment zones as created under sections 135.900 to 135.906 in existence at any time.]

**[135.906. TAXABLE INCOME OF CERTAIN ENTITIES EXEMPT, WHEN.** — All of the Missouri taxable income attributed to a new business facility in a rural empowerment zone which is earned by a taxpayer establishing and operating a new business facility located within a rural empowerment zone shall be exempt from taxation under chapter 143 if such new business facility is responsible for the creation of ten new full-time jobs in the zone within one year from the date on which the tax abatement begins. All of the Missouri taxable income attributed to a revenue-producing enterprise in a rural empowerment zone which is earned by a taxpayer operating a revenue-producing enterprise located within a rural empowerment zone and employing nineteen or fewer full-time employees shall be exempt from taxation under chapter 143 if such revenue-producing enterprise is responsible for the creation of five new full-time jobs in the zone within one year from the date on which the tax abatement begins. All of the Missouri taxable income attributed to a revenue-producing enterprise in a rural empowerment zone which is earned by a taxpayer operating a revenue-producing enterprise located within a rural empowerment zone and employing twenty or more full-time employees shall be exempt from taxation under chapter 143 if such revenue-producing enterprise is responsible for the creation of a number of new full-time jobs in the zone equal to twenty-five percent of the number of full-time employees employed by the revenue-producing enterprise on the date on which tax abatement begins within one year from the date on which the tax abatement begins.]

**[135.909. EXPIRATION DATE.** — The provisions of sections 135.900 to 135.906 shall expire on August 28, 2014.]

EXPLANATION: THIS SECTION SUNSET ON 08-28-14:

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

**[137.106. HOMESTEAD PRESERVATION — DEFINITIONS — HOMESTEAD EXEMPTION CREDIT RECEIVED, WHEN, APPLICATION PROCESS — ASSESSOR'S DUTIES — DEPARTMENT OF REVENUE DUTIES — APPORTIONMENT PERCENTAGE SET, HOW APPLIED, NOTICE TO OWNERS — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1.** This section may be known and may be cited as "The Missouri Homestead Preservation Act".

2. As used in this section, the following terms shall mean:

- (1) "Department", the department of revenue;
- (2) "Director", the director of revenue;
- (3) "Disabled", as such term is defined in section 135.010;

(4) "Eligible owner", any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to this section; or

(a) In the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to this section did not exceed the maximum upper limit; or

(b) In the case of joint ownership by unmarried persons or ownership by tenancy in common by two or more unmarried persons, such owners shall be considered an eligible owner if each person with an ownership interest individually satisfies the eligibility requirements for an individual eligible owner under this section and the combined income of all individuals with an interest in the property is equal to or less than the maximum upper limit in the year prior to completing an application under this section. If any individual with an ownership interest in the property fails to satisfy the eligibility requirements of an individual eligible owner or if the combined income of all individuals with interest in the property exceeds the maximum upper limit, then all individuals with an ownership interest in such property shall be deemed ineligible owners regardless of such other individual's ability to individually meet the eligibility requirements; or

(c) In the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this subsection; No individual shall be an eligible owner if the individual has not paid their property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035;

(5) "Homestead", as such term is defined pursuant to section 135.010, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, except where an eligible owner of the property has made such improvements to accommodate a disabled person;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including

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improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection 10 of this section. For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For applications filed between December 31, 2008, and December 31, 2011, the homestead exemption limit shall be based on the increase in tax liability from the base year to the year prior to the application year. For applications filed on or after January 1, 2012, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For purposes of this subdivision, the term "base year" means the year prior to the first year in which the eligible owner's application was approved, or 2006, whichever is later;

(7) "Income", federal adjusted gross income, and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant's age;

(2) That the applicant's prior year income was less than the maximum upper limit;

(3) To the address of the homestead property; and

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value. The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

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5. If application is made in 2005, the assessor, upon request for an application, shall:

(1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;

(2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks for inclusion on the form;

(3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April first and October fifteenth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant's age;

(2) That the applicant's prior year income was less than the maximum upper limit;

(3) To the address of the homestead property;

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value; and

(5) The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

7. Each applicant shall send the application to the department by October fifteenth of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

8. If application is made in 2005, upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax credit, pursuant to sections 135.010 to 135.035. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

9. If application is made after 2005, upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made

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improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

10. The director shall calculate the level of appropriation necessary to set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

11. For applications made in 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

12. After setting the homestead exemption limit for applications made in 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation and assessment fund allocation to the county collector's funds of each county or the treasurer ex officio collector's fund in counties with a township form of government where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector or the treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to the collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for

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the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

13. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall determine the apportionment percentage by equally apportioning the appropriation among all eligible applicants on a percentage basis. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

14. After determining the apportionment percentage, the director shall calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

16. In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to January first of the year in which the credit would otherwise be applied, the credit shall be void and any corresponding moneys, pursuant to subsection 12 of this section, shall lapse to the state to be credited to the general revenue fund. In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.

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Matter in bold-face type is proposed language.

17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18. In accordance with the provisions of sections 23.250 to 23.298 and unless otherwise authorized pursuant to section 23.253:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.]

EXPLANATION: 1996 COURT DECISION MADE SECTIONS 143.105 TO 143.107 OBSOLETE:

**[143.105. CORPORATIONS.** — Notwithstanding the provisions of section 143.071, to the contrary, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to five percent of Missouri taxable income.]

**[143.106. FEDERAL INCOME TAX DEDUCTIONS.** — 1. Notwithstanding the provisions of section 143.171, to the contrary, a taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.]

**[143.107. EFFECTIVE DATE OF SECTIONS 143.105 AND 143.106 — CONTINGENCY — EXPIRATION OF OTHER SECTIONS.** — 1. Sections 143.105 and 143.106 shall become effective only if the question prescribed in subsection 2 of this section is submitted to a statewide vote and a majority of the qualified voters voting on the issue approve such question, and not otherwise.

2. If the supreme court of Missouri does not affirm in whole or in part the decision in the case of COMMITTEE FOR EDUCATION EQUALITY, et al., v. STATE OF MISSOURI, et al., No. CV 190-1371CC, and LEE'S SUMMIT SCHOOL DISTRICT R-VII, et al., v. STATE OF MISSOURI, et al., No. CV 190-510CC, a statewide election shall be held on the first regularly scheduled statewide election date after such a ruling at which an election can be held pursuant to chapter 115. At such election the qualified voters of this state shall vote on the question of whether the taxes prescribed in sections 143.105 and 143.106 shall be applied to all taxable years beginning on or after the date of such election and not otherwise. If the voters approve such question, sections 160.500 to 160.538, sections 160.545 and 160.550, sections 161.099 and 161.610, sections 162.203 and 162.1010, section 163.023, sections 166.275 and 166.300, section 170.254, section 173.750, and sections 178.585 and 178.698 shall expire thirty days after certification of the results of the election.]

EXPLANATION: THIS SECTION CONTAINED A CONTINGENT EXPIRATION DATE OF 2/1/2010. THE DEPARTMENT OF HEALTH AND SENIOR SERVICES DETERMINED THAT

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

THE TAX CHECKOFF WAS INSUFFICIENT, ALLOWING THIS SECTION TO EXPIRE. THE REVISOR WAS NOT NOTIFIED:

**[143.1007. MISSOURI PUBLIC HEALTH SERVICES FUND, TAX REFUND MAY BE DESIGNATED — DIRECTOR OF REVENUE DUTIES.** — 1. For all tax years beginning on or after January 1, 2006, each individual or corporation entitled to a tax refund in an amount sufficient to make an irrevocable designation under this section may designate that any amount, on a single or a combined return, of the refund due be credited to the Missouri public health services fund established in section 192.900. The director of revenue shall establish a method that allows the contribution designations authorized by this section to be indicated on the first page of each income tax return form provided by this state. The method may allow for a separate instruction list for the tax return that lists each authorized contribution designation. If any individual or corporation which is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the fund, and the department of revenue shall forward such amount to the state treasurer for deposit to the designated fund as provided in this section.

2. The director of revenue shall transfer at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the designated fund.

3. The director of revenue shall transfer at least monthly all contributions designated by corporations under this section, less one percent of the amount in the fund at the time of the transfer for the cost of collection and handling by the department of revenue, to be deposited in the state's general revenue fund, to the state treasurer for deposit to the designated fund.

4. A contribution designated under this section shall only be transferred and deposited in the designated fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. The moneys transferred and deposited under this section shall be administered by the department of health and senior services, and shall be used solely for the following purposes:

(1) To provide information on cervical cancer, early detection, testing, and prevention to the public and health care providers in this state;

(2) To collect statistical information on cervical cancer, including but not limited to age, ethnicity, region, and socioeconomic status of women in this state; and

(3) To provide services and funding for early detection, testing, and prevention of cervical cancer.

6. Not more than twenty percent of the moneys collected under this section shall be used for the costs of administering this section. Not more than thirty percent of the moneys collected under this section shall be used for the purposes listed in subdivision (1) of subsection 5 of this section. Not more than fifty percent of the moneys collected under this section shall be used for the purposes listed in subdivision (3) of subsection 5 of this section.

7. The directors of revenue and the department of health and senior services are authorized to promulgate rules and regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

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

8. The director of the department of health and senior services shall determine no later than January 31, 2010, whether moneys sufficient to carry out the provisions of this section have been transferred and deposited under this section. Upon a determination that insufficient moneys have been transferred and deposited under this section, this section shall expire on February 1, 2010, and any moneys remaining in the fund established in this section shall be used solely for existing cancer programs administered by the department of health and senior services. The director shall notify the revisor of statutes upon such determination that this section has expired.]

EXPLANATION: THIS SECTION SUNSET ON 07-10-14:

**[160.459. PROGRAM ESTABLISHED — DEFINITIONS — FUNDING FOR SCHOOLS, ELIGIBILITY — PROCEDURES ESTABLISHED — RULEMAKING AUTHORITY — FUND CREATED — SUNSET PROVISION. —** 1. There is hereby established the "Rebuild Missouri Schools Program" under which the state board of education shall distribute no-interest funding to eligible school districts from moneys appropriated by the general assembly to the rebuild Missouri schools program fund for the purposes of this section to assist in paying the costs of emergency projects.

2. As used in this section, the following terms mean:

(1) "Eligible school district", any public school district that has one or more school facilities that have experienced severe damage or destruction due to an act of God or extreme weather events, including but not limited to tornado, flood, or hail;

(2) "Emergency project", reconstruction, replacement or renovation of, or repair to, any school facilities located in an area that has been declared a disaster area by the governor or President of the United States because of severe damage;

(3) "Fund", the rebuild Missouri schools fund created by this section and funded by appropriations of the general assembly;

(4) "Severe damage", such level of damage as to render all or a substantial portion of a facility within a school district unusable for the purpose for which it was being used immediately prior to the event that caused the damage.

3. Under rules and procedures established by the state board of education, eligible school districts may receive moneys from the fund to pay for the costs of one or more emergency projects.

4. Each eligible school district applying for such funding shall enter into an agreement with the state board of education which shall provide for all of the following:

(1) The funding shall be used only to pay the costs of an emergency project;

(2) The eligible school district shall pay no interest for the funding;

(3) The eligible school district shall, subject to annual appropriation as provided in this section, repay the amount of the funding to the fund in annual installments, which may or may not be equal in amount, not more than twenty years from the date the funding is received by the eligible school district. If the fund is no longer in existence, the eligible school district shall repay the amount of the funding to the general revenue fund;

(4) The repayment described in subdivision (3) of this subsection shall annually be subject to an appropriation by the board of education of the eligible school district to make such repayment, such appropriation to be, at the discretion of the eligible school district, from such district's incidental fund or capital projects fund;

(5) As security for the repayment, a pledge from the eligible school district to the state board of education of the use and occupancy of the school facilities constituting the emergency project for a period ending not earlier than the date the repayment shall be completed; and

(6) Such other provisions as the state board of education shall provide for in its rules and procedures or as to which the state board of education and the eligible school district shall agree.

5. The amount of funding awarded by the state board of education for any emergency project shall not exceed the cost of that emergency project less the amount of any insurance proceeds or other moneys received by the eligible school district as a result of the severe damage. If the eligible school district receives such insurance proceeds or other moneys after it receives funding under the rebuild Missouri schools program, it shall pay to the state board of education the amount by which the sum of the funding under the rebuild Missouri schools program plus the insurance proceeds and other moneys exceeds the cost of the emergency project. Such payment shall:

- (1) Be made at the time the annual payment under the agreement is made;
- (2) Be made whether or not the eligible school district has made an appropriation for its annual payment;
- (3) Be in addition to the annual payment; and
- (4) Not be a credit against the annual payment.

6. Repayments from eligible school districts shall be paid into the fund so long as it is in existence and may be used by the state board of education to provide additional funding under the rebuild Missouri schools program. If the fund is no longer in existence, repayments shall be paid to the general revenue fund.

7. The funding provided for under the rebuild Missouri schools program, and the obligation to repay such funding, shall not be taken into account for purposes of any constitutional or statutory debt limitation applicable to an eligible school district.

8. The state board of education shall establish procedures, criteria, and deadlines for eligible school districts to follow in applying for assistance under this section. The state board of education shall promulgate rules and regulations necessary to implement this section. No regulations, procedures, or deadline shall be adopted by the state board of education that would serve to exclude or limit any public school district that received severe damage after April 1, 2006, from participation in the program established by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

9. There is hereby created in the state treasury the "Rebuild Missouri Schools Fund", which shall consist of money appropriated or collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the purposes of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

10. Pursuant to section 23.253 of the Missouri sunset act:

- (1) The provisions of the new program authorized under this section shall sunset automatically six years after July 10, 2008, unless reauthorized by an act of the general assembly; and
- (2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and
- (3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

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

EXPLANATION: THIS SECTION SUNSET ON JUNE 30, 2012:

**[167.194. VISION EXAMINATION REQUIRED, WHEN — RULEMAKING AUTHORITY — COMPONENTS OF THE EXAMINATION — SUNSET PROVISION. —** 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:

- (1) Insurance;
- (2) The state Medicaid program;
- (3) Complimentary; or
- (4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;
- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

7. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

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

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

EXPLANATION: SECTIONS 168.700 AND 168.702 SUNSET 08-28-13:

**[168.700. CITATION OF LAW — DEFINITIONS — REPAYMENT OF LOANS, CONTRACTS FOR — COORDINATOR POSITION TO BE MAINTAINED — RULEMAKING AUTHORITY — FUND CREATED, USE OF MONEYS. — 1. This act shall be known, and may be cited, as the "Missouri Teaching Fellows Program".**

2. As used in this section, the following terms shall mean:

(1) "Department", the Missouri department of higher education;

(2) "Eligible applicant", a high school senior who:

(a) Is a United States citizen;

(b) Has a cumulative grade point average ranking in the top ten percentile in their graduating class and scores in the top twenty percentile on either the ACT or SAT assessment; or has a cumulative grade point average ranking in the top twenty percentile in their graduating class and scores in the top ten percentile of the ACT or SAT assessment;

(c) Upon graduation from high school, attends a Missouri higher education institution and attains a teaching certificate and either a bachelors or graduate degree with a cumulative grade point average of at least three-point zero on a four-point scale or equivalent;

(d) Signs an agreement with the department in which the applicant agrees to engage in qualified employment upon graduation from a higher education institution for five years; and

(e) Upon graduation from the higher education institution, engages in qualified employment;

(3) "Qualified employment", employment as a teacher in a school located in a school district that is not classified as accredited by the state board of education at the time the eligible applicant signs their first contract to teach in such district. Preference in choosing schools to receive participating teachers shall be given to schools in such school districts with a higher-than-the-state-average of students eligible to receive a reduced lunch price under the National School Act, 42 U.S.C. Section 1751, et seq., as amended;

(4) "Teacher", any employee of a school district, regularly required to be certified under laws relating to the certification of teachers, except superintendents and assistant superintendents but including certified teachers who teach at the prekindergarten level within a prekindergarten program in which no fees are charged to parents or guardians.

3. Within the limits of amounts appropriated therefor, the department shall, upon proper verification to the department by an eligible applicant and the school district in which the applicant is engaged in qualified employment, enter into a one-year contract with eligible applicants to repay the interest and principal on the educational loans of the applicants or provide a stipend to the applicant as provided in subsection 4 of this section. The department may enter into subsequent one-year contracts with eligible applicants, not to total more than five such contracts. The fifth one-year contract shall provide for a stipend to such applicants as provided in subsection 4 of this section. If the school district becomes accredited at any time during which the eligible applicant is teaching at a school under a contract entered into pursuant to this section, nothing in this section shall preclude the department and the eligible applicant from entering into subsequent contracts to teach within the school district. An eligible applicant who does not enter into a contract with the

department under the provisions of this subsection shall not be eligible for repayment of educational loans or a stipend under the provisions of subsection 4 of this section.

4. At the conclusion of each of the first four academic years that an eligible applicant engages in qualified employment, up to one-fourth of the eligible applicant's educational loans, not to exceed five thousand dollars per year, shall be repaid under terms provided in the contract. For applicants without any educational loans, the applicant may receive a stipend of up to five thousand dollars at the conclusion of each of the first four academic years that the eligible applicant engages in qualified employment. At the conclusion of the fifth academic year that an eligible applicant engages in qualified employment, a stipend in an amount equal to one thousand dollars shall be granted to the eligible applicant. The maximum of five thousand dollars per year and the stipend of one thousand dollars shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. The amount of any repayment of educational loans or the issuance of a stipend under this subsection shall not exceed the actual cost of tuition, required fees, and room and board for the eligible applicant at the institution of higher education from which the eligible applicant graduated.

5. The department shall maintain a Missouri teaching fellows program coordinator position, the main responsibility of which shall be the identification, recruitment, and selection of potential students meeting the requirements of paragraph (b) of subdivision (2) of subsection 2 of this section. In selecting potential students, the coordinator shall give preference to applicants that represent a variety of racial backgrounds in order to ensure a diverse group of eligible applicants.

6. The department shall promulgate rules to enforce the provisions of this section, including, but not limited to, applicant eligibility, selection criteria, and the content of loan repayment contracts. If the number of applicants exceeds the revenues available for loan repayment or stipends, priority shall be to those applicants with the highest high school grade-point average and highest scores on the ACT or SAT assessments.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. There is hereby created in the state treasury the "Missouri Teaching Fellows Program Fund". The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Private donations, federal grants, and other funds provided for the implementation of this section shall be placed in the Missouri teaching fellows program fund. Upon appropriation, money in the fund shall be used solely for the repayment of loans and the payment of stipends under the provisions of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

9. Subject to appropriations, the general assembly shall include an amount necessary to properly fund this section, not to exceed one million dollars in any fiscal year. The maximum of one million dollars in any fiscal year shall be adjusted annually by the same percentage as the

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Matter in bold-face type is proposed language.

increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency.]

**[168.702. SUNSET PROVISION.** — Pursuant to section 23.253 of the Missouri sunset act:

(1) Any new program authorized under section 168.700 shall automatically sunset six years after August 28, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under section 168.700 shall automatically sunset twelve years after the effective date of the reauthorization of this act; and

(3) Section 168.700 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under section 168.700 is sunset.]

EXPLANATION: SECTIONS 170.055 TO 170.161 CONTAIN OBSOLETE TEXTBOOK LANGUAGE:

**[170.055. PRICE TO BE PAID FOR BOOKS — EXCESSIVE PRICE A MISDEMEANOR, PENALTY.**

— No school board shall pay a higher price for books than is paid by any other school district in this state, or in any other state purchasing textbooks in the open market. No contract for books for a period of more than five years shall be made by any school district under the provisions of this law. Any owner, agent, solicitor or publisher of textbooks who shall offer for sale in this state or sell to any board of directors or board of education textbooks at a higher price than herein specified shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than five hundred dollars and not more than ten thousand dollars for each offense.]

**[170.061. PUBLISHER TO FILE COPY OF BOOK AND PRICE STATEMENT WITH STATE BOARD**

— **OTHER REQUIRED AGREEMENTS.** — Before the publisher of any school textbook offers the same for sale to any school board in the state of Missouri, he shall file a copy of the textbook in the office of the state board of education with a sworn statement of the list price and the lowest net price at which the book is sold anywhere in the United States under like conditions of distribution. The publisher shall file with the state board of education a written agreement to furnish the book or books to any school board in Missouri at the price so filed. The publisher must further agree to reduce the prices in Missouri if reductions are made elsewhere in the country, so that at no time may any book be sold in Missouri at a higher price than is received for the same book elsewhere in the country where like methods of distribution prevail. The publisher shall further agree that all books offered for sale in Missouri shall be equal in quality to those deposited in the office of the state board of education as to paper, binding, print, illustration and all points that may affect the value of the books.]

**[170.071. PUBLISHER TO PAY FILING FEE — USE OF FUND.** — Before the publisher of any

school textbook offers it for sale to any school board in the state of Missouri, and at the time of the filing of the textbook in the office of the state board of education, the publisher shall pay into the treasury of the state of Missouri a filing fee of ten dollars for each book offered by the publisher. A series of books by the same author and upon the same subject constitute one book for this purpose. The fees received constitute a fund out of which, upon requisition made by the state board of education, shall be paid the expenses of publishing lists and other information for the use of school boards, clerk hire and the other necessary expenses in connection with the filing of all textbooks submitted for adoption in the state of Missouri.]

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

**[170.081. PUBLISHER TO FILE BOND.** — To insure compliance with the conditions under which school textbooks may be sold in the state of Missouri, the publisher shall file with the state board of education a bond of not less than two thousand dollars nor more than ten thousand dollars, to be approved by the state board and the amount to be fixed by it; upon compliance with this and sections 170.071, 170.131 and 170.141, the publisher shall thereupon be licensed to sell school books in this state.]

**[170.091. STATE BOARD TO FURNISH LIST OF PUBLISHERS.** — The state board of education shall furnish annually each school district with a list of publishers who have conformed to the law relating to sample books, prices and bond.]

**[170.101. PROCEEDINGS FOR FORFEITURE OF PUBLISHER'S BOND.** — If in any case the publisher furnishes books inferior in any particular to the sample on file with the state board of education, or requires higher prices than those listed with the board, then the school board shall inform the state board of education of the failure of the publisher to comply with the terms of his contract. The state board of education shall thereupon notify the publisher of the complaint, and, if the publisher disregards the notification and fails to comply immediately with the terms of his contract, then the state board of education shall institute legal proceedings for the forfeiture of the bond of the publisher.]

**[170.111. PUBLISHER TO FURNISH DUPLICATE PRICE LISTS TO CLERK.** — Before seeking to enter into contract with any school board, the publisher shall furnish the clerk of the school board with a duplicate printed list of the books and prices filed with the state board of education.]

**[170.131. PUBLISHER TO FILE STATEMENT REGARDING CONTROL OF PRICES.** — When any publisher of school textbooks files with the state board of education the samples and lists provided for in section 170.061, the publisher at the same time shall file a sworn statement that he has no understanding or agreement of any kind with any other publisher, or interest in the business of any other publisher, with the effect, design or intent to control the prices on books or to restrict competition in the adoption or sale thereof.]

**[170.141. PUBLISHER TO SHOW OWNERSHIP OF PUBLISHING HOUSE.** — Before being licensed to sell school textbooks in this state, the publisher thereof shall file with the state board of education a sworn statement, showing the ownership of the publishing house, with the interest, names and addresses of the owners, and specifically stating whether or not the publisher, or the owner of any interest or shares in the publishing house, is the owner of any interest or shares in any other publishing house, and if so, giving the name and address thereof.]

**[170.151. PROCEEDINGS FOR FORFEITURE OF PUBLISHER'S CONTRACT AND BOND INSTITUTED, WHEN.** — If at any time any publisher enters into any understanding, agreement or combination to control the prices or to restrict competition in the adoption or sale of school books, or if the statements required of the publisher by sections 170.131 and 170.141 are untrue in any respect, then the attorney general shall institute and prosecute legal proceedings for the forfeiture of the bond of the publisher and for the revocation of his authority to sell school books in this state, and all contracts made by the publisher under this law shall thereupon become null and void at the option of the other parties thereto.]

[170.161. **PENALTY FOR SELLING BOOKS WITHOUT LICENSE.** — Any publisher who sells, or offers for sale or adoption in this state, school textbooks of any kind without first obtaining licenses therefor under this law is guilty of a misdemeanor and upon conviction shall be fined not less than five hundred dollars and not more than five thousand dollars.]

EXPLANATION: THIS SECTION IS OBSOLETE DUE TO THE REPEAL OF SECTIONS 173.198 AND 173.199 IN 2012:

[173.197. **HIGHER EDUCATION SCHOLARSHIP PROGRAM, FINDINGS, DECLARATION, PURPOSE.** — Sections 173.197 to 173.199 shall be known and may be cited as the "Higher Education Scholarship Program". The general assembly hereby finds and declares that Missouri citizens should be encouraged to pursue academic disciplines necessary for the future economic well-being of this state to maintain competitiveness in a global economy; therefore, the purpose of sections 173.197 to 173.199 is to increase the number of students pursuing and receiving undergraduate degrees in mathematics, science, and foreign languages, and to increase the number of students pursuing and receiving graduate degrees in mathematics, science, engineering and foreign languages, by offering scholarships and fellowships as incentives to pursue such disciplines.]

EXPLANATION: THIS SECTION IS OBSOLETE BECAUSE THERE ARE NO PARTICIPATING LIBRARIES REMAINING:

[181.130. **LIBRARY AGREEMENTS PERMITTED, WHEN.** — The state library may enter into agreements with participating libraries which meet standards for eligibility to be established by the state library.]

EXPLANATION: SECTIONS 205.580 TO 208.760 ARE OBSOLETE; THERE ARE NO POOR FARMS IN MISSOURI:

[205.580. **COUNTY TO SUPPORT POOR.** — Poor persons shall be relieved, maintained and supported by the county of which they are inhabitants.]

[205.590. **WHO DEEMED POOR.** — Aged, infirm, lame, blind or sick persons, who are unable to support themselves, and when there are no other persons required by law and able to maintain them, shall be deemed poor persons.]

[205.600. **WHO DEEMED AN INHABITANT.** — No person shall be deemed an inhabitant within the meaning of sections 205.580 to 205.760, who has not resided in the county for the space of twelve months next preceding the time of any order being made respecting such poor person, or who shall have removed from another county for the purpose of imposing the burden of keeping such poor person on the county where he or she last resided for the time aforesaid.]

[205.610. **COUNTY COMMISSION TO PROVIDE SUPPORT OF POOR.** — The county commission of each county, on the knowledge of the judges of such tribunal, or any of them, or on the information of any associate circuit judge of the county in which any person entitled to the benefit of the provisions of sections 205.580 to 205.760 resides, shall from time to time, and as often and for as long a time as may be necessary, provide, at the expense of the county, for the relief, maintenance and support of such persons.]

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

**[205.620. COURT SHALL USE ITS DISCRETION.** — The county commission shall at all times use its discretion and grant relief to all persons, without regard to residence, who may require its assistance.]

**[205.630. SHALL ALLOW FUNERAL EXPENSES.** — The county commission of the proper county shall allow such sum as it shall think reasonable, for the funeral expenses of any person who shall die within the county without means to pay such funeral expenses.]

**[205.640. MAY PURCHASE OR LEASE LAND.** — The several county commissions shall have power, whenever they may think it expedient, to purchase or lease, or may purchase and lease, any quantity of land in their respective counties, not exceeding three hundred and twenty acres, and receive a conveyance to their county for the same.]

**[205.650. MAY ERECT POORHOUSE ON ACQUIRED LAND.** — Such county commission may cause to be erected on the land so purchased or leased a convenient poorhouse or houses, and cause other necessary labor to be done, and repairs and improvements made, and may appropriate from the revenues of their respective counties such sums as will be sufficient to pay the purchase money in one or more payments to improve the same, and to defray the necessary expenses.]

**[205.660. COMMISSION SHALL MAKE ORDERS AND RULES.** — The county commission shall have power to make all necessary and proper orders and rules for the support and government of the poor kept at such poorhouse, and for supplying them with the necessary raw materials to be converted by their labor into articles of use, and for the disposing of the products of such labor and applying the proceeds thereof to the support of the institution.]

**[205.670. COMMISSIONS SHALL SET APART AMOUNTS FOR SUPPORT OF POOR.** — The several county commissions shall set apart from the revenues of the counties such sums for the annual support of the poor as shall seem reasonable, which sums the county treasurers shall keep separate from other funds, and pay the same out on the warrants of their county commissions.]

**[205.680. SUPPORT OF POOR — CERTAIN CITIES TO CONTRIBUTE.** — Any county which now has or may hereafter have within such county a city having a special charter and which city now has or may hereafter have a population of not less than ten thousand inhabitants and not more than thirty thousand inhabitants shall, out of the funds of such county, provide for the care of the poor in said county, including poor of such city or cities, and no such city shall hereafter be exempt from any tax for the support of the poor of such county. No money shall hereafter be refunded to any such city by any such county on account of any money expended by said county for the support of the poor of said county.]

**[205.690. APPOINTMENT OF SUPERINTENDENT.** — Whenever such poorhouse or houses are erected, the county commission shall have power to appoint a fit and discreet person to superintend the same and the poor who may be kept thereat, and to allow such superintendent a reasonable compensation for his services.]

**[205.700. SUPERINTENDENT TO WORK INMATES.** — Such superintendent shall have power to cause persons kept at such poorhouse, who are able to do useful labor, to perform the same by reasonable and humane coercion.]

**[205.710. REMOVAL OF SUPERINTENDENT.** — The county commission may at any time, for good cause, remove the superintendent and appoint another to fill the vacancy.]

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

**[205.720. SUPERINTENDENT TO KEEP ITEMIZED ACCOUNTS.** — It shall be the duty of the superintendent of the poor, or poor farm, as provided for in sections 205.580 to 205.760, to keep a book furnished by the county commission, and enter therein a book account of all business transactions had or done or caused to be done by him as superintendent. Said book shall show an itemized account of all farm products, stock and other articles sold by the superintendent or by his authority, and of all articles purchased for the use of the poor, or for the use or improvement of the poor farm or the buildings thereon, and of all expenses for farm labor and other work or services done by order or contract of the superintendent, and of such other items as may be ordered kept therein by the county commission.]

**[205.730. ACCOUNTS EXAMINED BY COMMISSION — PENALTY.** — It shall be the duty of the superintendent to appear before the county commission on the first day of every regular session thereof, and at such other times as the commission may require, and present said book to said commission for their inspection. Should the superintendent fail or refuse to keep such book and present the same to the county commission, as provided in sections 205.580 to 205.760, it shall be considered sufficient cause for his removal, and it shall be the duty of the county commission to remove the same, and appoint another to fill the vacancy.]

**[205.740. MONEY PAID INTO TREASURY.** — All money that shall come into the hands of the superintendent from the sale of farm products, stock or other articles belonging to the county, and all other money belonging to the county that shall come into his hands from other sources, except by warrants drawn in his favor by the county commission, shall be paid into the county treasury and placed with the fund for the support of the poor, and a receipt taken for the same.]

**[205.750. SUPERINTENDENT TO GIVE BOND.** — Every superintendent, before entering upon his duties, shall enter into a bond to the state of Missouri in a sum not less than five hundred nor more than three thousand dollars, to be determined by the county commission, conditioned that he will faithfully account for all money belonging to the county that shall come into his hands, and that he will exercise due diligence and care over property belonging to the county, under his control. Said bond shall be approved by the county commission and filed with the clerk thereof.]

**[205.760. NOT APPLICABLE TO CERTAIN COUNTIES.** — Sections 205.720 to 205.750 shall not apply to any county where the support and keeping of the poor is let out by contract, nor to any county where the superintendent rents or leases the poor farm and stocks the same and furnishes the necessary farm implements used thereon at his own expense, and carries on said farm at his own expense.]

EXPLANATION: THIS SECTION SUNSET 08-28-13:

**[208.178. HEALTH INSURANCE COVERAGE THROUGH MEDICAID, ELIGIBILITY — RULES — SUNSET PROVISION.** — 1. On or after July 1, 1995, the department of social services may make available for purchase a policy of health insurance coverage through the Medicaid program. Premiums for such a policy shall be charged based upon actuarially sound principles to pay the full cost of insuring persons under the provisions of this section. The full cost shall include both administrative costs and payments for services. Coverage under a policy or policies made available for purchase by the department of social services shall include coverage of all or some

of the services listed in section 208.152 as determined by the director of the department of social services. Such a policy may be sold to a person who is otherwise uninsured and who is:

(1) A surviving spouse eligible for coverage under sections 376.891 to 376.894, who is determined under rules and regulations of the department of social services to be unable to afford continuation of coverage under that section;

(2) An adult over twenty-one years of age who is not pregnant and who resides in a household with an income which does not exceed one hundred eighty-five percent of the federal poverty level for the applicable family size. Net taxable income shall be used to determine that portion of income of a self-employed person; or

(3) A dependent of an insured person who resides in a household with an income which does not exceed one hundred eighty-five percent of the federal poverty level for the applicable family size.

2. Any policy of health insurance sold pursuant to the provisions of this section shall conform to requirements governing group health insurance under chapters 375, 376, and 379.

3. The department of social services shall establish policies governing the issuance of health insurance policies pursuant to the provisions of this section by rules and regulations developed in consultation with the department of insurance, financial institutions and professional registration.

4. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset one year after August 28, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset one year after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

EXPLANATION: SECTION 208.275 CREATING THE COORDINATING COUNCIL ON SPECIAL TRANSPORTATION WAS REPEALED IN 2014:

**[208.630. COUNCIL ON SPECIAL TRANSPORTATION, COORDINATION OF EXISTING TRANSPORTATION REPORTS — COMPILATION, CONTENTS, DELIVERY.** — The coordinating council on special transportation created in section 208.275 shall, in cooperation with the department of social services, coordinate existing transportation reports for Missouri's elderly and persons with disabilities. Such reports shall be compiled as one comprehensive plan to meet the special transportation needs of the elderly and persons with disabilities. The plan shall contain a strategy for implementation and recommendations for funding. The plan shall be delivered to the governor, the president pro tem of the senate, and the speaker of the house of representatives by September 1, 1995.]

EXPLANATION: THE FUND IN THIS SECTION IS OBSOLETE AND CONTAINS NO BALANCE:

**[208.975. FUND CREATED, USE OF MONEYS — RULES.** — 1. There is hereby created in the state treasury the "Health Care Technology Fund" which shall consist of all gifts, donations, transfers, and moneys appropriated by the general assembly, and bequests to the fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. The fund shall be administered by the department of social services in accordance with the recommendations of the MO HealthNet oversight committee unless otherwise specified by the general assembly. Moneys in the fund shall be distributed in accordance with specific appropriation by the general assembly. The director of the

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department of social services shall submit his or her recommendations for the disbursement of the funds to the governor and the general assembly.

2. Subject to the recommendations of the MO HealthNet oversight committee under section 208.978 and subsection 1 of this section, moneys in the fund shall be used to promote technological advances to improve patient care, decrease administrative burdens, increase access to timely services, and increase patient and health care provider satisfaction. Such programs or improvements on technology shall include encouragement and implementation of technologies intended to improve the safety, quality, and costs of health care services in the state, including but not limited to the following:

- (1) Electronic medical records;
- (2) Community health records;
- (3) Personal health records;
- (4) E-prescribing;
- (5) Telemedicine;
- (6) Telemonitoring; and
- (7) Electronic access for participants and providers to obtain MO HealthNet service authorizations.

3. Prior to any moneys being appropriated or expended from the health care technology fund for the programs or improvements listed in subsection 2 of this section, there shall be competitive requests for proposals consistent with state procurement policies of chapter 34. After such process is completed, the provisions of subsection 1 of this section relating to the administration of fund moneys shall be effective.

4. For purposes of this section, "elected public official or any state employee" means a person who holds an elected public office in a municipality, a county government, a state government, or the federal government, or any state employee, and the spouse of either such person, and any relative within one degree of consanguinity or affinity of either such person.

5. Any amounts appropriated or expended from the health care technology fund in violation of this section shall be remitted by the payee to the fund with interest paid at the rate of one percent per month. The attorney general is authorized to take all necessary action to enforce the provisions of this section, including but not limited to obtaining an order for injunction from a court of competent jurisdiction to stop payments from being made from the fund in violation of this section.

6. Any business or corporation which receives moneys expended from the health care technology fund in excess of five hundred thousand dollars in exchange for products or services and, during a period of two years following receipt of such funds, employs or contracts with any current or former elected public official or any state employee who had any direct decision-making or administrative authority over the awarding of health care technology fund contracts or the disbursement of moneys from the fund shall be subject to the provisions contained within subsection 5 of this section. Employment of or contracts with any current or former elected public official or any state employee which commenced prior to May 1, 2007, shall be exempt from these provisions.

7. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund, except for moneys that were gifts, donations, or bequests.

8. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

9. The MO HealthNet division shall promulgate rules setting forth the procedures and methods implementing the provisions of this section and establish criteria for the disbursement of funds under this section to include but not be limited to grants to community health networks that provide

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the majority of care provided to MO HealthNet and low-income uninsured individuals in the community, and preference for health care entities where the majority of the patients and clients served are either participants of MO HealthNet or are from the medically underserved population. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.]

EXPLANATION: THE JOINT COMMITTEE ON MEDICAID TRANSFORMATION EXPIRED ON JANUARY 1, 2014:

**[208.993. JOINT COMMITTEE ON MEDICAID TRANSFORMATION ESTABLISHED — DUTIES — MEMBERS — EXPIRATION DATE. —** 1. The president pro tempore of the senate and the speaker of the house of representatives may jointly establish a committee to be known as the "Joint Committee on Medicaid Transformation".

2. The committee may study the following:

- (1) Development of methods to prevent fraud and abuse in the MO HealthNet system;
- (2) Advice on more efficient and cost-effective ways to provide coverage for MO HealthNet participants;
- (3) An evaluation of how coverage for MO HealthNet participants can resemble that of commercially available health plans while complying with federal Medicaid requirements;
- (4) Possibilities for promoting healthy behavior by encouraging patients to take ownership of their health care and seek early preventative care;
- (5) Advice on the best manner in which to provide incentives, including a shared risk and savings to health plans and providers to encourage cost-effective delivery of care; and
- (6) Ways that individuals who currently receive medical care coverage through the MO HealthNet program can transition to obtaining their health coverage through the private sector.

3. If established, the joint committee shall be composed of twelve members. Six members shall be from the senate, with four members appointed by the president pro tempore of the senate, and two members of the minority party appointed by the president pro tempore of the senate with the advice of the minority leader of the senate. Six members shall be from the house of representatives, with four members appointed by the speaker of the house of representatives, and two members of the minority party appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

4. The provisions of this section shall expire on January 1, 2014.]

EXPLANATION: THE TASK FORCE CREATED IN THIS SECTION SUBMITTED A REPORT AND EXPIRED ON JANUARY 1, 2015:

**[210.105. MISSOURI TASK FORCE ON PREMATURETY AND INFANT MORTALITY CREATED — MEMBERS, OFFICERS, EXPENSES — DUTIES — REPORT — EXPIRATION DATE. —** 1. There is hereby created the "Missouri Task Force on Prematurity and Infant Mortality" within the children's services commission to consist of the following eighteen members:

(1) The following six members of the general assembly:

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- (a) Three members of the house of representatives, with two members to be appointed by the speaker of the house and one member to be appointed by the minority leader of the house;
- (b) Three members of the senate, with two members to be appointed by the president pro tem of the senate and one member to be appointed by the minority leader of the senate;
  - (2) The director of the department of health and senior services, or the director's designee;
  - (3) The director of the department of social services, or the director's designee;
  - (4) The director of the department of insurance, financial institutions and professional registration, or the director's designee;
  - (5) One member representing a not-for-profit organization specializing in prematurity and infant mortality;
  - (6) Two members who shall be either a physician or nurse practitioner specializing in obstetrics and gynecology, family medicine, pediatrics or perinatology;
  - (7) Two consumer representatives who are parents of individuals born prematurely, including one parent of an individual under the age of eighteen;
  - (8) Two members representing insurance providers in the state;
  - (9) One small business advocate; and
  - (10) One member of the small business regulatory fairness board. Members of the task force, other than the legislative members and directors of state agencies, shall be appointed by the governor with the advice and consent of the senate by September 15, 2011.
2. A majority of a quorum from among the task force membership shall elect a chair and vice chair of the task force.
3. A majority vote of a quorum of the task force is required for any action.
4. The chairperson of the children's services commission shall convene the initial meeting of the task force by no later than October 15, 2011. The task force shall meet at least quarterly; except that the task force shall meet at least twice prior to the end of 2011. Meetings may be held by telephone or video conference at the discretion of the chair.
5. Members shall serve on the commission without compensation, but may, subject to appropriation, be reimbursed for actual and necessary expenses incurred in the performance of their official duties as members of the task force.
6. The goal of the task force is to seek evidence-based and cost-effective approaches to reduce Missouri's preterm birth and infant mortality rates.
7. The task force shall:
  - (1) Submit findings to the general assembly;
  - (2) Review appropriate and relevant evidence-based research regarding the causes and effects of prematurity and birth defects in Missouri;
  - (3) Examine existing public and private entities currently associated with the prevention and treatment of prematurity and infant mortality in Missouri;
  - (4) Develop cost-effective strategies to reduce prematurity and infant mortality; and
  - (5) Issue findings and propose to the appropriate public and private organizations goals, objectives, strategies, and tactics designed to reduce prematurity and infant mortality in Missouri, including recommendations on public policy for consideration during the next appropriate session of the general assembly.
8. On or before December 31, 2013, the task force shall submit a report on their findings to the governor and general assembly. The report shall include any dissenting opinions in addition to any majority opinions.
9. The task force shall expire on January 1, 2015, or upon submission of a report under subsection 8 of this section, whichever is earlier.

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Matter in bold-face type is proposed language.

EXPLANATION: THIS SECTION ONLY APPLIES TO CALENDAR YEARS 2009, 2010, AND 2011:

**[288.131. UNEMPLOYMENT AUTOMATION SURCHARGE AUTHORIZED, AMOUNT.** — 1. For calendar years 2009, 2010, and 2011, each employer that is liable for contributions under this chapter, except employers with a contribution rate equal to zero, shall pay an annual unemployment automation surcharge in an amount equal to five one-hundredths of one percent of such employer's total taxable wages for the twelve-month period ending the preceding June thirtieth. However, the division may reduce the foregoing percentage to ensure that the total amount of surcharge due from all employers under this subsection shall not exceed thirteen million dollars annually. Each employer liable to pay such surcharge shall be notified of the amount due under this subsection by March thirty-first of each year and such amount shall be considered delinquent thirty days thereafter. Delinquent unemployment automation surcharge amounts may be collected in the manner provided under sections 288.160 and 288.170. All moneys collected under this subsection shall be deposited in the unemployment automation fund established in section 288.132.

2. For calendar years 2009, 2010, and 2011, the otherwise applicable unemployment contribution rate of each employer liable for contributions under this chapter shall be reduced by five one-hundredths of one percent, except such contribution rate shall not be less than zero.]

EXPLANATION: THIS SECTION EXPIRED 12-31-13:

**[376.1192. MANDATED HEALTH INSURANCE COVERAGE — ACTUARIAL ANALYSIS BY OVERSIGHT DIVISION — COST — EXPIRATION DATE.** — 1. As used in this section, "health benefit plan" and "health carrier" shall have the same meaning as such terms are defined in section 376.1350.

2. Beginning September 1, 2013, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if state mandates were enacted to provide health benefit plan coverage for the following:

(1) Orally administered anticancer medication that is used to kill or slow the growth of cancerous cells charged at the same co-payment, deductible, or coinsurance amount as intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan;

(2) Diagnosis and treatment of eating disorders that include anorexia nervosa, bulimia, binge eating, eating disorders nonspecified, and any other severe eating disorders contained in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. The actuarial analysis shall assume the following are included in health benefit plan coverage:

(a) Residential treatment for eating disorders, if such treatment is medically necessary in accordance with the Practice Guidelines for the Treatment of Patients with Eating Disorders, as most recently published by the American Psychiatric Association; and

(b) Access to medical treatment that provides coverage for integrated care and treatment as recommended by medical and mental health care professionals, including but not limited to psychological services, nutrition counseling, physical therapy, dietician services, medical monitoring, and psychiatric monitoring.

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

3. By December 31, 2013, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker of the house of representatives, the president pro tempore of the senate, and the chairpersons of the house of representatives committee on health insurance and the senate small business, insurance and industry committee, or the committees having jurisdiction over health insurance issues if the preceding committees no longer exist.

4. For the purposes of this section, the actuarial analysis of health benefit plan coverage shall assume that such coverage:

(1) Shall not be subject to any greater deductible or co-payment than other health care services provided by the health benefit plan; and

(2) Shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy.

5. The cost for each actuarial analysis shall not exceed thirty thousand dollars and the oversight division of the joint committee on legislative research may utilize any actuary contracted to perform services for the Missouri consolidated health care plan to perform the analysis required under this section.

6. The provisions of this section shall expire on December 31, 2013.]

EXPLANATION: SECTIONS 414.350 TO 414.359 ARE OBSOLETE; THE PROGRAM WAS NOT IMPLEMENTED SINCE ITS AUTHORIZATION IN 1998:

**[414.350. DEFINITIONS.** — As used in sections 414.350 to 414.359, the following terms mean:

(1) "Alternative fuel", the same meaning as in section 414.400;

(2) "Division", the division of energy of the department of natural resources;

(3) "Fueling station", the equipment and property directly related to dispensing of an alternative fuel into the fuel tank of a vehicle propelled by such fuel, including the compression equipment and storage vessels for such fuel at the location where such fuel is dispensed;

(4) "Fund", the Missouri alternative fuel vehicle loan fund;

(5) "Incremental cost", the difference in cost between a vehicle that operates on conventional fuel and the cost of the same model vehicle equipped to operate on an alternative fuel;

(6) "Political subdivision", any county, township, municipal corporation, school district or other governmental unit in this state, but not including any "state agency" as such term is defined in section 536.010; and

(7) "Vehicle fleet", any fleet owned and operated by a political subdivision and comprised of ten or more motor vehicles with a manufacturer's gross vehicle weight rating of not more than eight thousand five hundred pounds registered for operation on the highways of this state pursuant to chapter 301.]

**[414.353. ALTERNATIVE FUEL USE, ADMINISTRATIVE PLAN — LOANS PROVIDED, REQUIREMENTS, PREFERENCES — RULES, PROCEDURE.** — 1. On or before July 1, 2000, the division shall have developed an administrative plan for implementing a program that provides financial assistance to political subdivisions for establishing the capability of using alternative fuels in their vehicle fleets.

2. The program shall accept applications for loans from political subdivisions with vehicle fleets for the:

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

(1) Purchase of new motor vehicles capable of using alternative fuels;  
(2) Conversion of motor vehicles which operate on gasoline to enable such vehicles to operate on an alternative fuel; and

(3) Construction of fueling stations capable of dispensing alternative fuels.

3. The division shall evaluate plans developed by applicants for converting their vehicle fleets to operate on alternative fuels, and shall give preference in making loans to those applicants who are prepared to make substantial investments of their own funds in converting their vehicle fleets and who will work cooperatively with the state, other political subdivisions, and private entities in developing a fueling infrastructure capable of dispensing alternative fuels in this state.

4. The division may promulgate any rules necessary to carry out the provisions of sections 414.350 to 414.359. No rule or portion of a rule promulgated pursuant to sections 414.350 to 414.359 shall take effect unless it has been promulgated pursuant to chapter 536.]

**[414.356. LOANS, MAXIMUM AMOUNT — INTEREST RATE AND REPAYMENT TERMS. — 1.** Using the fund created in section 414.359, the division shall provide loans of:

(1) A maximum of two thousand dollars for the incremental cost of purchasing a new vehicle capable of operating on an alternative fuel;

(2) A maximum of two thousand dollars for the conversion of a new or existing vehicle designed to operate on gasoline to enable such vehicle to operate on an alternative fuel; and

(3) A maximum of one hundred thousand dollars for the construction of a fueling station capable of dispensing an alternative fuel.

2. No political subdivision shall receive in aggregate more than one hundred thousand dollars in loans for the purchase or conversion of alternative fuel vehicles in any one year.

3. No political subdivision shall receive in aggregate more than one hundred thousand dollars in loans for the construction of fueling stations in any one year.

4. The division shall establish the interest rate and terms of repayment for each loan agreement established pursuant to sections 414.350 to 414.359. In establishing the repayment schedule, the division shall consider the projected savings to the political subdivision resulting from use of an alternative fuel, but such repayment schedule shall be for a maximum repayment period of four years and shall include provisions for payments to be made on a monthly basis.

5. Any political subdivision that receives a loan pursuant to sections 414.350 to 414.359 shall:

(1) Remit payments on the repayment schedule established by the division;

(2) Agree to use the alternative fuel for which vehicles purchased with the aid of such loans were designed;

(3) Provide reasonable data requested by the division on the use and performance of vehicles purchased with the aid of such loans;

(4) Allow for reasonable inspections by the division of vehicles purchased and fueling stations constructed with the aid of such loans; and

(5) Make fueling stations constructed with the aid of such loans available for use at reasonable cost by the vehicle fleets of other political subdivisions and, with consideration of the capacity of such fueling stations, by the general public.]

**[414.359. MISSOURI ALTERNATIVE FUEL VEHICLE LOAN FUND ESTABLISHED — USE OF FUNDS. — 1.** There is hereby created in the state treasury the "Missouri Alternative Fuel Vehicle Loan Fund". The fund may receive moneys from appropriations by the general assembly, repayments by political subdivisions of loans made pursuant to sections 414.350 to 414.359

including interest on such loans, and gifts, bequests, donations or any other payments made by any public or private entity for use in carrying out the provisions of sections 414.350 to 414.359.

2. The state treasurer shall deposit all of the moneys in the fund into any of the qualified depositories of this state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided by law relative to state deposits. Interest accrued by the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

3. The fund shall be used solely for the purposes of sections 414.350 to 414.359 and for no other purpose.]

EXPLANATION: THIS SECTION IS IDENTICAL TO SECTION 493.055 AND THEREFORE IS REDUNDANT:

**[442.018. PUBLICATION OF CERTAIN REAL ESTATE TRANSACTIONS.** — All public advertisements and orders of publication required by law to be made, including but not limited to amendments to the Missouri Constitution, legal publications affecting all sales of real estate under a power of sale contained in any mortgage or deed of trust, and other legal publications affecting the title to real estate, shall be published in a newspaper of general circulation, qualified under the provisions of section 493.050, and persons responsible for orders of publication described in sections 443.310 and 443.320 shall be subject to the prohibitions in sections 493.130 and 493.140.]

EXPLANATION: THE COUNCIL CREATED IN THIS SECTION DOES NOT EXIST:

**[620.050. COUNCIL CREATED, MEMBERS, APPOINTMENT — REGISTRATION FEE — FUND ESTABLISHED, USE OF MONEYS — COUNCIL DUTIES — RULEMAKING AUTHORITY.** — 1. There is hereby created, within the department of economic development, the "Entrepreneurial Development Council". The entrepreneurial development council shall consist of seven members from businesses located within the state and licensed attorneys with specialization in intellectual property matters. All members of the council shall be appointed by the governor with the advice and consent of the senate. The terms of membership shall be set by the department of economic development by rule as deemed necessary and reasonable. Once the department of economic development has set the terms of membership, such terms shall not be modified and shall apply to all subsequent members.

2. The entrepreneurial development council shall, as provided by department rule, impose a registration fee sufficient to cover costs of the program for entrepreneurs of this state who desire to avail themselves of benefits, provided by the council, to registered entrepreneurs.

3. There is hereby established in the state treasury, the "Entrepreneurial Development and Intellectual Property Right Protection Fund" to be held separate and apart from all other public moneys and funds of the state. The entrepreneurial development and intellectual property right protection fund may accept state and federal appropriations, grants, bequests, gifts, fees and awards to be held for use by the entrepreneurial development council. Notwithstanding provisions of section 33.080 to the contrary, moneys remaining in the fund at the end of any biennium shall not revert to general revenue.

4. Upon notification of an alleged infringement of intellectual property rights of an entrepreneur, the entrepreneurial development council shall evaluate such allegations of infringement and may, based upon need, award grants or financial assistance to subsidize legal expenses incurred in instituting legal action necessary to remedy the alleged infringement.

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Matter in bold-face type is proposed language.

Pursuant to rules promulgated by the department, the entrepreneurial development council may allocate moneys from entrepreneurial development and intellectual property right protection fund, in the form of low-interest loans and grants, to registered entrepreneurs for the purpose of providing financial aid for product development, manufacturing, and advertising of new products.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.]

EXPLANATION: THIS SECTION IS OBSOLETE; THERE HAVE BEEN NO APPROPRIATIONS FROM THE FUND CREATED UNDER THIS SECTION SINCE ITS AUTHORIZATION IN 2008:

**[640.219. FUND CREATED, USE OF MONEYS — FULL PROFESSORSHIP OF ENERGY EFFICIENCY AND CONSERVATION AUTHORIZED, DUTIES. —** 1. There is hereby created in the state treasury the "Studies in Energy Conservation Fund", which shall consist of moneys appropriated by the general assembly or donated by any individual or entity. The fund shall be administered by the department of higher education in coordination with the department of natural resources. Upon appropriation, money in the fund shall be used solely for the purposes set forth in this section and for any administrative expenses involving the implementation of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. Subject to an initial appropriation from the fund, there is hereby established at the discretion of the department of higher education in coordination with the department of natural resources a full professorship of energy efficiency and conservation.

3. At such time as the professorship of energy efficiency and conservation required by subsection 2 of this section has been established, the department of higher education in coordination with the department of natural resources may appropriate any remaining moneys from the fund for the purpose of establishing substantially similar full professorships of energy efficiency and conservation at any public university within this state.

4. The duties of the full professor of energy efficiency and conservation and of any professors holding positions established under subsection 3 of this section shall primarily be to conduct studies and research regarding energy efficiency, but may also include studies and research regarding renewable energy. Such research may involve the evaluation of policy proposals and legislation relating to energy efficiency or renewable energy.]

Approved June 1, 2018

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SB 981

**Enacts provisions relating to workers' compensation.**

AN ACT to repeal sections 287.127, 287.690, and 287.715, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation, with an existing penalty provision.

## SECTION

- A. Enacting clause.
- 287.127 Notice, employer to post, contents — division to develop, distribute, and publish notice, when — penalty.
- 287.690 Premium tax on insurance carriers, purpose, rate, how determined — use of funds for employers mutual insurance company, purpose.
- 287.715 Annual surcharge required for second injury fund, amount, how computed, collection — violation, penalty — supplemental surcharge, amount.

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

**SECTION A. ENACTING CLAUSE.** — Sections 287.127, 287.690, and 287.715, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 287.127, 287.690, and 287.715, to read as follows:

**287.127. NOTICE, EMPLOYER TO POST, CONTENTS — DIVISION TO DEVELOP, DISTRIBUTE, AND PUBLISH NOTICE, WHEN — PENALTY.** — 1. Beginning January 1, 1993, all employers shall post a notice at their place of employment, in a sufficient number of places on the premises to assure that such notice will reasonably be seen by all employees. An employer for whom services are performed by individuals who may not reasonably be expected to see a posted notice shall notify each such employee in writing of the contents of such notice. The notice shall include:

- (1) That the employer is operating under and subject to the provisions of the Missouri workers' compensation law;
- (2) That employees must report all injuries immediately to the employer by advising the employer personally, the employer's designated individual or the employee's immediate boss, supervisor or foreman and that the employee may lose the right to receive compensation if the injury or illness is not reported within thirty days or in the case of occupational illness or disease, within thirty days of the time he or she is reasonably aware of work relatedness of the injury or illness; employees who fail to notify their employer within thirty days may jeopardize their ability to receive compensation, and any other benefits under this chapter;
- (3) The name, address and telephone number of the insurer, if insured. If self-insured, the name, address and telephone number of the employer's designated individual responsible for reporting injuries or the name, address and telephone number of the adjusting company or service company designated by the employer to handle workers' compensation matters;
- (4) The name, address and the toll-free telephone number of the division of workers' compensation;
- (5) That the employer will supply, upon request, additional information provided by the division of workers' compensation;
- (6) That a fraudulent action by the employer, employee or any other person is unlawful.

2. The division of workers' compensation shall develop the notice to be posted [and shall], distribute such notice free of charge to employers and insurers upon request, **and publish the notice on the website of the department of labor and industrial relations**. Failure to request such notice does not relieve the employer of its obligation to post the notice. If the employer carries workers' compensation insurance, the carrier shall provide the notice, **in paper or electronic**

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Matter in bold-face type is proposed language.

**format, to the insured within thirty days of the insurance policy's inception date. A carrier who elects to provide the notice in electronic format shall direct the insured to the notice available on the website of the department of labor and industrial relations.**

3. Any employer who willfully violates the provisions of this section shall be guilty of a class A misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment, and each such violation or each day such violation continues shall be deemed a separate offense.

**287.690. PREMIUM TAX ON INSURANCE CARRIERS, PURPOSE, RATE, HOW DETERMINED — USE OF FUNDS FOR EMPLOYERS MUTUAL INSURANCE COMPANY, PURPOSE. —** 1. Prior to December 31, 1993, for the purpose of providing for the expense of administering this chapter and for the purpose set out in subsection 2 of this section, every person, partnership, association, corporation, whether organized under the laws of this or any other state or country, the state of Missouri, including any of its departments, divisions, agencies, commissions, and boards or any political subdivisions of the state who self-insure or hold themselves out to be any part self-insured, company, mutual company, the parties to any interindemnity contract, or other plan or scheme, and every other insurance carrier, insuring employers in this state against liability for personal injuries to their employees, or for death caused thereby, under this chapter, shall pay, as provided in this chapter, tax upon the net deposits, net premiums or net assessments received, whether in cash or notes in this state, or on account of business done in this state, for such insurance in this state at the rate of two percent in lieu of all other taxes on such net deposits, net premiums or net assessments, which amount of taxes shall be assessed and collected as herein provided. Beginning October 31, 1993, and every year thereafter, the director of the division of workers' compensation shall estimate the amount of revenue required to administer this chapter and the director shall determine the rate of tax to be paid in the following calendar year pursuant to this section commencing with the calendar year beginning on January 1, 1994. If the balance of the fund estimated to be on hand on December thirty-first of the year each tax rate determination is made is less than one hundred ten percent of the previous year's expenses plus any additional revenue required due to new statutory requirements given to the division by the general assembly, then the director shall impose a tax not to exceed two percent in lieu of all other taxes on net deposits, net premiums or net assessments, rounded up to the nearest one-half of a percentage point, which amount of taxes shall be assessed and collected as herein provided. The net premium equivalent for individual self-insured employers [and any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620] shall be based on average rate classifications calculated by the department of insurance, financial institutions and professional registration as taken from premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. For employers qualified to self-insure their liability pursuant to this chapter, the rates filed by such group of employers in accordance with subsection 4 of section 287.280 shall be the net premium equivalent. **Any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 may choose either the average rate classification method or the filed rate method, provided that the method used may only be changed once without receiving the consent of the director of the division of workers' compensation.** Every entity required to pay the tax imposed pursuant to this section and section 287.730 shall be notified by the division of workers' compensation within ten calendar days of the date of the determination of the rate of tax to be imposed for the following year. Net

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premiums, net deposits or net assessments are defined as gross premiums, gross deposits or gross assessments less cancelled or returned premiums, premium deposits or assessments and less dividends or savings, actually paid or credited.

2. After January 1, 1994, the director of the division shall make one or more loans to the Missouri employers mutual insurance company in an amount not to exceed an aggregate amount of five million dollars from the fund maintained to administer this chapter for start-up funding and initial capitalization of the company. The board of the company shall make application to the director for the loans, stating the amount to be loaned to the company. The loans shall be for a term of five years and, at the time the application for such loans is approved by the director, shall bear interest at the annual rate based on the rate for linked deposit loans as calculated by the state treasurer pursuant to section 30.758.

**287.715. ANNUAL SURCHARGE REQUIRED FOR SECOND INJURY FUND, AMOUNT, HOW COMPUTED, COLLECTION — VIOLATION, PENALTY — SUPPLEMENTAL SURCHARGE, AMOUNT.** — 1. For the purpose of providing for revenue for the second injury fund, every authorized self-insurer, and every workers' compensation policyholder insured pursuant to the provisions of this chapter, shall be liable for payment of an annual surcharge in accordance with the provisions of this section. The annual surcharge imposed under this section shall apply to all workers' compensation insurance policies and self-insurance coverages which are written or renewed on or after April 26, 1988, including the state of Missouri, including any of its departments, divisions, agencies, commissions, and boards or any political subdivisions of the state who self-insure or hold themselves out to be any part self-insured. Notwithstanding any law to the contrary, the surcharge imposed pursuant to this section shall not apply to any reinsurance or retrocessional transaction.

2. Beginning October 31, 2005, and each year thereafter, the director of the division of workers' compensation shall estimate the amount of benefits payable from the second injury fund during the following calendar year and shall calculate the total amount of the annual surcharge to be imposed during the following calendar year upon all workers' compensation policyholders and authorized self-insurers. The amount of the annual surcharge percentage to be imposed upon each policyholder and self-insured for the following calendar year commencing with the calendar year beginning on January 1, 2006, shall be set at and calculated against a percentage, not to exceed three percent, of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point, that shall generate, as nearly as possible, one hundred ten percent of the moneys to be paid from the second injury fund in the following calendar year, less any moneys contained in the fund at the end of the previous calendar year. All policyholders and self-insurers shall be notified by the division of workers' compensation within ten calendar days of the determination of the surcharge percent to be imposed for, and paid in, the following calendar year. The net premium equivalent for individual self-insured employers [and any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620] shall be based on average rate classifications calculated by the department of insurance, financial institutions and professional registration as taken from premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. For employers qualified to self-insure their liability pursuant to this chapter, the rates filed by such group of employers in accordance with subsection 4 of section 287.280 shall be the net premium equivalent. **Any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 may choose either the average rate classification**

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**method or the filed rate method, provided that the method used may only be changed once without receiving the consent of the director of the division of workers' compensation.** The director may advance funds from the workers' compensation fund to the second injury fund if surcharge collections prove to be insufficient. Any funds advanced from the workers' compensation fund to the second injury fund must be reimbursed by the second injury fund no later than December thirty-first of the year following the advance. The surcharge shall be collected from policyholders by each insurer at the same time and in the same manner that the premium is collected, but no insurer or its agent shall be entitled to any portion of the surcharge as a fee or commission for its collection. The surcharge is not subject to any taxes, licenses or fees.

3. All surcharge amounts imposed by this section shall be deposited to the credit of the second injury fund.

4. Such surcharge amounts shall be paid quarterly by insurers and self-insurers, and insurers shall pay the amounts not later than the thirtieth day of the month following the end of the quarter in which the amount is received from policyholders. If the director of the division of workers' compensation fails to calculate the surcharge by the thirty-first day of October of any year for the following year, any increase in the surcharge ultimately set by the director shall not be effective for any calendar quarter beginning less than sixty days from the date the director makes such determination.

5. If a policyholder or self-insured fails to make payment of the surcharge or an insurer fails to make timely transfer to the division of surcharges actually collected from policyholders, as required by this section, a penalty of one-half of one percent of the surcharge unpaid, or untransferred, shall be assessed against the liable policyholder, self-insured or insurer. Penalties assessed under this subsection shall be collected in a civil action by a summary proceeding brought by the director of the division of workers' compensation.

6. Notwithstanding subsection 2 of this section to the contrary, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed three percent for calendar years 2014 to 2021 of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point. All policyholders and self-insurers shall be notified by the division of the supplemental surcharge percentage to be imposed for such period of time as part of the notice provided in subsection 2 of this section. The provisions of this subsection shall expire on December 31, 2021.

7. Funds collected under the provisions of this chapter shall be the sole funding source of the second injury fund.

Approved June 1, 2018

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SS SB 982

**Enacts provisions relating to payments for health care services.**

AN ACT to repeal sections 354.150, 354.495, 354.603, 374.115, 374.150, 374.230, 376.427, 376.1350, 376.1367, and 379.1545, RSMo, and to enact in lieu thereof eleven new sections relating to payments for health care services, with an effective date for certain sections.

SECTION

- A. Enacting clause.  
354.150 Fees.

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

- 354.495 Fees to be paid to director.  
 354.603 Sufficiency of health carrier network, requirements, criteria — access plan filed with the department, when.  
 374.115 Insurance examiners, compensation of.  
 374.150 Fees paid to director of revenue, exception — department of insurance, financial institutions and professional registration dedicated fund established, purpose — lapse into general revenue, when — annual transfer of moneys to general revenue.  
 374.230 Fees — paid to director of revenue.  
 376.427 Assignment of benefits made by insured to provider — payment, how made — exceptions — all claims to be paid, when — out-of-network services, how paid.  
 376.690 Unanticipated out-of-network care, claim procedure — limitation on amount billed to patient — external arbitration process — rulemaking authority.  
 376.1065 Official notification communications, contracting entity requirements.  
 376.1350 Definitions.  
 376.1367 Emergency services benefit determination, coverage required, when.  
 379.1545 Insurers, permissible acts.  
 B. Effective date.

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

**SECTION A. ENACTING CLAUSE.** — Sections 354.150, 354.495, 354.603, 374.115, 374.150, 374.230, 376.427, 376.1350, 376.1367, and 379.1545, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 354.150, 354.495, 354.603, 374.150, 374.230, 376.427, 376.690, 376.1065, 376.1350, 376.1367, and 379.1545, to read as follows:

**354.150. FEES.** — 1. Every health services corporation subject to the provisions of sections 354.010 to 354.380 shall pay [the following fees] to the director [for the administration and enforcement of the provisions of this chapter:

- (1) For filing the declaration required on organization of each domestic company, two hundred fifty dollars;
- (2) For filing statement and certified copy of charter required of foreign companies, two hundred fifty dollars;
- (3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk-based capital report, report of valuation of policies or other obligations of assurance, and audited financial report of any company doing business in this state, one thousand five hundred dollars;
- (4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3) of this section but required to be filed in the office of the director, fifty dollars each;
- (5) For affixing the seal of office of the director, ten dollars;
- (6) For accepting each service of process upon the company, ten dollars] **the fees specified in section 374.230.**

2. Fees mandated in subdivision (1) of [subsection 1 of this section] **section 374.230** shall be waived if a majority shareholder, officer, or director of the organizing corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

**354.495. FEES TO BE PAID TO DIRECTOR.** — Every health maintenance organization subject to sections 354.400 to 354.636 shall pay to the director the [following fees:

- (1) For filing the declaration required on organization of each domestic company, two hundred fifty dollars;

(2) For filing statement and certified copy of charter required of foreign companies, two hundred fifty dollars;

(3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk based capital report, report of valuation of policies or other obligations of assurance, and audited financial report of any company doing business in this state, one thousand five hundred dollars;

(4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3) of this section but required to be filed in the office of the director, fifty dollars each;

(5) For affixing the seal of office of the director, ten dollars;

(6) For accepting each service of process upon the company, ten dollars] **fees specified in section 374.230.**

**354.603. SUFFICIENCY OF HEALTH CARRIER NETWORK, REQUIREMENTS, CRITERIA — ACCESS PLAN FILED WITH THE DEPARTMENT, WHEN.** — 1. A health carrier shall maintain a network that is sufficient in number and types of providers to assure that all services to enrollees shall be accessible without unreasonable delay. In the case of emergency services, enrollees shall have access twenty-four hours per day, seven days per week. The health carrier's medical director shall be responsible for the sufficiency and supervision of the health carrier's network. Sufficiency shall be determined by the director in accordance with the requirements of this section and by reference to any reasonable criteria, including but not limited to provider-enrollee ratios by specialty, primary care provider-enrollee ratios, geographic accessibility, reasonable distance accessibility criteria for pharmacy and other services, waiting times for appointments with participating providers, hours of operation, and the volume of technological and specialty services available to serve the needs of enrollees requiring technologically advanced or specialty care.

(1) In any case where the health carrier has an insufficient number or type of participating providers to provide a covered benefit, the health carrier shall ensure that the enrollee obtains the covered benefit at no greater cost than if the benefit was obtained from a participating provider, or shall make other arrangements acceptable to the director.

(2) The health carrier shall establish and maintain adequate arrangements to ensure reasonable proximity of participating providers, including local pharmacists, to the business or personal residence of enrollees. In determining whether a health carrier has complied with this provision, the director shall give due consideration to the relative availability of health care providers in the service area under, especially rural areas, consideration.

(3) A health carrier shall monitor, on an ongoing basis, the ability, clinical capacity, and legal authority of its providers to furnish all contracted benefits to enrollees. The provisions of this subdivision shall not be construed to require any health care provider to submit copies of such health care provider's income tax returns to a health carrier. A health carrier may require a health care provider to obtain audited financial statements if such health care provider received ten percent or more of the total medical expenditures made by the health carrier.

(4) A health carrier shall make its entire network available to all enrollees unless a contract holder has agreed in writing to a different or reduced network.

2. A health carrier shall file with the director, in a manner and form defined by rule of the department of insurance, financial institutions and professional registration, an access plan meeting the requirements of sections 354.600 to 354.636 for each of the managed care plans that the health carrier offers in this state. The health carrier may request the director to deem sections of the access plan as proprietary or competitive information that shall not be made public. For the purposes of this section, information is proprietary or competitive if revealing the information will cause the

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health carrier's competitors to obtain valuable business information. The health carrier shall provide such plans, absent any information deemed by the director to be proprietary, to any interested party upon request. The health carrier shall prepare an access plan prior to offering a new managed care plan, and shall update an existing access plan whenever it makes any change as defined by the director to an existing managed care plan. The director shall approve or disapprove the access plan, or any subsequent alterations to the access plan, within sixty days of filing. The access plan shall describe or contain at a minimum the following:

- (1) The health carrier's network;
- (2) The health carrier's procedures for making referrals within and outside its network;
- (3) The health carrier's process for monitoring and assuring on an ongoing basis the sufficiency of the network to meet the health care needs of enrollees of the managed care plan;
- (4) The health carrier's methods for assessing the health care needs of enrollees and their satisfaction with services;
- (5) The health carrier's method of informing enrollees of the plan's services and features, including but not limited to the plan's grievance procedures, its process for choosing and changing providers, and its procedures for providing and approving emergency and specialty care;
- (6) The health carrier's system for ensuring the coordination and continuity of care for enrollees referred to specialty physicians, for enrollees using ancillary services, including social services and other community resources, and for ensuring appropriate discharge planning;
- (7) The health carrier's process for enabling enrollees to change primary care professionals;
- (8) The health carrier's proposed plan for providing continuity of care in the event of contract termination between the health carrier and any of its participating providers, in the event of a reduction in service area or in the event of the health carrier's insolvency or other inability to continue operations. The description shall explain how enrollees shall be notified of the contract termination, reduction in service area or the health carrier's insolvency or other modification or cessation of operations, and transferred to other health care professionals in a timely manner; and
- (9) Any other information required by the director to determine compliance with the provisions of sections 354.600 to 354.636.

3. In reviewing an access plan filed pursuant to subsection 2 of this section, the director shall deem a managed care plan's network to be adequate if it meets one or more of the following criteria:

- (1) The managed care plan is a Medicare + Choice coordinated care plan offered by the health carrier pursuant to a contract with the federal Centers for Medicare and Medicaid Services;
- (2) The managed care plan is being offered by a health carrier that has been accredited by the National Committee for Quality Assurance at a level of "accredited" or better, and such accreditation is in effect at the time the access plan is filed;
- (3) The managed care plan's network has been accredited by the Joint Commission on the Accreditation of Health Organizations for Network Adequacy, and such accreditation is in effect at the time the access plan is filed. If the accreditation applies to only a portion of the managed care plan's network, only the accredited portion will be deemed adequate; [or]
- (4) The managed care plan is being offered by a health carrier that has been accredited by the Utilization Review Accreditation Commission at a level of "accredited" or better, and such accreditation is in effect at the time the access plan is filed; **or**
- (5) The managed care plan is being offered by a health carrier that has been accredited by the Accreditation Association for Ambulatory Health Care, and such accreditation is in effect at the time the access plan is filed.**

**374.150. FEES PAID TO DIRECTOR OF REVENUE, EXCEPTION — DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION DEDICATED FUND ESTABLISHED, PURPOSE — LAPSE INTO GENERAL REVENUE, WHEN — ANNUAL TRANSFER OF MONEYS TO GENERAL REVENUE.** — 1. All fees due the state under the provisions of the insurance laws of this state shall be paid to the director [of revenue] and deposited in the state treasury to the credit of the insurance dedicated fund unless otherwise provided for in subsection 2 of this section.

2. There is hereby established in the state treasury a special fund to be known as the "Insurance Dedicated Fund". The fund shall be subject to appropriation of the general assembly and shall be devoted solely to the payment of expenditures incurred by the department attributable to duties performed by the department for the regulation of the business of insurance, regulation of health maintenance organizations and the operation of the division of consumer affairs as required by law which are not paid for by another source of funds. Other provisions of law to the contrary notwithstanding, beginning on January 1, 1991, all fees charged under any provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the same manner as other state funds and any interest or earnings on such moneys shall be credited to the insurance dedicated fund. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund unless and then only to the extent to which the unencumbered balance at the close of the biennium year exceeds two times the total amount appropriated, paid, or transferred to the fund during such fiscal year.

[3. Notwithstanding provisions of this section to the contrary, five hundred thousand dollars of the insurance dedicated fund shall annually be transferred and placed to the credit of the state general revenue fund on July first beginning with fiscal year 2014.]

**374.230. FEES — PAID TO DIRECTOR OF REVENUE.** — Every [insurance company doing business in this state] **individual or entity making a filing with the department described below** shall pay to the director [of revenue] the following fees **and charges, to be paid into the insurance dedicated fund established under section 374.150:**

(1) For filing the declaration required on organization of each domestic company, [two hundred fifty] **one thousand** dollars;

(2) For filing statement and certified copy of charter required of foreign companies, [two hundred fifty] **one thousand** dollars;

(3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk-based capital report, report of valuation of policies or other obligations of assurance, and audited financial report annual statement of any company doing business in this state, [one thousand five hundred] **two thousand** dollars;

(4) [For filing supplementary annual statement of any company doing business in this state, fifty dollars] **For filing the ORSA summary report required by sections 382.500 to 382.550, or a preacquisition notification required by sections 382.040 through 382.060, or section 382.095, five hundred dollars;**

(5) **Unless otherwise specified in subdivision (4) or another section of law, for any filings required under chapter 382, two hundred fifty dollars;**

(6) For filing any paper, document, or report **for which a filing fee is not otherwise provided for in another section of law that is** not filed under subdivision (1), (2), [or] (3), (4), or (5), but required to be filed in the office of the director, [fifty] **one hundred fifty** dollars each[;].

[(6) For a copy of a company's certificate of authority or producer or agent license, ten dollars;

(7) For affixing the seal of office of the director, ten dollars;

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

(8) For accepting each service of process upon the company, ten dollars.]

**376.427. ASSIGNMENT OF BENEFITS MADE BY INSURED TO PROVIDER — PAYMENT, HOW MADE — EXCEPTIONS — ALL CLAIMS TO BE PAID, WHEN — OUT-OF-NETWORK SERVICES, HOW PAID.** — 1. As used in this section, the following terms mean:

(1) **"Health benefit plan", as such term is defined in section 376.1350;**

(2) "Health care services", medical, surgical, dental, podiatric, pharmaceutical, chiropractic, licensed ambulance service, and optometric services;

(3) **"Health carrier" or "carrier", as such term is defined in section 376.1350;**

[(2)] (4) "Insured", any person entitled to benefits under a contract of accident and sickness insurance, or medical-payment insurance issued as a supplement to liability insurance but not including any other coverages contained in a liability or a workers' compensation policy, issued by an insurer;

[(3)] (5) "Insurer", any person, reciprocal exchange, interinsurer, fraternal benefit society, health services corporation, self-insured group arrangement to the extent not prohibited by federal law, or any other legal entity engaged in the business of insurance;

[(4)] (6) "Provider", a physician, hospital, dentist, podiatrist, chiropractor, pharmacy, licensed ambulance service, or optometrist, licensed by this state.

2. Upon receipt of an assignment of benefits made by the insured to a provider, the insurer shall issue the instrument of payment for a claim for payment for health care services in the name of the provider. All claims shall be paid within thirty days of the receipt by the insurer of all documents reasonably needed to determine the claim.

3. Nothing in this section shall preclude an insurer from voluntarily issuing an instrument of payment in the single name of the provider.

4. **Except as provided in subsection 5 of this section**, this section shall not require any insurer, health services corporation, health maintenance corporation or preferred provider organization which directly contracts with certain members of a class of providers for the delivery of health care services to issue payment as provided pursuant to this section to those members of the class which do not have a contract with the insurer.

**5. When a patient's health benefit plan does not include or require payment to out-of-network providers for all or most covered services, which would otherwise be covered if the patient received such services from a provider in the carrier's network, including but not limited to health maintenance organization plans, as such term is defined in section 354.400, or a health benefit plan offered by a carrier consistent with subdivision (19) of section 376.426, payment for all services shall be made directly to the providers when the health carrier has authorized such services to be received from a provider outside the carrier's network.**

**376.690. UNANTICIPATED OUT-OF-NETWORK CARE, CLAIM PROCEDURE — LIMITATION ON AMOUNT BILLED TO PATIENT — EXTERNAL ARBITRATION PROCESS — RULEMAKING AUTHORITY.** — 1. As used in this section, the following terms shall mean:

(1) **"Emergency medical condition", the same meaning given to such term in section 376.1350;**

(2) **"Facility", the same meaning given to such term in section 376.1350;**

(3) **"Health care professional", the same meaning given to such term in section 376.1350;**

(4) **"Health carrier", the same meaning given to such term in section 376.1350;**

(5) **"Unanticipated out-of-network care", health care services received by a patient in an in-network facility from an out-of-network health care professional from the time the patient presents with an emergency medical condition until the time the patient is discharged;**

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

2. Health care professionals may send any claim for charges incurred for unanticipated out-of-network care to the patient's health carrier within one hundred and eighty days of the delivery of the unanticipated out-of-network care on a U.S. Centers of Medicare and Medicaid Services Form 1500, or its successor form, or electronically using the 837 HIPAA format, or its successor.

(1) Within forty-five processing days, as defined in 376.383, of receiving the health care professional's claim, the health carrier shall offer to pay the health care professional a reasonable reimbursement for unanticipated out-of-network care based on the health care professional's services. If the health care professional participates in one or more of the carrier's commercial networks, the offer of reimbursement for unanticipated out-of-network care shall be the amount from the network which has the highest reimbursement.

(2) If the health care professional declines the health carrier's initial offer of reimbursement, the health carrier and health care professional shall have sixty days from the date of the initial offer of reimbursement to negotiate in good faith to attempt to determine the reimbursement for the unanticipated out-of-network care.

(3) If the health carrier and health care professional do not agree to a reimbursement amount by the end of the sixty day negotiation period, the dispute shall be resolved through an arbitration process as specified in subsection 4 of this section.

(4) To initiate arbitration proceedings, either the health carrier or health care professional must provide written notification to the director and the other party within 120 days of the end of the negotiation period, indicating their intent to arbitrate the matter and notifying the director of the billed amount and the date and amount of the final offer by each party. A claim for unanticipated out of network care may be resolved between the parties at any point prior to the commencement of the arbitration proceedings. Claims may be combined for purposes of arbitration, but only to the extent the claims represent similar circumstances and services provided by the same health care professional, and the parties attempted to resolve the dispute in accordance with subdivisions (2) through (4) of this subsection.

(5) No health care professional who sends a claim to a health carrier under subsection 2 of this section shall send a bill to the patient for any difference between the reimbursement rate as determined under this subsection and the health care professional's billed charge.

3. When unanticipated out-of-network care is provided, the health care professional who sends a claim to a health carrier under subsection 2 of this section may bill a patient for no more than the cost-sharing requirements described under this section.

(1) Cost-sharing requirements shall be based on the reimbursement amount as determined under subsection 2 of this section.

(2) The patient's health carrier shall inform the health care professional of its enrollee's cost-sharing requirements within forty-five processing days of receiving a claim from the health care professional for services provided.

(3) The in-network deductible and out-of-pocket maximum cost-sharing requirements shall apply to the claim for the unanticipated out-of-network care.

4. The director shall ensure access to an external arbitration process when a health care professional and health carrier cannot agree to a reimbursement under subdivision (2) of subsection 2 of this section. In order to ensure access, when notified of a parties' intent to arbitrate, the director shall randomly select an arbitrator for each case from the department's approved list of arbitrators or entities that provide binding arbitration. The director shall specify the criteria for an approved arbitrator or entity by rule. The costs of arbitration shall **be shared equally between and will be directly billed to the health care professional and health**

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Matter in bold-face type is proposed language.

carrier. These costs will include, but are not limited to, reasonable time necessary for the arbitrator to review materials in preparation for the arbitration, travel expenses and reasonable time following the arbitration for drafting of the final decision.

5. At the conclusion of such arbitration process, the arbitrator shall issue a final decision, which shall be binding on all parties. The arbitrator shall provide a copy of the final decision to the director. The initial request for arbitration, all correspondence and documents received by the Department and the final arbitration decision shall be considered a closed record under section 374.071. However, the director may release aggregated summary data regarding the arbitration process. The decision of the arbitrator shall not be considered an agency decision nor shall it be considered a contested case within the meaning of 536.010.

6. The arbitrator shall determine a dollar amount due under subsection 2 of this section between one hundred twenty percent of the Medicare allowed amount and the seventieth percentile of the usual and customary rate for the unanticipated out-of-network care, as determined by benchmarks from independent nonprofit organizations that are not affiliated with insurance carriers or provider organizations.

7. When determining a reasonable reimbursement rate, the arbitrator shall consider the following factors if the health care professional believes the payment offered for the unanticipated out-of-network care does not properly recognize:

- (1) The health care professional's training, education, or experience;
- (2) The nature of the service provided;
- (3) The health care professional's usual charge for comparable services provided;
- (4) The circumstances and complexity of the particular case, including the time and place the services were provided; and
- (5) The average contracted rate for comparable services provided in the same geographic area.

8. The enrollee shall not be required to participate in the arbitration process. The health care professional and health carrier shall execute a nondisclosure agreement prior to engaging in an arbitration under this section.

9. This section shall take effect on January 1, 2019.

10. The department of insurance, financial institutions and professional registration may promulgate rules and fees as necessary to implement the provisions of this section, including but not limited to, procedural requirements for arbitration. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**376.1065. OFFICIAL NOTIFICATION COMMUNICATIONS, CONTRACTING ENTITY REQUIREMENTS. — 1. As used in this section, the following terms shall mean:**

(1) "Contracting entity", any health carrier, as such term is defined in section 376.1350, subject to the jurisdiction of the department engaged in the act of contracting with providers for the delivery of dental services, or the selling or assigning of dental network plans to other entities under the jurisdiction of the department;

(2) "Department", the department of insurance, financial institutions and professional registration;

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

(3) **"Official notification,"** written communication by a provider or participating provider to a contracting entity describing such provider's or participating provider's change in contact information or participation status with the contracting entity;

(4) **"Participating provider,"** a provider who has an agreement with a contracting entity to provide dental services with an expectation of receiving payment, other than coinsurance, co-payments, or deductibles, directly or indirectly from such contracting entity;

(5) **"Provider,"** any person licensed under chapter 332.

2. A contracting entity shall, upon official notification, make changes contained in the official notification to their electronic provider material and their next edition of paper material made available to plan members or other potential plan members.

3. The department, when determining the result of a market conduct examination under sections 374.202 to 374.207, shall consider violations of this section by a contracting entity.

**376.1350. DEFINITIONS.** — For purposes of sections 376.1350 to 376.1390, the following terms mean:

(1) **"Adverse determination,"** a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay or other health care service has been reviewed and, based upon the information provided, does not meet the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, and the payment for the requested service is therefore denied, reduced or terminated;

(2) **"Ambulatory review,"** utilization review of health care services performed or provided in an outpatient setting;

(3) **"Case management,"** a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions;

(4) **"Certification,"** a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay or other health care service has been reviewed and, based on the information provided, satisfies the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care and effectiveness;

(5) **"Clinical peer,"** a physician or other health care professional who holds a nonrestricted license in a state of the United States and in the same or similar specialty as typically manages the medical condition, procedure or treatment under review;

(6) **"Clinical review criteria,"** the written screening procedures, decision abstracts, clinical protocols and practice guidelines used by the health carrier to determine the necessity and appropriateness of health care services;

(7) **"Concurrent review,"** utilization review conducted during a patient's hospital stay or course of treatment;

(8) **"Covered benefit" or "benefit,"** a health care service that an enrollee is entitled under the terms of a health benefit plan;

(9) **"Director,"** the director of the department of insurance, financial institutions and professional registration;

(10) **"Discharge planning,"** the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility;

(11) **"Drug,"** any substance prescribed by a licensed health care provider acting within the scope of the provider's license and that is intended for use in the diagnosis, mitigation, treatment or prevention of disease. The term includes only those substances that are approved by the FDA for at least one indication;

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(12) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity, **regardless of the final diagnosis that is given**, that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that immediate medical care is required, which may include, but shall not be limited to:

- (a) Placing the person's health in significant jeopardy;
- (b) Serious impairment to a bodily function;
- (c) Serious dysfunction of any bodily organ or part;
- (d) Inadequately controlled pain; or
- (e) With respect to a pregnant woman who is having contractions:
  - a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or
  - b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(13) "Emergency service", a health care item or service furnished or required to evaluate and treat an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;

(14) "Enrollee", a policyholder, subscriber, covered person or other individual participating in a health benefit plan;

(15) "FDA", the federal Food and Drug Administration;

(16) "Facility", an institution providing health care services or a health care setting, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings;

(17) "Grievance", a written complaint submitted by or on behalf of an enrollee regarding the:

(a) Availability, delivery or quality of health care services, including a complaint regarding an adverse determination made pursuant to utilization review;

(b) Claims payment, handling or reimbursement for health care services; or

(c) Matters pertaining to the contractual relationship between an enrollee and a health carrier;

(18) "Health benefit plan", a policy, contract, certificate or agreement entered into, offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services; except that, health benefit plan shall not include any coverage pursuant to liability insurance policy, workers' compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(19) "Health care professional", a physician or other health care practitioner licensed, accredited or certified by the state of Missouri to perform specified health services consistent with state law;

(20) "Health care provider" or "provider", a health care professional or a facility;

(21) "Health care service", a service for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease;

(22) "Health carrier", an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits or health services; except that such plan shall not include any coverage pursuant to a liability insurance policy, workers' compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(23) "Health indemnity plan", a health benefit plan that is not a managed care plan;

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Matter in bold-face type is proposed language.

(24) "Managed care plan", a health benefit plan that either requires an enrollee to use, or creates incentives, including financial incentives, for an enrollee to use, health care providers managed, owned, under contract with or employed by the health carrier;

(25) "Participating provider", a provider who, under a contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to enrollees with an expectation of receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly from the health carrier;

(26) "Peer-reviewed medical literature", a published scientific study in a journal or other publication in which original manuscripts have been published only after having been critically reviewed for scientific accuracy, validity and reliability by unbiased independent experts, and that has been determined by the International Committee of Medical Journal Editors to have met the uniform requirements for manuscripts submitted to biomedical journals or is published in a journal specified by the United States Department of Health and Human Services pursuant to Section 1861(t)(2)(B) of the Social Security Act, as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not include publications or supplements to publications that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier;

(27) "Person", an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing;

(28) "Prospective review", utilization review conducted prior to an admission or a course of treatment;

(29) "Retrospective review", utilization review of medical necessity that is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or adjudication for payment;

(30) "Second opinion", an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service;

(31) "Stabilize", with respect to an emergency medical condition, that no material deterioration of the condition is likely to result or occur before an individual may be transferred;

(32) "Standard reference compendia":

(a) The American Hospital Formulary Service-Drug Information; or

(b) The United States Pharmacopoeia-Drug Information;

(33) "Utilization review", a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

(34) "Utilization review organization", a utilization review agent as defined in section 374.500.

**376.1367. EMERGENCY SERVICES BENEFIT DETERMINATION, COVERAGE REQUIRED, WHEN.**

— When conducting utilization review or making a benefit determination for emergency services:

(1) A health carrier shall cover emergency services necessary to screen and stabilize an enrollee, **as determined by the treating emergency department health care provider**, and shall not require prior authorization of such services;

(2) Coverage of emergency services shall be subject to applicable co-payments, coinsurance and deductibles;

(3) **Before a health carrier denies payment for an emergency medical service based on the absence of an emergency medical condition, it shall review the enrollee's medical record regarding the emergency medical condition at issue. If a health carrier requests records for a potential denial where emergency services were rendered, the health care provider shall submit the record of the emergency services to the carrier within forty-five processing days, or the claim shall be subject to section 376.383. The health carrier's review of emergency services shall be completed by a board-certified physician licensed under chapter 334 to practice medicine in this state;**

(4) When an enrollee receives an emergency service that requires immediate post evaluation or post stabilization services, a health carrier shall provide an authorization decision within sixty minutes of receiving a request; if the authorization decision is not made within [thirty] **sixty** minutes, such services shall be deemed approved;

(5) **When a patient's health benefit plan does not include or require payment to out-of-network health care providers for emergency services including but not limited to health maintenance organization plans, as defined in section 354.400, or a health benefit plan offered by a health carrier consistent with subdivision (19) of section 376.426, payment for all emergency services as defined in section 376.1350 necessary to screen and stabilize an enrollee shall be paid directly to the health care provider by the health carrier. Additionally, any services authorized by the health carrier for the enrollee once the enrollee is stabilized shall also be paid by the health carrier directly to the health care provider.**

**379.1545. INSURERS, PERMISSIBLE ACTS.** — Notwithstanding any other provision of law:

(1) An insurer may terminate or otherwise change the terms and conditions of a policy of portable electronics insurance only upon providing the policyholder and enrolled customers with at least thirty days' notice;

(2) If the insurer changes the terms and conditions of a policy of portable electronics insurance, the insurer shall provide the vendor and any policyholders with a revised policy or endorsement and each enrolled customer with a revised certificate, endorsement, updated brochure, or other evidence indicating a change in the terms and conditions has occurred and a summary of material changes;

(3) Notwithstanding subdivision (1) of this section, an insurer may terminate an enrolled customer's enrollment under a portable electronics insurance policy upon fifteen days' notice for discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a claim thereunder;

(4) Notwithstanding subdivision (1) of this section, an insurer may immediately terminate an enrolled customer's enrollment under a portable electronics insurance policy:

(a) For nonpayment of premium;

(b) If the enrolled customer ceases to have an active service with the vendor of portable electronics; or

(c) If an enrolled customer exhausts the aggregate limit of liability, if any, under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the customer within thirty calendar days after exhaustion of the limit. However, if the notice is not timely sent, enrollment and coverage shall continue notwithstanding the aggregate limit of liability until the insurer sends notice of termination to the enrolled customer;

(5) Where a portable electronics insurance policy is terminated by a policyholder, the policyholder shall mail or deliver written notice to each enrolled customer advising the customer of the termination of the policy and the effective date of termination. The written notice shall be mailed or delivered to the customer at least thirty days prior to the termination;

(6) Whenever notice is required under this section, it shall be in writing and may be mailed or delivered to the vendor at the vendor's mailing address and to its affected enrolled customers' last known mailing addresses on file with the insurer. If notice is mailed, the insurer or vendor, as the case may be, shall maintain proof of mailing in a form authorized or accepted by the U.S. Postal Service or other commercial mail delivery service. Alternatively, an insurer or vendor policyholder may comply with any notice required by this section by providing electronic notice to a vendor or its affected enrolled customers, as the case may be, by electronic means. **For purposes of this subdivision, agreement to receive notices and correspondence by electronic means shall be determined in accordance with section 432.220.** Additionally, if an insurer or vendor policyholder provides electronic notice to an affected enrolled customer and such delivery by electronic means is not available or is undeliverable, the insurer or vendor policyholder shall provide written notice to the enrolled customer by mail in accordance with this section. If notice is accomplished through electronic means, the insurer or vendor of portable electronics, as the case may be, shall maintain proof that the notice was sent.

**[374.115. INSURANCE EXAMINERS, COMPENSATION OF.** — Insurance examiners appointed or employed by the director of the department of insurance, financial institutions and professional registration shall be compensated according to the applicable levels established and published by the National Association of Insurance Commissioners.]

**SECTION B. EFFECTIVE DATE.** — The repeal of section 374.115 and the repeal and reenactment of sections 354.150, 354.495, 374.150, and 374.230 of section A of this act shall become effective on January 1, 2019.

Approved June 1, 2018

SCS SB 990

**Enacts provisions relating to the attachment of school districts to community college districts.**

AN ACT to repeal section 162.441, RSMo, and to enact in lieu thereof one new section relating to the attachment of school districts to community college districts.

SECTION

A. Enacting clause.

162.441 Annexation — procedure, alternative — form of ballot.

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

**SECTION A. ENACTING CLAUSE.** — Section 162.441, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.441, to read as follows:

**162.441. ANNEXATION — PROCEDURE, ALTERNATIVE — FORM OF BALLOT.** — 1. If any school district desires to be attached to a community college district organized under sections

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**178.770 to 178.890** or to one or more adjacent seven-director school districts for school purposes, upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district to attach the district to one or more adjacent seven-director districts and call [for] an election upon the question of such plan.

3. **As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school district at the election called for that purpose. The community college district shall be responsible for the costs associated with the election.**

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

[4.] 5. The question shall be submitted in substantially the following form:

Shall the \_\_\_\_\_ school district be annexed to the \_\_\_\_\_ school districts effective the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_?

[5.] 6. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

[6.] 7. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.

Approved June 1, 2018

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## SCS SB 999 &amp; 1000

**Enacts provisions relating to the designation of memorial infrastructure.**

AN ACT to amend chapter 227, RSMo, by adding thereto two new sections relating to the designation of memorial infrastructure.

## SECTION

- A. Enacting clause.
- 227.541 Highway Patrol Sgt. Benjamin Booth Memorial Highway designated for a portion of I-70 in Boone County.
- 227.542 Sheriff Roger I. Wilson Memorial Highway designated for a portion of I-70 in Boone County.

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

**SECTION A. ENACTING CLAUSE.** — Chapter 227, RSMo, is amended by adding thereto two new sections, to be known as sections 227.541 and 227.542, to read as follows:

**227.541. HIGHWAY PATROL SGT. BENJAMIN BOOTH MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-70 IN BOONE COUNTY.** — The portion of Interstate 70 from Rangeline Street continuing west to Business Loop 70 in Boone County shall be designated as "Highway Patrol Sgt. Benjamin Booth Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

**227.542. SHERIFF ROGER I. WILSON MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-70 IN BOONE COUNTY.** — The portion of Interstate Highway 70 from the eastern edge of the intersection of U.S. Highway 63 and Interstate 70 continuing west to Rangeline Street in Boone County shall be designated as "Sheriff Roger I. Wilson Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

Approved June 1, 2018

## SCS SB 1007

**Enacts provisions relating to the state personnel law.**

AN ACT to repeal sections 36.020, 36.030, 36.031, 36.040, 36.050, 36.060, 36.070, 36.080, 36.090, 36.100, 36.110, 36.120, 36.130, 36.140, 36.150, 36.170, 36.180, 36.190, 36.200, 36.210, 36.220, 36.225, 36.240, 36.250, 36.260, 36.270, 36.280, 36.290, 36.300, 36.310, 36.320, 36.340, 36.360, 36.380, 36.390, 36.400, 36.440, 36.470, 36.510, 37.010, 105.055, 207.085, 621.075, and 630.167, RSMo, and to enact in lieu thereof thirty-eight new sections relating to the state personnel law, with existing penalty provisions.

## SECTION

- A. Enacting clause.
- 36.020 Definitions.
- 36.025 All state employees at-will, exceptions.

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

- 36.030 Eleemosynary and penal institution personnel, administration of merit system — exemptions — employee suggestions, awards authorized — report, when.
- 36.031 Applicability of merit system — director of personnel to notify affected agencies.
- 36.040 Personnel division, head, functions — administration of law, equal opportunity law.
- 36.050 Advisory board, members, appointment, terms, removal, compensation.
- 36.060 Duties of board — rules generally, promulgation, procedure.
- 36.070 Rules and regulations, authorized, procedure.
- 36.080 Director — appointment — salary — removal.
- 36.090 Duties of personnel director.
- 36.100 Director to prepare position classification plans.
- 36.110 Allocation of positions to appropriate classes, delegation of allocation authority — right of employees to be heard.
- 36.120 Changes in or reallocation of positions.
- 36.130 Appointments subject to approval of director.
- 36.140 Director to prepare pay plan.
- 36.150 Appointments and promotions, how made — no discrimination permitted — prohibited activities — violations, cause for dismissal.
- 36.170 Examinations, how conducted — agencies may administer.
- 36.180 Examinations — accessibility and accommodations for persons with disabilities — rejection of applications — confidentiality of documents.
- 36.190 Notice of class or position openings — information to be given in notice.
- 36.200 Evaluation of qualifications of applicants.
- 36.220 Preference for veterans — exceptions.
- 36.225 Competitive examination, parental preference — eligibility, effect.
- 36.240 Appointing authorities, procedure to fill vacancies — director to certify for selection the names of available eligibles.
- 36.250 Probationary periods.
- 36.280 Transfer of employees — written notice to director.
- 36.320 Promotional register.
- 36.340 Director may establish system of service reports.
- 36.380 Dismissal of employee — notice.
- 36.390 Right of appeal, procedure, regulation — dismissal appeal procedure.
- 36.400 Powers of commission to administer oaths and issue subpoenas.
- 36.440 Compliance with law — penalty for failure to comply.
- 36.510 Director's duties for all state agencies — strikes by merit system employees.
- 37.010 Commissioner of administration, compensation, oath of office, duties — vacancy, governor to serve.
- 105.055 Reporting of mismanagement or violations of agencies, discipline of employee prohibited — appeal by employee from disciplinary actions, procedure — violation, penalties — civil action, when — auditor to investigate, when.
- 105.725 Confidentiality agreement, not to be required for claims paid.
- 207.085 Division employee dismissal, when — mitigating factors.
- 621.075 Merit employees, right of appeal, procedure.
- 630.167 Investigation of report, when made, by whom — abuse prevention by removal, procedure — reports confidential, privileged, exceptions — immunity of reporter, notification — retaliation prohibited — administrative discharge of employee, appeal procedure.
- 36.210 No competitive examinations for certain positions, alternative promotional procedures.
- 36.260 Provisional appointments — approval of director — for what period.
- 36.270 Emergency appointments.
- 36.290 Effect of transfer or promotion to an exempt position.
- 36.300 Vacancies, how filled.
- 36.310 Reinstatement register.
- 36.360 Layoffs.
- 36.470 Merit system employees entitled to service letter, when — refusal, penalty.

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

**SECTION A. ENACTING CLAUSE.**— Sections 36.020, 36.030, 36.031, 36.040, 36.050, 36.060, 36.070, 36.080, 36.090, 36.100, 36.110, 36.120, 36.130, 36.140, 36.150, 36.170, 36.180, 36.190, 36.200, 36.210, 36.220, 36.225, 36.240, 36.250, 36.260, 36.270, 36.280, 36.290, 36.300, 36.310, 36.320, 36.340, 36.360, 36.380, 36.390, 36.400, 36.440, 36.470, 36.510, 37.010, 105.055, 207.085, 621.075, and 630.167, RSMo, are repealed and thirty-eight new sections enacted in lieu thereof, to be known as sections 36.020, 36.025, 36.030, 36.031, 36.040, 36.050, 36.060, 36.070, 36.080, 36.090, 36.100, 36.110, 36.120, 36.130, 36.140, 36.150, 36.170, 36.180, 36.190, 36.200, 36.220, 36.225, 36.240, 36.250, 36.280, 36.320, 36.340, 36.380, 36.390, 36.400, 36.440, 36.510, 37.010, 105.055, 105.725, 207.085, 621.075, and 630.167, to read as follows:

**36.020. DEFINITIONS.**— Unless the context clearly requires otherwise, the following terms mean:

(1) "Agency", "state agency" or "agency of the state", each department, board, commission or office of the state except for offices of the elected officials, the general assembly, the judiciary and academic institutions;

(2) "Appointing authority", an officer or agency subject to this chapter having power to make appointments;

(3) "Board", the personnel advisory board as established by section 36.050;

(4) "Broad classification band", a grouping of positions with similar levels of responsibility or expertise;

(5) "Class" [or], "class of positions", or "**job class**", a group of positions subject to this chapter sufficiently alike in duties, authority and responsibilities to justify the same qualifications and the same schedule of pay to all positions in the group;

(6) "Director", the director of the division of personnel of the office of administration;

(7) "Disabled veteran", a veteran who has served on active duty in the Armed Forces at any time who receives compensation as a result of a service-connected disability claim allowed by the federal agency responsible for the administration of veteran's affairs, or who receives disability retirement or disability pension benefits from a federal agency as a result of such a disability or a National Guard veteran who was permanently disabled as a result of active service to the state at the call of the governor;

(8) "Division of service" or "division", a state department or any division or branch of the state, or any agency of the state government, all the positions and employees in which are under the same appointing authority;

(9) "**Eleemosynary or penal institutions**", an institution within state government holding, housing, or caring for inmates, patients, veterans, juveniles, or other individuals entrusted to or assigned to the state where it is anticipated that such individuals will be in residence for longer than one day. "**Eleemosynary or penal institutions**" shall not include elementary, secondary, or higher education institutions operated separately or independently from the foregoing institutions;

(10) "Eligible", a person whose name is on a register or who has been determined to meet the qualifications for a class or position;

[(10)] (11) "**Employee**", shall include only those persons employed in excess of thirty-two hours per calendar week, for a duration that could exceed six months, by a state agency and shall not include patients, inmates, or residents in state eleemosynary or penal institutions who work for the state agency operating an eleemosynary or penal institutions;

(12) **"Examination" or "competitive examination", a means of determining eligibility or fitness for a class or position;**

(13) "Open competitive examination", a [test] **selection process** for positions in a particular class, admission to which is not limited to persons employed in positions subject to this chapter **pursuant to subsection 1 of section 36.030;**

[(11)] (14) "Promotional examination", a [test] **selection process** for positions in a particular class, admission to which is limited to employees with regular status in positions subject to this chapter **pursuant to subsection 1 of section 36.030;**

[(12)] "Public hearing", a hearing held after public notice at which any person has a reasonable opportunity to be heard;

(13)] (15) "Register of eligibles", a list, **which may be restricted by locality**, of persons who have been found qualified [by an open competitive examination] for appointment to a position **subject to this chapter pursuant to subsection 1 of section 36.030;**

[(14)] (16) "Regular employee", [an employee] **a person employed in a position described under subdivision (2) of subsection 1 of section 36.030** who has successfully completed a probationary period as provided in section 36.250;

[(15)] "Reinstatement register", a list of persons who have been regular employees and who have been laid off in good standing due to lack of work or funds, or other similar cause, or who have been demoted in lieu of layoff;

(16)] (17) "State equal employment opportunity officer", the individual designated by the governor or the commissioner of administration as having responsibility for monitoring the compliance of the state as an employer with applicable equal employment opportunity law and regulation and for leadership in efforts to establish a state workforce which reflects the diversity of Missouri citizens at all levels of employment;

[(17)] (18) "Surviving spouse", the unmarried surviving spouse of a **deceased** disabled veteran or **the unmarried survivor's spouse of** any person who was killed while on active duty in the Armed Forces of the United States or an unmarried surviving spouse of a National Guard veteran who was killed as a result of active service to the state at the call of the governor;

[(18)] (19) "Veteran", any person who is a citizen of this state who has been separated under honorable conditions from the Armed Forces of the United States who served on active duty during peacetime or wartime for at least six consecutive months, unless released early as a result of a service-connected disability or a reduction in force at the convenience of the government, or any member of a reserve or National Guard component who has satisfactorily completed at least six years of service or who was called or ordered to active duty by the President and participated in any campaign or expedition for which a campaign badge or service medal has been authorized.

**36.025. ALL STATE EMPLOYEES AT-WILL, EXCEPTIONS. — Except as otherwise provided in section 36.030, all employees of the state shall be employed at-will, may be selected in the manner deemed appropriate by their respective appointing authorities, shall serve at the pleasure of their respective appointing authorities, and may be discharged for no reason or any reason not prohibited by law, including section 105.055.**

**36.030. ELEEMOSYNARY AND PENAL INSTITUTION PERSONNEL, ADMINISTRATION OF MERIT SYSTEM — EXEMPTIONS — EMPLOYEE SUGGESTIONS, AWARDS AUTHORIZED — REPORT, WHEN. — 1.** [A system of personnel administration based on merit principles and designed to secure efficient administration is established for all offices, positions and employees, except attorneys, of the department of social services, the department of corrections, the

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department of health and senior services, the department of natural resources, the department of mental health, the division of personnel and other divisions and units of the office of administration, the division of employment security, mine safety and on-site consultation sections of the division of labor standards and administration operations of the department of labor and industrial relations, the division of tourism and division of workforce development, the Missouri housing development commission, and the office of public counsel of the department of economic development, the Missouri veterans commission, capitol police and state emergency management agency of the department of public safety, such other agencies as may be designated by law, and such other agencies as may be] **(1) Employees in eleemosynary or penal institutions shall be selected on the basis of merit.**

**(2) So much of any agency that is** required to maintain personnel standards on a merit basis by federal law or regulations for grant-in-aid programs]; except that,] **shall, except for those positions specified in subsection 2 of this section, select employees on the basis of merit and maintain such standards as specified in this chapter and as otherwise required.**

**2. State agencies operating eleemosynary or penal institutions shall not domicile** the following [offices and] positions [of these agencies are not subject to this chapter and may be filled without regard to its provisions] **in such institutions and such positions shall not be selected in accordance with subsection 1 of this section:**

(1) Other provisions of the law notwithstanding, members of boards and commissions, departmental directors, five principal assistants designated by the departmental directors, division directors, and three principal assistants designated by each division director]; except that, these exemptions shall not apply to the division of personnel];

(2) One principal assistant for each board or commission, the members of which are appointed by the governor or by a director of the department;

(3) Chaplains and attorneys [regularly employed or appointed in any department or division subject to this chapter, except as provided in section 36.031];

(4) Persons employed in work assignments with a geographic location principally outside the state of Missouri and other persons whose employment is such that selection by competitive examination and standard classification and compensation practices are not practical under all the circumstances as determined by the board by rule;

(5) Patients [or], inmates, **or residents** in state [charitable,] penal [and correctional] institutions who [may also be employees in the institutions] **work for the agency operating the eleemosynary or penal institution;**

(6) Persons employed in an internship capacity in a state department or institution as a part of their formal training, at a college, university, business, trade or other technical school; except that, by appropriate resolution of the governing authorities of any department or institution, the personnel division may be called upon to assist in selecting persons to be appointed to internship positions;

(7) The administrative head of each state medical, penal and correctional institution, as warranted by the size and complexity of the organization and as approved by the board;

(8) Deputies or other policy-making assistants to the exempt head of each division of service, as warranted by the size or complexity of the organization and in accordance with the rules promulgated by the personnel advisory board;

(9) Special assistants as designated by an appointing authority; except that, the number of such special assistants shall not exceed [one] **two** percent of a department's total authorized full-time equivalent workforce];

(10) Merit status shall be retained by present incumbents of positions identified in this section which have previously been subject to this chapter].

[2. All positions in the executive branch transferred to coverage pursuant to this chapter where incumbents of such positions have at least twelve months' prior service on the effective date of such transfer shall have incumbency preference and shall be permitted to retain their positions, provided they meet qualification standards acceptable to the division of personnel of the office of administration. An employee with less than twelve months of prior service on the effective date of such transfer or an employee who is appointed to such position after the effective date of such transfer and prior to the classification and allocation of the position by the division of personnel shall be permitted to retain his or her position, provided he or she meets acceptable qualification standards and subject to successful completion of a working test period which shall not exceed twelve months of total service in the position. After the allocation of any position to an established classification, such position shall thereafter be filled only in accordance with all provisions of this chapter.

3. The system of personnel administration governs the appointment, promotion, transfer, layoff, removal and discipline of employees and officers and other incidents of employment in divisions of service subject to this chapter, and all appointments and promotions to positions subject to this chapter shall be made on the basis of merit and fitness.

4.] **3.** To encourage all state employees to improve the quality of state services, increase the efficiency of state work operations, and reduce the costs of state programs, the director of the division of personnel shall establish employee recognition programs, including a statewide employee suggestion system. The director shall determine reasonable rules and shall provide reasonable standards for determining the monetary awards, not to exceed five thousand dollars, under the employee suggestion system. [Awards shall be made from funds appropriated for this purpose.]

[5.] **4.** At the request of the senate or the house of representatives, the commissioner of administration shall submit a report on the employee suggestion award program described in subsection [4] **3** of this section.

**36.031. APPLICABILITY OF MERIT SYSTEM — DIRECTOR OF PERSONNEL TO NOTIFY AFFECTED AGENCIES. — 1.** Any provision of law to the contrary notwithstanding, except for the elective offices, institutions of higher learning, the department of transportation, the department of conservation, [those positions in] **the department of higher education, the department of elementary and secondary education**, the Missouri state highway patrol [the compensation of which is established by subdivision (2) of subsection 2 of section 43.030 and section 43.080], those positions in the division of finance and the division of credit unions compensated through a dedicated fund obtained from assessments and license fees under sections 361.170 and 370.107, and those positions for which the constitution specifically provides the method of selection, classification, or compensation, and the positions specified in subsection [1] **2** of section 36.030, [but including attorneys, those] departments, agencies and positions of the executive branch of state government [which have not been subject to these provisions of the state personnel law] shall be subject to the provisions of sections 36.100, 36.110, 36.120 [and], 36.130, **36.140, and 36.180**, and the regulations adopted pursuant to sections 36.100, 36.110, 36.120 [and], 36.130, **36.140, and 36.180**, which relate to the preparation, adoption and maintenance of a position classification plan, the establishment and allocation of positions within the classification plan and the use of appropriate class titles in official records, vouchers, payrolls and communications.

**2.** Any provision of law which confers upon any official or agency subject to the provisions of this section the authority to appoint, classify or establish compensation for employees shall mean the exercise of such authority subject to the provisions of this section.

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3. This section shall not extend coverage of any section of this chapter, except those specifically named in this section, to any **department**, agency, or employee **of the executive branch of state government**. In accordance with sections 36.100, 36.110, 36.120 [and], 36.130, **36.140, and 36.180**, and after consultation with appointing authorities, the director of the division of personnel shall conduct such job studies and job reviews and establish such additional new and revised job classes as the director finds necessary for appropriate classification of the positions involved. Such classifications and the allocation of positions to classes shall be maintained on a current basis by the division of personnel. The director of the division of personnel shall, at the same time, notify all affected agencies of the appropriate assignment of each job classification to one of the salary ranges within the pay plan [then applicable to merit system agencies]. The affected agencies and employees in the classifications set pursuant to this section shall be subject to the pay plan and rates of compensation established and administered in accordance with the provisions of this section[, and the regulations adopted pursuant to this section, on the same basis as for merit agency employees. In addition,].

4. Any elected official, institution of higher learning, the department of transportation, the department of conservation, the general assembly, or any judge who is the chief administrative officer of the judicial branch of state government may request the division of personnel to study salaries within the requestor's office, department or branch of state government for classification purposes.

**36.040. PERSONNEL DIVISION, HEAD, FUNCTIONS — ADMINISTRATION OF LAW, EQUAL OPPORTUNITY LAW.** — 1. The division of personnel of the office of administration, the administrative head of which is the personnel director, shall administer this chapter and render the services to the departments and divisions subject to the provisions of this chapter that are necessary and desirable to assist the officials in discharging their responsibility for maintaining and increasing the effectiveness of personnel administration. The division shall provide consultation and expertise in personnel management to all agencies to assist in the accomplishment of the missions of such agencies.

2. The division shall administer this chapter in a manner which complies with equal opportunity law and shall consult with the state equal employment opportunity officer in various aspects of the administration of this chapter to ensure such compliance. In particular, the division shall consult with the state equal employment opportunity officer regarding the classification plan, the pay plan, qualifications for admittance to examinations, [noncompetitive registration] and **nonmerit** selection procedures[, waiver of competitive examinations, noncompetitive promotions, alternative promotional procedures, alternatives for filling vacancies, and layoff actions,] for the purpose of ensuring compliance with equal opportunity law and regulations, and on developed plans to establish a state workforce which reflects the diversity of Missouri citizens at all levels of employment.

**36.050. ADVISORY BOARD, MEMBERS, APPOINTMENT, TERMS, REMOVAL, COMPENSATION.** — 1. The personnel advisory board and its functions, duties and powers prescribed in this chapter is transferred by type III transfer to the office of administration.

2. The personnel advisory board shall consist of seven members. Four members of the board shall be public members, citizens of the state who are not state employees or officials, of good character and reputation, who are known to be in sympathy with the application of merit principles to public employment. Two members shall be employees of state agencies [covered by] **subject to this chapter pursuant to subsection 1 of section 36.030 or any department, agency, or position of the executive branch of state government not exempted from section 36.031**, one a member of executive management, and one a nonmanagement employee. The state equal

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employment opportunity officer shall be a member of the board. No member of the board, during the member's term of office, or for at least one year prior thereto, shall be a member of any local, state or national committee of a political party or an officer or member of a committee in any partisan political club or organization, or hold, or be a candidate for, a partisan public office. An employee member who leaves state employment or otherwise fails to further qualify for the appointment shall vacate the position.

3. The members of the board shall be appointed by the governor by and with the advice and consent of the senate. [The three current members of the board serving terms which expire July 31, 1998, July 31, 2000, and July 31, 2002, shall continue to serve for the terms for which they were previously appointed. One new public member shall be appointed for a term ending July 31, 1998, one employee member shall be appointed for a term ending July 31, 2000, and one employee member shall be appointed for a term ending July 31, 2002. Thereafter,] Appointments of all members shall be for terms of six years. Any vacancy shall be filled by an appointment for the unexpired term. Each member of the board shall hold office until such member's successor is appointed and qualified.

4. A member of the board is removable by the governor only for just cause, after being given a written notice setting forth in substantial detail the charges against the member and an opportunity to be heard publicly on the charges before the governor. A copy of the charges and a transcript of the record of the hearing shall be filed with the secretary of state.

5. Each public member of the board shall be paid an amount for each day devoted to the work of the board which shall be determined by the commissioner of administration and filed with the reorganization plan of the office of administration; provided, however, that such amount shall not exceed that paid to members of boards and commissions with comparable responsibilities. All board members are entitled to reimbursement for necessary travel and other expenses pertaining to the duties of the board. Duties performed for the board by any employee member of the board shall be considered duties in connection with the appointment of the individual, and such employee member shall suffer no loss of regular compensation by reason of performance of such duties.

6. The board shall elect from among its membership a chairman and vice chairman, who shall act as chairman in the chairman's absence. It shall meet at the times and places specified by call of the chairman, the governor, or the director. At least one meeting shall be held every three months. All regular meetings are open to the public. Notice of each meeting shall be given in writing to each member by the director. [Two members shall constitute a quorum until January 1, 1997, thereafter,] Four members shall constitute a quorum for the transaction of official business.

7. To assist in the performance of its duties the board may employ staff from funds appropriated for this purpose; provided, however, that this provision shall not be interpreted to limit the ability of the personnel director to provide assistance to the board.

**36.060. DUTIES OF BOARD — RULES GENERALLY, PROMULGATION, PROCEDURE.** — 1. In addition to the duties imposed upon it elsewhere in this chapter, it shall be the duty of the board:

(1) To make any investigation which it may consider desirable concerning the administration of personnel subject to this [law] **chapter pursuant to subsection 1 of section 36.030 and all personnel of any department or agency of the executive branch of state government not exempted from section 36.031;**

(2) To hold regular meetings with appointing authorities to propose methods of resolving general personnel problems;

(3) To make annual reports, and such special reports as it considers desirable, to the governor and the general assembly regarding personnel administration in the state service and

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recommendations there. These special reports [shall] **may** evaluate the effectiveness of the personnel division and the appointing [authority] **authorities** in their operations under this [law] **chapter**;

(4) To make such suggestions and recommendations to the governor and the director relating to the state's employment policies as will promote morale, efficiency and uniformity in compensation of the various employees in the state service;

(5) To promulgate rules and regulations to ensure that no applicant or employee is discriminated against on the basis of race, creed, color, religion, national origin, sex, ancestry or handicap.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

**36.070. RULES AND REGULATIONS, AUTHORIZED, PROCEDURE.** — 1. The board shall have power to prescribe such rules and regulations not inconsistent with the provisions of this chapter as it deems suitable and necessary to carry out the provisions of this chapter. Such rules and regulations shall be effective when filed with the secretary of state as provided by law.

2. The board shall prescribe by rule the procedures for [employment and promotion] **merit selection, uniform classification and pay, and covered appeals** in accordance with the provisions of this chapter.

[3. The board shall determine by rule the procedures for and causes of disciplinary actions including termination, demotion and suspension of employees subject to this chapter which regulations shall be consistent with the provisions of this law.]

**36.080. DIRECTOR — APPOINTMENT — SALARY — REMOVAL.** — 1. The director shall be a person who is experienced in the principles and methods of personnel administration, who is familiar with and in sympathy with the application of merit principles and efficient methods of public administration. [He] **The director** shall be appointed for a term of four years beginning on July first following the election of a governor, which term may be renewed at its expiration at the option of the governor]; except that the provisions of this section shall not apply to the incumbent personnel director on September 28, 1979, who shall retain such merit system status as has been previously attained].

2. The personnel director shall not during his **or her** term of office, or for one year prior thereto:

- (1) Be a member of any local, state or national committee of a political party;
- (2) Be a member of any partisan political club or organization;
- (3) Actively participate in any partisan political campaign; or
- (4) Hold or be a candidate for any partisan public office.

3. Upon an impending or actual vacancy in the position of director, the board shall publicly solicit applications for the position and prepare and submit to the governor a list of the five most qualified applicants. In the course of preparing such a list the board may engage the services of persons experienced in personnel administration as consultants to assist it in examining and determining the best qualified available persons for appointment as director. The board shall be authorized to pay, out of the funds appropriated to it, the necessary travel and other expenses of any consultants engaged under the provisions of this section, and may also defray the travel expenses of candidates for the position who are requested to report for an interview. **The director may also assist the board with the search process and division of personnel resources may be used to advance the search process.**

4. The provisions of subdivision (2) of subsection 5 of section 1 of the Reorganization Act of 1974 notwithstanding, the total compensation of any director [appointed after September 28, 1979,] shall not exceed the statutory salary of department heads.

5. The provisions of subsection 8 of section 15 of the Reorganization Act of 1974 notwithstanding, the governor shall appoint to the position of director, without regard to his **or her** political affiliation and subject to the advice and consent of the senate, one of the persons named on the list submitted by the board.

6. The director may be removed by the board for [just cause after being given a notice setting forth in substantial detail the charges before the board. A copy of the charges and a transcript of the record of the hearing shall be filed with the secretary of state] **no reason or for any reason.**

**36.090. DUTIES OF PERSONNEL DIRECTOR.** — 1. The director, as executive head of the personnel division, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed upon [him] **the director** elsewhere in this chapter, [it shall be his duty:

(1) To require the development of effective personnel administration and to make available the facilities of the division to this end;

(2) To] **the director may** develop in cooperation with appointing authorities a management training program, a recruiting program, and a system of performance appraisals, and to assist appointing authorities in the setting of productivity goals.

2. The director shall assist the board in the performance of its functions and attend board meetings.

3. The director [shall] **may**:

(1) Establish and maintain a roster of all officers and employees subject to this [law] **chapter pursuant to subsection 1 of section 36.030 or pursuant to section 36.031**, in which there shall be set forth, as to each employee, a record of the class title of the position held; the salary or pay; any change in class title, pay or status, and such other data as may be deemed desirable to produce significant facts pertaining to personnel administration;

(2) Appoint[, under the provisions of this chapter, and, with the approval of the board,] **and** fix the compensation of such experts and special assistants as may be necessary to carry out effectively the provisions of this chapter[, such employees to be selected upon the basis of merit and fitness and as other employees subject to this law unless otherwise directed under the provisions of this chapter];

(3) Investigate the effects of this [law,] **chapter and** the rules promulgated under this [law] **chapter** and [the operation of the merit system and] report his [finding] **or her findings** and recommendations to the board and the governor;

(4) Make annual reports concerning the work of the division, problems in personnel management, and actions taken or to be taken by the division to resolve those problems;

(5) Perform any other lawful act which he **or she** may consider necessary or desirable to carry out the purposes and provisions of this [law] **chapter.**

4. The director shall appoint[, in full conformity with all the provisions of this chapter,] a deputy or deputies. In case of the absence of the director or his **or her** inability from any cause to discharge the powers and duties of his **or her** office, such powers and duties shall devolve upon his **or her** deputy.

**36.100. DIRECTOR TO PREPARE POSITION CLASSIFICATION PLANS.** — 1. The director shall ascertain the duties, authority and responsibilities of all positions subject to this chapter **pursuant to subsection 1 of section 36.030, and all positions subject to this section pursuant to section 36.031.** After consultation with the appointing authorities, the director shall prepare and

recommend to the board, and maintain on a continuing basis, a position classification plan, which shall group all positions [in the classified service] **subject to this chapter pursuant to subsection 1 of section 36.030, and all positions subject to this section pursuant to section 36.031** in classes, based on their duties, authority and responsibilities. Except as provided in subsection 2 of this section, the position classification plan shall set forth, for each class of positions, a class title and a statement of the duties, authority and responsibilities thereof, and the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class; provided, that no plan shall be adopted which prohibits the substitution of experience for education for each class of positions, except that, the board may determine that there is no equivalent substitution in particular cases. Classifications should be sufficiently broad in scope to include as many comparable positions as possible both on an intra- and inter-departmental basis[, including both merit and nonmerit agencies].

2. The classification plan may group [management] positions with similar levels of responsibility or expertise into broad classification bands.

3. The director shall [require an initial and ongoing review of the number of classifications in each division of service and shall], in consultation with the agencies, eliminate and combine classes when possible, taking into consideration the recruitment, [examination,] selection, and compensation of personnel in the various classes.

**36.110. ALLOCATION OF POSITIONS TO APPROPRIATE CLASSES, DELEGATION OF ALLOCATION AUTHORITY — RIGHT OF EMPLOYEES TO BE HEARD.** — After consultation with appointing authorities, the director shall allocate each position [in the classified service] **subject to this chapter pursuant to subsection 1 of section 36.030 and each position subject to this section pursuant to section 36.031** to the appropriate class therein on the basis of its duties, authority and responsibilities. The director may delegate allocation authority to the appointing authorities for positions in classes in their divisions of service within standards and limits which have been developed in consultation with and agreed to by the appointing authorities. Any employee affected by the allocation of a position to a class, whether by the director or by the appointing authority, shall, after filing with the director a written statement setting forth reasons for requesting a consideration thereof, be given a reasonable opportunity to be heard thereon by the director.

**36.120. CHANGES IN OR REALLOCATION OF POSITIONS.** — 1. Before establishing a new position in divisions of the service subject to this chapter **pursuant to subsection 1 of section 36.030 or any new position in a department or agency of the executive branch of state government subject to this section pursuant to section 36.031**, or before making any permanent and substantial change of the duties, authority or responsibilities of [a] **any such position** [subject to this chapter], an appointing authority shall notify the director in writing of the appointing authority's intention to do so, except where the positions may be allocated by the appointing authority.

2. The director may at any time allocate any new position to a class, or change the allocation of any position to a class, or recommend to the board changes in the classification plan. Any change in the classification plan recommended by the director shall take effect when approved by the board, or on the ninetieth day after it is recommended to the board if prior thereto the board has not approved it. In case of necessity requiring the immediate establishment of a new class, the director may establish such a class on an interim basis pending approval of the class by the board as recommended by the director.

3. When the allocation of a position to a class is changed, the director shall notify the appointing authority. If allocation authority is delegated, the appointing authority shall notify the director of any changes in the allocation. If the position is filled at the time of reallocation to a class, the appointing authority shall immediately notify the incumbent of the position regarding the allocation change. If the incumbent does not agree with the new allocation, the incumbent may[, under conditions specified in the rules,] submit to the director a request for a review of the allocation of the position.

4. If any change is made in the classification plan by which a class of positions is divided, altered, or abolished, or classes are combined, the director shall forthwith reallocate the positions affected to their appropriate classes in the amended classification plan. An employee who is occupying a position reallocated to a different class shall, subject to the regulations, be given the same status in the new class as previously held in the class from which his or her position is reallocated. [The director may require that the employee achieve a satisfactory grade on a noncompetitive test of fitness for the class to which his or her position has been reallocated.]

5. After a class of positions has been approved by the board, the director is authorized to make such changes in the class title or in the statement of duties and qualifications for the class as the director finds necessary for current maintenance of the classification plan; provided, however, that changes which materially affect the nature and level of a class or which involve a change in salary range for the class shall be approved by the board.

**36.130. APPOINTMENTS SUBJECT TO APPROVAL OF DIRECTOR.** — Following the adoption of the classification plan and the allocation of classes therein [of positions in the classified service], the class titles set forth therein shall be used to designate such positions in all official records, vouchers, payrolls, and communications. No person shall be appointed to, or employed in, a position in divisions of the service subject to this [law] **chapter pursuant to subsection 1 of section 36.030 or a position in a department or agency of state government subject to this section pursuant to section 36.031** under a class title which has not been approved by the director as appropriate to the duties to be performed.

**36.140. DIRECTOR TO PREPARE PAY PLAN.** — 1. After consultation with appointing authorities and the state fiscal officers, and after a public hearing **following suitable notice**, the director shall prepare and recommend to the board a pay plan for [all classes] **each class of positions subject to this chapter pursuant to subsection 1 of section 36.030 and each class of positions subject to this section pursuant to section 36.031**. The pay plan shall include, for each class of positions, a minimum and a maximum rate, and such provision for intermediate rates as the director considers necessary or equitable. **The pay plan may also provide for the use of open, or stepless, pay ranges.** The pay plan may include provision for grouping of [management] positions with similar levels of responsibility or expertise into broad classification bands for purposes of determining compensation and for such salary differentials and other pay structures as the director considers necessary or equitable. In establishing the rates, the director shall give consideration to the experience in recruiting for positions in the state service, the rates of pay prevailing in the state for the services performed, and for comparable services in public and private employment, living costs, maintenance, or other benefits received by employees, and the financial condition and policies of the state. These considerations shall be made on a statewide basis and shall not make any distinction based on geographical areas or urban and rural conditions. The pay plan shall take effect when approved by the board and the governor, and each employee appointed to a position subject to this chapter **pursuant to subsection 1 of section 36.030 and each class of**

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**positions subject to this section pursuant to section 36.031**, after the adoption of the pay plan shall be paid according to the provisions of the pay plan for the position in which he or she is employed; provided, that the commissioner of administration certifies that there are funds appropriated and available to pay the adopted pay plan. The pay plan shall also be used as the basis for preparing budget estimates for submission to the legislature insofar as such budget estimates concern payment for services performed in positions subject to this chapter **pursuant to subsection 1 of section 36.030 and positions subject to this section pursuant to section 36.031**. Amendments to the pay plan may be recommended by the director from time to time as circumstances require and such amendments shall take effect when approved as provided by this section. The conditions under which employees may be appointed at a rate above the minimum provided for the class, or advance from one rate to another within the rates applicable to their positions, [shall] **may** be determined by the regulations.

2. Any change in the pay plan shall be made on a uniform statewide basis. No employee in a position subject to this chapter shall receive more or less compensation than another employee solely because of the geographical area in which the employee lives or works.

**36.150. APPOINTMENTS AND PROMOTIONS, HOW MADE — NO DISCRIMINATION PERMITTED — PROHIBITED ACTIVITIES — VIOLATIONS, CAUSE FOR DISMISSAL. —** 1. Every appointment or promotion to a position covered by this chapter **pursuant to subsection 1 of section 36.030** shall be made on the basis of merit as provided in this chapter. [Demotions in and dismissals from employment shall be made for cause under rules and regulations of the board uniformly applicable to all positions of employment.] No **such selection, appointment, or promotion**[, demotion or dismissal] shall be made [because of favoritism, prejudice or] **on the basis of unlawful discrimination proscribed under Missouri law or any applicable federal law**. The regulations shall prohibit **such unlawful** discrimination in other phases of employment and personnel administration [and shall provide such remedy as is required by federal merit system standards for grant-in-aid programs].

2. Political endorsements shall not be considered in connection with any such appointment.

3. No person shall use or promise to use, directly or indirectly, for any consideration whatsoever, any official authority or influence to secure or attempt to secure for any person an appointment or advantage in appointment to any such position or an increase in pay, promotion or other advantage in employment.

4. No person shall in any manner levy or solicit any financial assistance or subscription for any political party, candidate, political fund, or publication, or for any other political purpose, from any employee in a position subject to this chapter, and no such employee shall act as agent in receiving or accepting any such financial contribution, subscription, or assignment of pay. No person shall use, or threaten to use, coercive means to compel an employee to give such assistance, subscription, or support, nor in retaliation for the employee's failure to do so.

5. No such employee shall be a candidate for nomination or election to any partisan public office or nonpartisan office in conflict with that employee's duties unless such person resigns, or obtains a regularly granted leave of absence, from such person's position.

6. No person elected to partisan public office shall, while holding such office, be appointed to any position covered by this chapter.

7. Any officer or employee in a position subject to this chapter who purposefully violates any of the provisions of this section shall forfeit such office or position. If an appointing authority finds that such a violation has occurred, or is so notified by the director, this shall constitute cause for

dismissal [pursuant to section 36.390 and a final determination by the administrative hearing commission as to the occurrence of a violation].

**36.170. EXAMINATIONS, HOW CONDUCTED — AGENCIES MAY ADMINISTER. — 1. The standards of education or experience expected for a position subject to this chapter pursuant to subsection 1 of section 36.030 shall be established on the basis of specified knowledge, skills, and abilities.** The director [shall from time to time] **or an appointing authority may** conduct such open competitive and promotional examinations as [the director considers necessary] **appropriate to implement the provisions of subsection 1 of section 36.030.** The examinations shall be of such character as to determine the [relative] qualifications, fitness and ability of the persons [tested] **examined** to perform the duties of the **position or** class for which a register is to be established. No question shall be so framed as to elicit information concerning the political or religious opinions or affiliations of an applicant.

2. Agencies may request authority from the director, **or the director may delegate authority to agencies, to [administer] conduct** examinations for **some or** all positions[, in accordance with rules adopted by the board] **or job classes.** When such [a request] **action** is [approved] **taken,** the director[, in accordance with rules established by the board, shall] **may** establish standards and guidelines to be followed.

[3. Pursuant to rules promulgated by the board, appointing authorities may request that the division of personnel administer promotional examinations limited to those already employed by the state or within the department or division of service involved.

4. All examinations conducted by the director shall be conducted in a location which is fully accessible to persons with disabilities or if such a facility is not available in a given location for such regular examinations, a special examination will be arranged upon request of an applicant with a disability in a facility which is fully accessible.]

**36.180. EXAMINATIONS — ACCESSIBILITY AND ACCOMMODATIONS FOR PERSONS WITH DISABILITIES — REJECTION OF APPLICATIONS — CONFIDENTIALITY OF DOCUMENTS. — 1.** [The standards of education or experience in the classification plan for each class shall be established on the basis of specified knowledge, skills and abilities. Admission to examinations shall be open to all persons who possess the qualifications and who may be lawfully appointed to a position in the class for which a register is to be established. The regulations may also require that applicants achieve at least a satisfactory grade in each progressive part of the examination in order to be admitted to subsequent parts of the examination or to receive a final passing score.

2. To ensure competitive equality between the hearing impaired or the blind and persons not so disabled, the applicant may request from the director the furnishing of a certified interpreter for the hearing impaired or an amanuensis or a reader for the blind when necessary, and the furnishing of a place to take such examination, or such other similar prerequisites to ensure equality in such examination.

3.] **All examinations conducted by the director or an appointing authority shall be accessible to persons with disabilities.**

2. **A qualified applicant with a disability needing reasonable accommodations may request said accommodations to participate in the application process for positions subject to this chapter pursuant to subsection 1 of section 36.030 and those positions subject to this section pursuant to section 36.031. The director or the appointing authority filling the particular position shall provide reasonable accommodations to such.**

3. The director may reject the application of any person for admission to an examination, strike the name of any person from the register, refuse to certify the name of any person, or withdraw the

certification of a person if the director finds that the person lacks any of the qualifications, has been convicted of a crime which raises questions about his or her qualifications, has been dismissed from the public service for delinquency, has made a false statement of a material fact or practiced or attempted to practice any fraud or deception, in his or her application or examination or in attempting to secure appointment.

4. [The director may take such action as is authorized in subsection 3 of this section if the director finds the person has a health condition or disability which would clearly prohibit the person from performing the duties required for the position for which the applicant has applied] **The application, application materials, examination papers, and any other document related to the selection process shall not be considered a public record, as that term is defined under section 610.010.**

**36.190. NOTICE OF CLASS OR POSITION OPENINGS — INFORMATION TO BE GIVEN IN NOTICE.**

— 1. [The director shall give] **Appropriate** public notice [of] **shall be given for** each [open competitive and promotional examination] **class or position subject to this chapter pursuant to subsection 1 of section 36.030** sufficiently in advance [of such examination] and sufficiently widespread in scope to afford **qualified** persons who are interested [in participating in the examination] a reasonable opportunity to apply. [The time elapsing between the official announcement of an examination and the holding of such examination shall be not less than two calendar weeks, except that a lesser period of advance notice may be permissible under the regulations when the examination is conducted under the provisions of subsection 3 of section 36.320 or when the needs of the service pursuant to subsection 1 of section 36.260 require special notices.]

2. Each [official] **public** notice of an examination **for a class or position subject to this chapter pursuant to subsection 1 of section 36.030** shall state the title, duties, pay and qualifications of [positions for which the examination is to be held;] **the class or position**, the time, place, and manner of making application [for admission to such examination;], and any other information which [the director considers] **may be considered** pertinent and useful.

[3. The director shall ensure that the official announcement of an examination is given the widest distribution necessary to inform qualified persons that the examination is being given. The director may use any means that the director considers necessary to inform qualified persons about the examination. These include, but are not limited to, paid advertisements in newspapers, periodicals, electronic media and announcements to educational institutions. The director may also publish a periodic bulletin containing information about examinations to be sent to subscribers at a price approximating the cost of publication.]

**36.200. EVALUATION OF QUALIFICATIONS OF APPLICANTS.** — The methods for [rating the various parts of the examinations and the minimum satisfactory grade] **evaluating the qualifications of each applicant for a position subject to this chapter pursuant to subsection 1 of section 36.030** shall be determined by the [regulations]. Each person who takes any examination shall be given written notice as to whether he passed or failed the examination, and he shall be entitled to inspect his ratings and examination papers, but examination papers shall not be open to the general public. A manifest error in rating an examination which affects the relative ranking of persons shall be corrected if called to the attention of the director within thirty days after the establishment of the register, but such correction shall not invalidate any appointment previously made from such a register unless it is established that the error was made in bad faith and with intent to deprive a person of certification] **appointing authority**.

**36.220. PREFERENCE FOR VETERANS—EXCEPTIONS.** — 1. In any competitive examination [given] for the purpose of establishing a register of eligibles, veterans, disabled veterans, surviving spouses and spouses of disabled veterans shall be given preference [in appointment and examination in the following manner:

(1) A veteran, or the surviving spouse of any veteran whose name appears on a register of eligibles who made a passing grade, shall have five points added to his or her final grade, and his or her rank on the register shall be determined on the basis of this augmented grade.

(2) The spouse of a disabled veteran, whose name appears on a register of eligibles and who made a passing grade, shall have five points added to his or her final grade, and his or her rank on the register shall be determined on the basis of this augmented grade. This preference shall be given only if the veteran is not employed in the state service and the disability renders him or her unqualified for entrance into the state service.

(3) A disabled veteran, whose name appears on a register of eligibles and who made a passing grade, shall have ten points added to his or her final grade, and his or her rank on the register shall be determined on the basis of this augmented grade]. **A veteran, or the surviving spouse of a veteran, a disabled veteran, or the spouse of a disabled veteran shall be given preference in appointment to a position subject to this chapter pursuant to subsection 1 of section 36.030 over other eligibles if all other relevant job-related factors are equal.**

2. Any person who has been honorably discharged from the Armed Forces of the United States shall receive appropriate credit for any training or experience gained therein in any examination if the training or experience is related to the duties of the class of positions for which the examination is given.

**36.225. COMPETITIVE EXAMINATION, PARENTAL PREFERENCE — ELIGIBILITY, EFFECT.** — 1. In any competitive examination given for the purpose of establishing a register of eligibles, a parental preference shall be given to persons who were previously employed by the state but terminated such employment to care for young children. This preference shall be given only for persons who were full-time homemakers and caretakers of children under the age of ten and were not otherwise gainfully employed for a period of at least two years.

2. [If the name of a person eligible for a parental preference appears on a register of eligibles who made a passing grade, such person shall have five points added to the final grade, and the rank of such person on the register shall be determined on the basis of this augmented grade.] **Applicants entitled to parental preference shall be given such preference in appointments over other eligibles, excluding applicants eligible for a veteran's preference, if all other relevant job-related factors are equal.**

**36.240. APPOINTING AUTHORITIES, PROCEDURE TO FILL VACANCIES — DIRECTOR TO CERTIFY FOR SELECTION THE NAMES OF AVAILABLE ELIGIBLES.** — 1. [Whenever] An appointing authority [proposes to] **may** fill one or more vacancies [in a class of] **for** positions subject to this chapter], the appointing authority shall submit] **pursuant to subsection 1 of section 36.030 by submitting** to the director, as far in advance of the desired appointment date as possible, a requisition for the certification of eligible persons from an appropriate register. The requisition shall contain information as required by the director. The appointing authority, subject to conditions specified in the regulations, may also designate special requirements of domicile or the possession of special skills. If the director finds that such requirements would contribute substantially to effective performance of the duties involved, certification may be limited to persons on the register who meet such requirements.

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2. [When vacancies to be filled are in a class from which employees have been laid off, or demoted in lieu of layoff, certification shall be limited to previous employees until all employees of a division of service on the appropriate reinstatement register have been reinstated in order of rank on the register. Thereafter, certification from reinstatement and other registers shall be in accordance with the provisions of this section and the regulations of the board.

3.] Upon a request for certification, the director shall certify for selection [the names of the top fifteen ranking available eligibles or] the names of available eligibles [comprising the top ranking fifteen percent of available eligibles, whichever is greater, plus such additional eligibles as have a final rating equal to that of the last certified eligible. Upon request of the appointing authority, the director may also certify, for each additional vacancy to be filled from the same certification, the next five ranking available eligibles plus such additional eligibles as have a final rating equal to that of the last certified eligible.

4. If the director finds that the nature of the examination process and the type of positions involved justify alternative procedures for filling vacancies, the board may by rule prescribe such procedures which may include certification by broad category of examination rating or within a specified range of scores].

[5.] **3.** When a position [in divisions of the service] subject to this chapter **pursuant to subsection 1 of section 36.030** is limited in duration, [certification may be limited to the highest ranking] **the director may certify any** eligible who will accept employment under such conditions. A person appointed to a position under such conditions shall [retain his or her relative position] **remain** on the register and shall be eligible for certification to a permanent position [in the regular order] until the register itself has expired. [If a temporary position is limited to less than ninety calendar days' duration, the appointing authority may fill the position by temporary appointment in the manner provided in section 36.270.

6. The rules shall prescribe the conditions under which the name of an eligible who has been certified to and considered for appointment by an appointing authority but has not been appointed may be withheld from further certification to such appointing authority. The eligible shall be entitled to retain his or her place on the eligible register during the life of the register, and shall be certified in the order of his or her rank to other vacancies in the class under other appointing authorities.

7. Eligibles who are not available for appointment when offered certification shall be granted a waiver of certification upon their request.]

**4.** Eligibles who do not respond within a reasonable period to a notice of certification may at the discretion of the director be dropped from the eligible register.

[8. Any person who has obtained regular status in a class of positions subject to subsection 1 of section 36.030 and who has resigned from state service in good standing or who has accepted demotion or transfer for personal reasons may be reemployed without competitive certification in the same or comparable class at the discretion of the appointing authority and under conditions specified in the regulations. Any person who has successfully served at least one year in a position not subject to subsection 1 of section 36.030, but which is subject to section 36.031, and who has resigned from state service in good standing or who has accepted demotion or transfer for personal reasons, may be reemployed without competitive certification in the same or comparable class at the discretion of the appointing authority and under conditions specified in the regulations, provided he or she possesses the qualifications and has successfully completed a noncompetitive examination for the class involved. No one shall be reemployed pursuant to this section until reinstatement has first been offered to all eligibles on the reinstatement register for the class and division of service involved.

9. Preference in certification and appointment from promotional registers or registers of eligibles under conditions specified in the regulations, may be given to employees of the division of service in which the vacancy occurs.]

**36.250. PROBATIONARY PERIODS.** — 1. Every person appointed to a permanent position [subject to this chapter] **described under subdivision (2) of subsection 1 of section 36.030** shall be required to successfully complete a working test during a probationary period which shall be of sufficient length to enable the appointing authority to observe the employee's ability to perform the various duties pertaining to the position.

2. The board shall by regulation establish the standards governing normal length of the probationary period for different classes of positions. The regulations shall specify the criteria for reducing or lengthening the probationary period for individuals within the various classes. The minimum probationary period shall be three months. The maximum probationary period shall be eighteen months for top professional personnel and personnel with substantial supervisory or administrative responsibilities, and twelve months for all others. However, a probationary period shall not be required for an employee reinstated within two years after layoff or demotion in lieu of layoff by the same division of service.

3. Prior to the expiration of an employee's probationary period, the appointing authority shall notify the director and the employee in writing whether the services of the employee have been satisfactory and whether the appointing authority will continue the employee in the employee's position. [No employee shall be paid for work performed after the expiration of the employee's probationary period unless the appointing authority has notified the director and the employee that the employee will be given a regular appointment or, if applicable, have the probationary period extended.]

4. At any time during the probationary period the appointing authority may remove an employee if, in the opinion of the appointing authority, the working test indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily. Upon removal, the appointing authority shall forthwith report to the director and to the employee removed, in writing, the appointing authority's action and the reason thereof. [No more than three employees shall be removed successively from the same position during their probationary periods without the approval of the director.] An employee who is found by the director to have been appointed through fraud shall be removed within ten days of notification of the appointing authority.

[5. If an employee is removed from the employee's position during, or at the end of, the employee's probationary period, and the director determines that the employee is suitable for appointment to another position, the employee's name shall be restored to the register from which it was certified. An employee appointed from a promotional register who does not successfully complete the employee's probationary period shall, if otherwise eligible for retention in employment, be reinstated in a position in the class occupied by the employee immediately prior to the employee's promotion or in a comparable class.]

**36.280. TRANSFER OF EMPLOYEES — WRITTEN NOTICE TO DIRECTOR.** — [1.] An appointing authority may at any time assign [an employee] **a person employed in a position described under subsection 1 of section 36.030 or a person employed in a position in a department or agency of the executive branch of state government not exempted from section 36.031** from one position to another position in the same class in the appointing authority's division]; except that, transfers of employees made because of a layoff, or shortage of work or funds which might require a layoff, shall be governed by the regulations. Upon making such an assignment the appointing authority shall forthwith give written notice of the appointing authority's

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action to the director]. A transfer of an employee from a position in one division to a position in the same class in another division may be made with the approval of [the director and of] the appointing authorities of both divisions. [No employee shall be transferred from a position in one class to a position in another class of a higher rank or for which there are substantially dissimilar requirements for appointment unless the employee is appointed to such latter position after certification of the employee's name from a register in accordance with the provisions of this chapter. Any change of an employee from a position in one class to a position in a class of lower rank shall be considered a demotion and shall be made only in accordance with the procedure prescribed by section 36.380 for cases of dismissal. An employee thus involuntarily demoted shall have the right to appeal to the administrative hearing commission pursuant to section 36.390.] **Upon making either such assignment the transferring appointing authority shall forthwith give written notice of the appointing authority's action to the director.**

[2. An employee who has successfully served at least one year in a position not subject to subsection 1 of section 36.030, but which is subject to section 36.031, may be transferred to a position subject to subsection 1 of section 36.030 in the same class with the approval of the director and of the appointing authorities of both divisions, provided he or she possesses the qualifications and has successfully completed a noncompetitive examination for the position involved.]

**36.320. PROMOTIONAL REGISTER.** — 1. The director [shall] **may** establish and maintain such promotional registers and registers of eligibles for the various [classes of positions] **locations or divisions of service** subject to this chapter **pursuant to subsection 1 of section 36.030** as the director deems necessary or desirable to meet the needs of the service. [On each promotional register and register of eligibles, the eligibles shall be ranked in the order of their ratings given for the purpose of establishing or replenishing such a register.]

2. The time during which a promotional register or register of eligibles remains in force shall be [one year from the date on which it is officially established by the director; except that, before the expiration of a register, the director may by order extend the time during which such register remains in force when the needs of the service so require. In no event shall the total period during which a register is in force exceed three years from the date on which the register was originally established] **determined by the director so as to best meet the needs of the service.** The director may consolidate or cancel promotional registers and registers of eligibles as the needs of the service require[, and as authorized by the regulations].

3. In circumstances where there is a continuous need for substantial numbers of eligibles for a certain class of positions, the director may, after first establishing such a register, replenish the register from time to time by inserting the names of additional eligibles who are found to be qualified on the basis of determinations similar to those used as a basis for establishing the original register. The method for establishing, replenishing, and cancelling such a register [shall] **may** be determined by the regulations.

**36.340. DIRECTOR MAY ESTABLISH SYSTEM OF SERVICE REPORTS.** — In cooperation with appointing authorities the director [shall] **may** establish a system of service reports[, which shall]. **Such service reports, if any, may** take into consideration, among other things, the employee's conduct, performance, and output. In such manner and with such weight as shall be provided in the regulations, ratings assigned to such service reports [shall] **may** be considered in determining salary increases and decreases within the limits established by law and by the pay plan; as a factor in promotional [examinations] **decisions**; as a factor in determining [the order of layoff when forces must be reduced because of lack of work or funds, and the order in which names are to be

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placed on reinstatement registers; and as a means of discovering] employees who should be demoted, transferred or dismissed. In such manner and at such time as the regulations may require, each appointing authority shall report to the director on the services of employees in his **or her** division. Any employee shall be given reasonable opportunity to inspect the records of the department which show the ratings assigned to his **or her** service reports.

**36.380. DISMISSAL OF EMPLOYEE — NOTICE.** — An appointing authority may dismiss for cause any **regular** employee in his **or her** division [occupying a position subject hereto] when he **or she** considers that such action is required in the interests of efficient administration and that the good of the service will be served thereby. No dismissal of a regular employee shall take effect unless, prior to the effective date thereof, the appointing authority gives to such employee a written statement **notifying the employee of the decision and** setting forth in substance the reason therefor [and files a copy of such statement with the director]. When it is not practicable to give the notice of dismissal to an employee in person, it may be sent to the employee by certified or registered mail, return receipt requested, at his **or her** last mailing address as shown in the personnel records of the appointing authority. Proof of refusal of the employee to accept delivery or the inability of postal authorities to deliver such mail shall be accepted as evidence that the required notice of dismissal has been given. [If the director determines that the statement of reasons for the dismissal given by the appointing authority shows that such dismissal does not reflect discredit on the character or conduct of the employee, he may, upon request of the employee, approve reemployment under section 36.240, in any class in which the employee has held regular status.] Any regular employee who is dismissed shall have the right to appeal to the administrative hearing commission as provided under section 36.390.

**36.390. RIGHT OF APPEAL, PROCEDURE, REGULATION — DISMISSAL APPEAL PROCEDURE.** — 1. [An applicant whose request for admission to any examination has been rejected by the director may appeal to the administrative hearing commission in writing within fifteen days of the mailing of the notice of rejection by the director, and in any event before the holding of the examination. The commission's decision on all matters of fact shall be final.

2. Applicants may be admitted to an examination pending a consideration of the appeal, but such admission shall not constitute the assurance of a passing grade in education and experience.

3.] Any applicant [who has taken an examination and] **for a position subject to this chapter pursuant to subsection 1 of section 36.030** who feels that he or she has not been dealt with fairly in any phase of the examination process may request that the director review his or her case. Such request for review of any examination shall be filed in writing with the director within fifteen days after the date on which notification of the results of the examination was [mailed] **sent** to the applicant. A candidate may appeal the decision of the director in writing to the administrative hearing commission. This appeal shall be filed with the administrative hearing commission within fifteen days after date on which notification of the decision of the director was [mailed] **sent** to the applicant. The commission's decision with respect to any changes shall be final, and shall be entered in the minutes. [A correction in the rating shall not affect a certification or appointment which may have already been made from the register.

4. An eligible whose name has been removed from a register for any of the reasons specified in section 36.180 or in section 36.240 may appeal to the administrative hearing commission for reconsideration. Such appeal shall be filed in writing with the administrative hearing commission within fifteen days after the date on which notification was mailed to the eligible. The commission,

after investigation, shall make its decision which shall be recorded in the minutes and the eligible shall be notified accordingly by the director.

5.] **2.** Any regular employee who is dismissed or involuntarily demoted for cause or suspended for more than five working days may appeal in writing to the administrative hearing commission within thirty days after the effective date thereof, setting forth in substance the employee's reasons for claiming that the dismissal, suspension or demotion was for political, religious, or racial reasons, or not for the good of the service.

[6. The provisions for appeals provided in subsection 5 of this section for dismissals of regular merit employees may be adopted by nonmerit agencies of the state for any or all employees of such agencies.

7. Agencies not adopting the provisions for appeals provided in subsection 5 of this section shall adopt dismissal procedures substantially similar to those provided for merit employees. However, these procedures need not apply to employees in policy-making positions, or to members of military or law enforcement agencies.

8.] **3.** Hearings under **subsection 2** of this section shall be deemed to be a contested case and the procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536. Decisions of the administrative hearing commission shall be final and binding subject to appeal by either party. Final decisions of the administrative hearing commission pursuant to this subsection shall be subject to review on the record by the circuit court pursuant to chapter 536.

**36.400. 36.400 POWERS OF COMMISSION TO ADMINISTER OATHS AND ISSUE SUBPOENAS.** — The administrative hearing commission[,] **and** each commissioner [and the director] shall have power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this [law] **chapter**. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing, or who shall knowingly give false testimony therein, shall be guilty of a misdemeanor.

**36.440. COMPLIANCE WITH LAW — PENALTY FOR FAILURE TO COMPLY.** — 1. All officers and employees of the state [under the] **subject to** provisions of this chapter, **whether pursuant to subsection 1 of section 36.030 or pursuant to section 36.031**, shall comply with and aid in all proper ways in carrying out the provisions of this chapter **applicable to them** and the regulations adopted thereunder. All officers and employees shall furnish any records or information which the director or the board may request for any purpose of this law.

2. A state officer or employee [under the provisions of this chapter] who shall fail to comply with any provision of this chapter or of any regulation adopted thereunder **that is applicable to such person** shall be subject to all penalties and remedies now or hereafter provided by law for the failure of a public officer or employee to do any act required of him **or her** by [law] **this chapter**. The director may maintain such action or proceeding at law or in equity as he **or she** considers necessary or appropriate to secure compliance with this [law] **chapter** and the regulations adopted thereunder.

**36.510. DIRECTOR'S DUTIES FOR ALL STATE AGENCIES — STRIKES BY MERIT SYSTEM EMPLOYEES.** — 1. In addition to other duties specified elsewhere in this chapter[, it shall be the duty of] the director [to] **may** perform the following functions in **some or** all agencies of state government:

- (1) Develop, initiate and implement a central training program for personnel in agencies of state government and encourage and assist in the development of such specialized training activities as can best be administered internally by such individual agencies;
  - (2) Establish a management trainee program and prescribe rules for the establishment of a career executive service for the state;
  - (3) Formulate for approval of the board regulations regarding mandatory training for persons employed in management positions in state agencies;
  - (4) Institute, coordinate and direct a statewide program for recruitment of personnel in cooperation with appointing authorities in state agencies;
  - (5) Assist all state departments in setting productivity goals and in implementing a standard system of performance appraisals;
  - (6) Establish and direct a central labor relations function for the state which shall coordinate labor relations activities in individual state agencies, including participation in negotiations and approval of agreements relating to uniform wages, benefits and those aspects of employment which have fiscal impact on the state; and
  - (7) Formulate rules for approval of the board and establish procedures and standards relating to position classification and compensation of employees which are designed to secure essential uniformity and comparability among state agencies.
2. Any person who is employed in a position subject to [merit system regulations and] **this chapter** who engaged in a strike or labor stoppage shall be subject to the penalties provided by law.

**37.010. COMMISSIONER OF ADMINISTRATION, COMPENSATION, OATH OF OFFICE, DUTIES — VACANCY, GOVERNOR TO SERVE.** — 1. The governor, by and with the advice and consent of the senate, shall appoint a commissioner of administration, who shall head the "Office of Administration" which is hereby created. The commissioner of administration shall receive a salary as provided by law and shall also receive his or her actual and necessary expenses incurred in the discharge of his or her official duties. Before taking office, the commissioner of administration shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this state, and to demean himself or herself faithfully in office. The commissioner shall also deposit with the governor a bond, with sureties to be approved by the governor, in the amount to be determined by the governor payable to the state of Missouri, conditioned on the faithful performance of the duties of his or her office. The premium of this bond shall be paid out of the appropriation for the office of the governor.

2. The governor shall appoint the commissioner of administration with the advice and consent of the senate. The commissioner shall be at least thirty years of age and must have been a resident and qualified voter of this state for the five years next preceding his **or her** appointment. He or she [must] **shall** be qualified by training and experience to assume the managerial and administrative functions of the office of commissioner of administration.

3. The commissioner of administration shall, by virtue of his or her office, without additional compensation, head the division of budget, the division of purchasing, the division of facilities management, design and construction, and the information technology services division. Whenever provisions of the constitution grant powers, impose duties or make other reference to the comptroller, they shall be construed as referring to the commissioner of administration.

4. The commissioner of administration shall provide the governor with such assistance in the supervision of the executive branch of state government as the governor requires and shall perform such other duties as are assigned to him or her by the governor or by law. The commissioner of administration shall work with other departments of the executive branch of state government to

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promote economy, efficiency and improved service in the transaction of state business. The commissioner of administration, with the approval of the governor, shall organize the work of the office of administration in such manner as to obtain maximum effectiveness of the personnel of the office. He **or she** may consolidate, abolish or reassign duties of positions or divisions combined within the office of administration, except for the division of personnel. He or she may delegate specific duties to subordinates. These subordinates shall take the same oath as the commissioner and shall be covered by the bond of the director or by separate bond as required by the governor.

5. The personnel division, personnel director and personnel advisory board as provided in chapter 36 shall be in the office of administration. The personnel director and employees of the personnel division shall perform such duties as directed by the commissioner of administration for personnel work in agencies and departments of state government [not covered by the merit system law] to upgrade state employment and to improve the uniform quality of state employment.

6. The commissioner of administration shall prepare a complete inventory of all real estate, buildings and facilities of state government and an analysis of their utilization. Each year he or she shall formulate and submit to the governor a long-range plan for the ensuing five years for the repair, construction and rehabilitation of all state properties. The plan shall set forth the projects proposed to be authorized in each of the five years with each project ranked in the order of urgency of need from the standpoint of the state as a whole and shall be upgraded each year. Project proposals shall be accompanied by workload and utilization information explaining the need and purpose of each. Departments shall submit recommendations for capital improvement projects and other information in such form and at such times as required by the commissioner of administration to enable him or her to prepare the long-range plan. The commissioner of administration shall prepare the long-range plan together with analysis of financing available and suggestions for further financing for approval of the governor who shall submit it to the general assembly. The long-range plan shall include credible estimates for operating purposes as well as capital outlay and shall include program data to justify need for the expenditures included. The long-range plan shall be extended, revised and resubmitted in the same manner to accompany each executive budget. The appropriate recommendations for the period for which appropriations are to be made shall be incorporated in the executive budget for that period together with recommendations for financing. Each revised long-range plan shall provide a report on progress in the repair, construction and rehabilitation of state properties and of the operating purposes program for the preceding fiscal period in terms of expenditures and meeting program goals.

7. [All employees of the office of administration, except the commissioner and not more than three other executive positions designated by the governor in an executive order, shall be subject to the provisions of chapter 36. The commissioner shall appoint all employees of the office of administration and may discharge the employees after proper hearing, provided that the employment and discharge conform to the practices governing selection and discharge of employees in accordance with the provisions of chapter 36.

8.] The office of the commissioner of administration shall be in Jefferson City.

[9.] **8.** In case of death, resignation, removal from office or vacancy from any cause in the office of commissioner of administration, the governor shall take charge of the office and superintend the business thereof until a successor is appointed, commissioned and qualified.

**105.055. REPORTING OF MISMANAGEMENT OR VIOLATIONS OF AGENCIES, DISCIPLINE OF EMPLOYEE PROHIBITED — APPEAL BY EMPLOYEE FROM DISCIPLINARY ACTIONS,**

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PROCEDURE — VIOLATION, PENALTIES — CIVIL ACTION, WHEN — AUDITOR TO INVESTIGATE, WHEN. — 1. As used in this section, the following terms mean:

(1) "Disciplinary action", any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, regardless of whether the withholding of work has affected or will affect the employee's compensation;

(2) "Public employee", any employee, volunteer, intern, or other individual performing work or services for a public employer;

(3) "Public employer", any state agency or office, the general assembly, any legislative or governing body of the state, any unit or political subdivision of the state, or any other instrumentality of the state.

2. No supervisor or appointing authority of any [state agency] **public employer** shall prohibit any employee of the [agency] **public employer** from discussing the operations of the [agency] **public employer**, either specifically or generally, with any member of the legislature, state auditor, attorney general, a prosecuting or circuit attorney, a law enforcement agency, news media, the public, or any state official or body charged with investigating [such] any alleged misconduct described in this section.

[2.] 3. No supervisor or appointing authority of any [state agency] **public employer** shall:

(1) Prohibit a [state] **public** employee from or take any disciplinary action whatsoever against a [state] **public** employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:

(a) A violation of any law, rule or regulation; or

(b) Mismanagement, a gross waste of funds or abuse of authority, **violation of policy, waste of public resources, alteration of technical findings or communication of scientific opinion, breaches of professional ethical canons**, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law; [or]

(2) Require [any such] a **public** employee to give notice to the supervisor or appointing authority prior to [making any such report] **disclosing any activity described in subdivision (1) of this subsection; or**

(3) **Prevent a public employee from testifying before a court, administrative body, or legislative body regarding the alleged prohibited activity or disclosure of information.**

[3.] 4. This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that [an] a **public** employee inform the supervisor or appointing authority as to legislative requests for information to the [agency] **public employer** or the substance of testimony made, or to be made, by the **public** employee to legislators on behalf of the [employee to legislators on behalf of the agency] **public employer**;

(2) Permitting [an] a **public** employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the **public** employee is requested by a legislator or legislative committee to appear before a legislative committee;

(3) Authorizing [an] a **public** employee to represent [the employee's] **his or her** personal opinions as the opinions of a [state agency] **public employer**; or

(4) Restricting or precluding disciplinary action taken against a [state] **public** employee if: the employee knew that the information was false; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

[4. As used in this section, "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.]

5. **In addition to any other remedies provided by law**, any state employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the administrative hearing commission]; provided that the appeal shall be filed with the appropriate agency review board or body of nonmerit agency employers which have established appeal procedures substantially similar to those provided for merit employees in subsection 5 of section 36.390]. The appeal shall be filed within [thirty days] **one year** of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with chapter 536. If the commission [or appropriate review body] finds that disciplinary action taken was [unreasonable] **taken for any reason that violates this section**, the commission [or appropriate review body] shall modify or reverse the agency's action and order such relief for the employee as the commission considers appropriate. If the commission finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the commission [or appropriate review body] in such cases may be appealed by any party pursuant to law.

6. Each [state agency] **public employer** shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees of the [agency] **public employer**.

7. (1) In addition to the remedies in subsection [6] **5** of this section **or any other remedies provided by law**, a person who alleges a violation of this section may bring a civil action **against the public employer** for damages within [ninety days] **one year** after the occurrence of the alleged violation.

(2) A civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides. **A person commencing such action may request a trial by jury.**

(3) [An] **A public employee [must] shall** show by clear and convincing evidence that he or she or a person acting on his or her behalf has reported or was about to report, verbally or in writing, a prohibited activity or a suspected prohibited activity. **Upon such a showing, the burden shall be on the public employer to demonstrate that the disciplinary action was not the result of such a report.**

(4) A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, actual damages and may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees.

**8. If the alleged misconduct is related to the receipt and expenditures of public funds, a public employee alleging that disciplinary action was taken against the employee in violation of this section may request the state auditor to investigate the alleged misconduct and whether the disciplinary action was taken in violation of this section. If the state auditor uses his or her discretion to make such an investigation, the time to appeal such disciplinary action under subsections 5 and 7 of this section shall be the later of one year from the date of the alleged disciplinary action or ninety days following the release of the state auditor's report.**

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9. The provisions of this section shall apply to public employees, notwithstanding any provisions of section 213.070 and section 285.575 to the contrary.

**105.725. CONFIDENTIALITY AGREEMENT, NOT TO BE REQUIRED FOR CLAIMS PAID.**— Any person who obtains a claim or final judgment for a payment to be made out of the state legal expense fund shall not be offered or required to sign any confidentiality agreement stating that he or she will not discuss his or her claim or final judgment or stating that if he or she does discuss such claim or final judgment, he or she will waive any right to moneys from the state legal expense fund. If a confidentiality agreement is offered to a person in violation of this section and such agreement is signed, such signed agreement shall be unenforceable.

**207.085. DIVISION EMPLOYEE DISMISSAL, WHEN — MITIGATING FACTORS.** — 1. Any employee of the children's division, including supervisory personnel and private contractors with the division, who is involved with child protective services and purposely, knowingly, and willfully violates a stated or written policy of the division, any rule promulgated by the division, or any state law directly related to the child abuse and neglect activities of the division shall be dismissed if the violation directly results in serious physical injury or death, subject to the provisions of subsection 2 of this section. [The provisions of this section shall apply to merit system employees of the division, as well as all other employees of the division and private contractors with the division, and upon a showing of a violation, such employees shall be dismissed for cause, subject to the provisions of subsection 2 of this section, and] **Any person employed in a position described under subdivision (2) of subsection 1 of section 36.030, if any,** shall have the right of appeal pursuant to sections 36.380 and 36.390. For purposes of this section, a "private contractor with the division" means any private entity or community action agency with the appropriate and relevant training and expertise in delivering services to children and their families as determined by the children's division, and capable of providing direct services and other family services for children in the custody of the children's division or any such entities or agencies that are receiving state moneys for such services.

2. The provisions of sections 660.019 to 660.021 shall apply to this section. If an employee of the division or a private contractor with the division is responsible for caseload assignments in excess of those required to attain accreditation by the Council for Accreditation for Families and Children's Services, and the employee purposely, knowingly, and willfully violates a stated or written policy of the division, any rule promulgated by the division, or any state law directly related to the child abuse and neglect activities of the division and the violation directly results in serious physical injury or death, the employee's good faith efforts to follow the stated or written policies of the division, the rules promulgated by the division, or the state laws directly related to the child abuse and neglect activities of the division shall be a mitigating factor in determining whether an employee of the division or a private contractor with the division is dismissed pursuant to subsection 1 of this section.

**621.075. MERIT EMPLOYEES, RIGHT OF APPEAL, PROCEDURE.** — 1. [Except as otherwise provided by law,] Any [employee with merit status] **regular employee, as that term is defined in section 36.020,** who has been dismissed or involuntarily demoted for cause or suspended for more than five working days shall have the right to appeal to the administrative hearing commission. Any such person shall be entitled to a hearing before the administrative hearing commission by the filing of an appeal setting forth in substance the employee's reasons for claiming that the dismissal, suspension, or demotion was for political, religious, or racial reasons,

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or not for the good of the service with the administrative hearing commission within thirty days after the effective date of the action. The decision of the appointing authority shall contain a notice of the right of appeal in substantially the following language:

"Any employee with regular status who has been dismissed or involuntarily demoted for cause or suspended for more than five working days may appeal to the administrative hearing commission. To appeal, you must file an appeal with the administrative hearing commission within thirty days after the effective date of the decision. If any such appeal is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission."

2. The procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536. The administrative hearing commission may hold hearings or may make decisions based on stipulation of the parties, consent order, agreed settlement, or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination, in accordance with the rules and procedures of the administrative hearing commission. No hearing shall be public unless requested to be public by the employee. The administrative hearing commission shall maintain a transcript of all testimony and proceedings in hearings governed by this section, and decisions of the administrative hearing commission under this section shall be binding subject to appeal by either party. The administrative hearing commission may make any one of the following appropriate orders:

- (1) Order the reinstatement of the employee to the employee's former position; **or**
- (2) Sustain the dismissal of such employee[;

(3) Except as provided in subdivisions (1) and (2) of this subsection, the administrative hearing commission may sustain the dismissal, but may order the director of personnel to recognize reemployment rights for the dismissed employee pursuant to section 36.240, in an appropriate class or classes, or may take steps to effect the transfer of such employee to an appropriate position in the same or another division of service].

3. After an order of reinstatement has been issued and all parties have let the time for appeal lapse or have filed an appeal and that appeal process has become final and the order of reinstatement has been affirmed, the administrative hearing commission shall commence a separate action to determine the date of reinstatement and the amount of back pay owed to the employee. This action may be done by hearing, or by affidavit, depositions, or stipulations, or by agreement on the amount of back pay owed. No hearing shall be public unless requested to be public by the employee.

**630.167. INVESTIGATION OF REPORT, WHEN MADE, BY WHOM — ABUSE PREVENTION BY REMOVAL, PROCEDURE — REPORTS CONFIDENTIAL, PRIVILEGED, EXCEPTIONS — IMMUNITY OF REPORTER, NOTIFICATION — RETALIATION PROHIBITED — ADMINISTRATIVE DISCHARGE OF EMPLOYEE, APPEAL PROCEDURE.** — 1. Upon receipt of a report the department or the department of health and senior services, if such facility or program is licensed pursuant to chapter 197, shall initiate an investigation within twenty-four hours. The department of mental health shall complete all investigations within sixty days, unless good cause for the failure to complete the investigation is documented.

2. If the investigation indicates possible abuse or neglect of a patient, resident or client, the investigator shall refer the complaint together with the investigator's report to the department director for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate removal from a facility not operated or funded by the department is necessary to protect the residents from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the residents in a circuit court of competent jurisdiction. The circuit court in which the petition is filed

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shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the resident for a period not to exceed thirty days.

3. (1) Except as otherwise provided in this section, reports referred to in section 630.165 and the investigative reports referred to in this section shall be confidential, shall not be deemed a public record, and shall not be subject to the provisions of section 109.180 or chapter 610. Investigative reports pertaining to abuse and neglect shall remain confidential until a final report is complete, subject to the conditions contained in this section. Final reports of substantiated abuse or neglect issued on or after August 28, 2007, are open and shall be available for release in accordance with chapter 610. The names and all other identifying information in such final substantiated reports, including diagnosis and treatment information about the patient, resident, or client who is the subject of such report, shall be confidential and may only be released to the patient, resident, or client who has not been adjudged incapacitated under chapter 475, the custodial parent or guardian parent, or other guardian of the patient, resident or client. The names and other descriptive information of the complainant, witnesses, or other persons for whom findings are not made against in the final substantiated report shall be confidential and not deemed a public record. Final reports of unsubstantiated allegations of abuse and neglect shall remain closed records and shall only be released to the parents or other guardian of the patient, resident, or client who is the subject of such report, patient, resident, or client and the department vendor, provider, agent, or facility where the patient, resident, or client was receiving department services at the time of the unsubstantiated allegations of abuse and neglect, but the names and any other descriptive information of the complainant or any other person mentioned in the reports shall not be disclosed unless such complainant or person specifically consents to such disclosure. Requests for final reports of substantiated or unsubstantiated abuse or neglect from a patient, resident or client who has not been adjudged incapacitated under chapter 475 may be denied or withheld if the director of the department or his or her designee determines that such release would jeopardize the person's therapeutic care, treatment, habilitation, or rehabilitation, or the safety of others and provided that the reasons for such denial or withholding are submitted in writing to the patient, resident or client who has not been adjudged incapacitated under chapter 475. All reports referred to in this section shall be admissible in any judicial proceedings or hearing in accordance with section 621.075 or any administrative hearing before the director of the department of mental health, or the director's designee. All such reports may be disclosed by the department of mental health to law enforcement officers and public health officers, but only to the extent necessary to carry out the responsibilities of their offices, and to the department of social services, and the department of health and senior services, and to boards appointed pursuant to sections 205.968 to 205.990 that are providing services to the patient, resident or client as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents or clients provided that all such law enforcement officers, public health officers, department of social services' officers, department of health and senior services' officers, and boards shall be obligated to keep such information confidential.

(2) Except as otherwise provided in this section, the proceedings, findings, deliberations, reports and minutes of committees of health care professionals as defined in section 537.035 or mental health professionals as defined in section 632.005 who have the responsibility to evaluate, maintain, or monitor the quality and utilization of mental health services are privileged and shall not be subject to the discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible into evidence into any judicial or administrative action for failure to provide adequate or appropriate care. Such committees may exist, either within department facilities or its agents, contractors, or vendors, as applicable. Except as otherwise provided in this section, no person who was in attendance at any investigation or committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding or to disclose any opinion, recommendation or evaluation of the committee or board or any member thereof; provided, however, that information

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otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before any committee or in the course of any investigation, nor is any member, employee or agent of such committee or other person appearing before it to be prevented from testifying as to matters within their personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about the testimony or other proceedings before any investigation or before any committee.

(3) Nothing in this section shall limit authority otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from investigation committees or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such health care licensing boards; provided, however, that such information, once obtained by such board and associated persons, shall be governed in accordance with the provisions of this subsection.

(4) Nothing in this section shall limit authority otherwise provided by law in subdivisions (5) and (6) of subsection 2 of section 630.140 concerning access to records by the entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. Sections 15042 to 15044 and the entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. Section 10801. In addition, nothing in this section shall serve to negate assurances that have been given by the governor of Missouri to the U.S. Administration on Developmental Disabilities, Office of Human Development Services, Department of Health and Human Services concerning access to records by the agency designated as the protection and advocacy system for the state of Missouri. However, such information, once obtained by such entity or agency, shall be governed in accordance with the provisions of this subsection.

4. Any person who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil liability for making such a report or for testifying unless such person acted in bad faith or with malicious purpose.

5. (1) Within five working days after a report required to be made pursuant to this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

(2) For investigations alleging neglect of a patient, resident, or client, the guardian of such patient, resident, or client shall be notified of:

(a) The investigation and given an opportunity to provide information to the investigators;

(b) The results of the investigation within five working days of the completion of the investigation and decision of the department of mental health of the results of the investigation.

6. The department of mental health shall obtain two independent reviews of all patient, resident, or client deaths that it investigates.

7. No person who directs or exercises any authority in a residential facility, day program or specialized service shall evict, harass, dismiss or retaliate against a patient, resident or client or employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the facility which he or she has reasonable cause to believe has been committed or has occurred.

8. Any person **employed in a position described under subdivision (2) of subsection 1 of section 36.030** who is discharged as a result of an administrative substantiation of allegations contained in a report of abuse or neglect may, after exhausting administrative remedies as provided in chapter 36, appeal such decision to the circuit court of the county in which such person resides within ninety days of such final administrative decision. The court may accept an appeal up to

twenty-four months after the party filing the appeal received notice of the department's determination, upon a showing that:

- (1) Good cause exists for the untimely commencement of the request for the review;
- (2) If the opportunity to appeal is not granted it will adversely affect the party's opportunity for employment; and
- (3) There is no other adequate remedy at law.

**[36.210. NO COMPETITIVE EXAMINATIONS FOR CERTAIN POSITIONS, ALTERNATIVE PROMOTIONAL PROCEDURES.** — Other provision of the law to the contrary notwithstanding, special procedures for the examination and selection of personnel are authorized as follows:

(1) For positions involving unskilled or semiskilled labor, or domestic, attendant, custodial or comparable work, when the character or place of the work makes it impracticable to supply the needs of the service by appointments made in accordance with the procedure prescribed in other provisions of this chapter, the director, in accordance with the regulations, shall authorize the use of such other procedures as the director determines to be appropriate in order to meet the needs of the service, while assuring the selection of such employees on the basis of merit and fitness. Such procedures, subject to the regulations, may include the testing of applicants and maintenance of registers of eligibles by localities; the testing of applicants, singly or in groups, at periodic intervals, at the place of employment or elsewhere, after such notice as the director considers adequate; the registration of applicants who pass a noncompetitive examination or submit satisfactory evidence of their qualifications, and appointment of registered applicants; or any variation or combination of the foregoing or other suitable methods. When the director finds noncompetitive registration and selection procedures to be appropriate, the director is hereby authorized to delegate to each appointing authority the responsibility for such registration and for selection and appointment of registered applicants. When such delegation is made, the director shall establish the necessary guidelines and standards for appointing authorities and shall require such reports and perform such audits as the director deems necessary to ensure compliance with these guidelines and standards.

(2) The regulations may prescribe the conditions under which interns, trainees, and participants in special state or federal training, rehabilitation, and employment programs who successfully complete a period of internship or training may be appointed to a permanent position subject to this chapter after passing a noncompetitive qualifying examination.

(3) The board may, in accordance with the regulations, waive competitive examinations for a class or position if it finds that the supply of qualified applicants is generally insufficient to justify competitive examinations and provide meaningful competition in the selection of employees. A request that competitive examination be waived for a particular class or position pursuant to this provision may be made to the board by the director or an appointing authority. The board shall review determinations pursuant to this provision at least annually. Upon waiving such examinations, the regulations of the board shall provide for the registration and appointment of applicants who present satisfactory evidence of their qualifications.

(4) Upon the approval of the director in accordance with the regulations of the board, appointing authorities may promote employees on the basis of a qualifying noncompetitive examination. Such noncompetitive promotions may be approved in, but are not necessarily limited to, situations in which the promotion represents a normal progression to the next higher level within an established occupational job series, or where the director determines that an employee has been an assistant, understudy or trainee for the position involved or otherwise has had such specific experience or training that a noncompetitive promotion to the position in question is to the best interests of the state service.

(5) Appointing authorities may request, pursuant to regulations established by the board, to conduct alternative promotional procedures for positions and classes in their divisions of service. The board shall approve such alternative procedures which it finds to be in keeping with merit principles and the best interest of the state service. Upon approval, the appointing authority shall be responsible to conduct promotional procedures in accordance with the board's approval and without favoritism, prejudice or discrimination. The board may withdraw approval pursuant to this provision if it finds that this responsibility has not been met.

(6) Where appropriate, the director may establish registers by locality for selected classes.]

**[36.260. PROVISIONAL APPOINTMENTS — APPROVAL OF DIRECTOR — FOR WHAT PERIOD.**

— 1. When an appointing authority finds it essential to fill a vacancy in a position subject to this chapter, and, with at least thirty days' notice of the vacancy, the director is unable to certify the names of at least ten available eligibles, the director may authorize the appointing authority to fill the vacancy by means of a provisional appointment. The appointing authority shall forthwith submit a statement containing the name of a person nominated by the appointing authority for provisional appointment to the position, which statement shall contain a description of the qualifications of training and experience possessed by that person, and such other information as may be required by the regulations. If such nominee is found by the director to possess experience and training which meet the qualifications for the position, the director may approve the provisional appointment.

2. No provisional appointment shall be made without the approval of the director.

3. The duration of a provisional appointment shall be the same as the duration of the probationary period established for the position. A provisional appointee who successfully completes the working test of the probationary period may receive a regular appointment without examination.]

**[36.270. EMERGENCY APPOINTMENTS. —** When an emergency makes it necessary to fill a position subject hereto immediately in order to prevent stoppage of public business, or loss, hazard, or serious inconvenience to the public, and it is impracticable to fill such a position under any other provision of this chapter, an appointing authority or a properly authorized subordinate employee may appoint any qualified person to such a position without prior approval of the director. Any such person shall be employed only during such an emergency, and any such appointment shall expire automatically ninety calendar days from the date of the appointment. The appointing authority shall report each emergency appointment to the director as soon as possible after date of such appointment and the report shall contain the name of the person appointed, the date of appointment, and the reasons which made the appointment necessary. No individual may be given more than one such appointment in any twelve-month period in the same division of service.]

**[36.290. EFFECT OF TRANSFER OR PROMOTION TO AN EXEMPT POSITION. —** Any person in a position subject to this law who may be transferred or promoted to a position exempted under section 36.030, may, by action of the board, at the conclusion of his occupancy of such position, be restored to his previous status under this law.]

**[36.300. VACANCIES, HOW FILLED. —** Vacancies in the divisions of the service subject thereto shall be filled only by:

- (1) Appointment of an eligible certified by the director pursuant to section 36.240;
- (2) Provisional appointment pursuant to section 36.260;
- (3) Emergency appointment pursuant to section 36.270;
- (4) Transfer or demotion of a regular employee pursuant to section 36.280;
- (5) Promotion pursuant to section 36.210 or 36.240;

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

- (6) Reemployment as provided in section 36.240; or
- (7) Other appointment authorized in this chapter.]

**[36.310. REINSTATEMENT REGISTER.** — The director shall establish and maintain reinstatement registers, which shall contain the names of persons who have been regular employees and who have been laid off in good standing, or demoted in lieu of layoff, due to shortage of work or funds, or the abolition of a position or material change in duties or organization. The order in which names shall be placed on a reinstatement register, and the length of time for which a name shall remain on such register, shall be established by the regulations. The director may remove the name of a person from a reinstatement register, or refuse to certify his name for a position if he finds, after giving him notice and an opportunity to be heard, that such person is not qualified to perform satisfactorily the necessary duties.]

**[36.360. LAYOFFS.** — In accordance with the regulations, an appointing authority may lay off an employee in a position subject to this chapter whenever the appointing authority deems it necessary by reason of shortage of work or funds, or the abolition of a position or other material change in duties or organization. No regular employee shall be laid off while a person is employed on a provisional or temporary basis in the same class in that division. The seniority and ability of employees to do the remaining work shall be considered, in such manner as the regulations shall provide, among the factors in determining the order of layoffs. The appointing authority shall give written notice to the director of every proposed layoff a reasonable time before the effective date thereof, and the director shall take such action relating thereto as the director considers necessary to secure compliance with the regulations. The name of every regular employee so laid off shall be placed on the appropriate reinstatement register.]

**[36.470. MERIT SYSTEM EMPLOYEES ENTITLED TO SERVICE LETTER, WHEN — REFUSAL, PENALTY.** — 1. Whenever any employee of the state of Missouri, who is employed under the provisions of this chapter, is discharged from or shall voluntarily quit such employment, the head of the department or division employing the employee shall upon written request of the employee, if the employment has been for a period of at least ninety days, issue to the employee, upon his written request therefor, a letter setting forth the nature and character of service rendered by the employee, the duration thereof, and truly stating for what cause, if any, the employee has been discharged from or has quit such employment.

2. The head of a department or division affected by this section, who refuses to comply with this section, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars.

3. There shall be no civil liability for refusing or failing to furnish the letter herein provided except for willful and malicious refusal to furnish such letter.]

Approved June 1, 2018

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SS SCS HB 2562

**Establishes treatment courts.**

AN ACT to repeal sections 67.398, 67.410, 82.1025, 82.1027, 82.1028, 84.510, 208.151, 217.703, 452.430, 476.521, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 479.020, 479.190, 479.353, 479.360, 483.075, 488.2230, 488.2250, 488.5358, 514.040, 516.105, 537.100, 559.600, and 577.001, RSMo, and to enact in lieu thereof thirty six new sections relating to courts, with existing penalty provisions.

Vetoed July 13, 2018

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HCS SS SCS SB 894 & 921

**Modifies provisions relating to education curriculum involving science and technology.**

AN ACT to repeal sections 161.106, 162.1115, 173.670, and 178.550, RSMo, and to enact in lieu thereof eight new sections relating to education curriculum involving science and technology.

Vetoed July 13, 2018

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## HCR 50

**BE IT RESOLVED**, by the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Wednesday, January 10, 2018, to receive a message from His Excellency, the Honorable Eric R. Greitens, Governor of the State of Missouri; and

**BE IT FURTHER RESOLVED**, that a committee of ten (10) members from the House of Representatives be appointed by the Speaker to act with a committee of ten (10) members from the Senate, appointed by the President Pro Tempore, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-ninth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

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## HCR 51

**BE IT RESOLVED**, by the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 11:00 a.m., Wednesday, January 24, 2018, to receive a message from the Honorable Zel M. Fischer, Chief Justice of the Supreme Court of the State of Missouri; and

**BE IT FURTHER RESOLVED**, that a committee of ten (10) members from the House of Representatives be appointed by the Speaker to act with a committee of ten (10) members from the Senate, appointed by the President Pro Tempore, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-ninth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

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## HCR 63

**Designates March 18th of each year as DeMolay Day.**

AN ACT relating to DeMolay Day.

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

**WHEREAS**, it is important for children of all ages to develop conscious social and historical awareness through practical leadership training, hands-on learning, and modern, dynamic extracurricular activities and education; and

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**WHEREAS**, the importance of developing real-world experience and community values at an early age is magnified in light of the increasing number of high school and college graduates unable to compete in the modern workforce or find their place as ethical and valuable contributing citizens; and

**WHEREAS**, the future of our communities, state, and nation, and preservation of the sacred values, human rights, and timeless principles upon which equality, justice, and freedom stand, is dependent on giving every child the opportunity and inspiration to succeed in life; and

**WHEREAS**, in order to perpetuate human progress, enfranchise human thought, preserve the freedom of human conscience, and guarantee equal rights to all, it is crucial to focus attention on ensuring that children engage in opportunity-creating activities, leadership, and public speaking training and education, and early community involvement with adult mentors; and

**WHEREAS**, increasing the development of essential skills and relevant, necessary education that is applicable to real-life situations will lead to a more enlightened, inspired, and optimistic citizenry; and

**WHEREAS**, increasing the number of young persons who designate a portion of their time each week to work and connect with adult mentors and volunteers will lead to decreased numbers of uneducated, unemployed, and uninspired citizens; and

**WHEREAS**, the Order of DeMolay was founded in Kansas City, Missouri in 1919 for the purpose of giving young people higher education, guidance in life, and an environment to develop critical leadership skills, social value, universal moral ethics, greater intellectual learning, and the inspiration to succeed in all facets of their lives through service to others and service to our world at large; and

**WHEREAS**, Missouri DeMolay offers advanced degrees to its members and students, including higher education in the areas of communication, history, philosophy, psychology, and ethics and offers leadership and business training with concentrations on small and large group facilitation, project organization, public speaking, scheduling, and budgeting; and

**WHEREAS**, the Order of DeMolay has been a breeding ground for not only many prominent industry, business, professional sports, military, and world leaders, including presidents, governors, congressmen, astronauts, national radio and television personalities, but also a vast number of other valuable contributing citizens participating in all walks of life in our society for nearly a century; and

**WHEREAS**, graduates of the DeMolay program, including Governor Melvin E. Carnahan; entertainers and entrepreneurs Walt Disney, Mel Blanc, Burl Ives, Paul Harvey, Buddy Ebsen, John Wayne, and Gary Collins; author John Steinbeck; astronauts Frank Borman and Edgar Mitchell; journalist Paul Harvey; Governor and U.S. Secretary of Agriculture Edward T. Schafer; Ambassador Leonard G. Shurtleff; professional football player Fran Tarkenton; Congressman and Ambassador Walter C. Ploeser; president and CEO of the San Diego Chargers Dean Spanos; Senator and Governor Mark Hatfield; Olympian and politician Bob Mathias; and broadcasting legends Walter Cronkite, Dan Rather, David C. Goodnow, and John King, to name a few, have all profusely expressed that their early experiences and higher education in the Order of DeMolay were the foundation and springboard to their successes; and

**WHEREAS**, President Harry S. Truman of Missouri was elected as an Honorary Grand Master of the International Supreme Council of the Order of DeMolay, and he frequently sought the counsel and wisdom of DeMolay's founder, Frank S. Land. President Truman publically and fervently revered the youth leadership organization and exclaimed, "The greatest honor that has ever come to me, and that can ever come to me in my life, is to be the Grand Master of Masons in Missouri," the sponsoring body of Missouri DeMolay; and

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**WHEREAS**, Walt Disney, an original member of the DeMolay Chapter in Kansas City, Mother Chapter, and founder of what is now a worldwide and massively iconic company, stated, "I feel a great sense of obligation and gratitude toward the Order of DeMolay for the important part it played in my life. Its precepts have been invaluable in making decisions, facing dilemmas, and crises. DeMolay stands for all that is good for the family and for our country. I feel privileged to have enjoyed membership in DeMolay"; and

**WHEREAS**, the Order of DeMolay is a youth leadership organization built on wholesome, fundamental values that transcend religious, political, or ideological affiliation: love of parents, reverence for all that is sacred, courtesy, friendship, fidelity, cleanness, and patriotism; and that gives incredible credence to faith, and champions the positive values of spirituality without diminishing or favoring any one particular dogma or religious creed, and is built upon the sacred foundations of loyalty, toleration, human liberty, and human progress; and

**WHEREAS**, the Order of DeMolay has spread to twenty-four countries around the world to date, all with various political, religious, and cultural foundations; and

**WHEREAS**, there are numerous DeMolay chapters in the state of Missouri, including clubs being developed on Missouri college campuses, with over one thousand active DeMolays and thousands more alumni who are actively involved in serving their communities; and

**WHEREAS**, Missouri has been a leader in DeMolay International since 1919 in the most worthy needed causes, including education, membership, programming, and youth leadership:

**NOW THEREFORE BE IT RESOLVED** that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize Missouri DeMolay as an Institution of Higher Education and designate March eighteenth of each year as DeMolay Day and recommend that the citizens of the state engage in activities and conscious awareness to highlight the importance of youth leadership, rewarding higher education, and learning the cultural and historical significance of freedom of thought, freedom of religion, and freedom of speech in conjunction with the recognition of the consecrated leadership and wisdom of those who came before us who established, fought, and died for the perpetuation and preservation of such high universal ideals throughout the world; and

**BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the executive officer of the Missouri chapter of DeMolay International.

Approved July 13, 2018

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HCR 70

**Declares youth violence as a public health epidemic and declares June 7th as "Christopher Harris Day" in Missouri.**

AN ACT relating to youth violence.

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

**WHEREAS**, youth across this state are committing acts of violence against one another and throughout their communities; and

**WHEREAS**, a national survey by the Centers for Disease Control and Prevention (CDC) found that United States adults reported approximately 1.56 million incidents of victimization by perpetrators estimated to be between 12 and 20 years of age; and

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**WHEREAS**, the CDC states, "Violence is a serious public health problem in the United States. From infants to the elderly, it affects people in all stages of life. In 2007, more than 18,000 people were victims of homicide and more than 34,000 took their own life."; and

**WHEREAS**, the CDC reports that many people survive violence and are left with permanent physical and emotional scars and that violence erodes communities by reducing productivity, decreasing property values, and disrupting social services; and

**WHEREAS**, a national initiative led by the CDC, Striving to Reduce Youth Violence Everywhere (STRYVE), assists communities in applying a public health perspective to preventing youth violence; and

**WHEREAS**, in 1985, former United States Surgeon General C. Everett Koop declared violence as a public health issue and called for the application of the science of public health to the treatment and prevention of violence; and

**WHEREAS**, in 2000, former United States Surgeon General David Satcher declared youth violence as a public health epidemic; and

**WHEREAS**, Dr. Satcher released a report that deems youth violence as a threat to public health and calls for federal, state, local, and private entities to invest in research on youth violence and for the use of the knowledge gained to inform intervention programs; and

**WHEREAS**, the report states that the public health approach to youth violence involves identifying risk and protective factors, determining how they work, making the public aware of these findings, and designing programs to prevent or stop the violence; and

**WHEREAS**, the 2000 public health report calls for national resolve to confront the problem of youth violence systematically; to facilitate entry of youth into effective intervention programs rather than incarceration; to improve public awareness of effective interventions; to convene youth, families, researchers, and public and private organizations for a periodic youth violence summit; to develop new collaborative multidisciplinary partnerships; and to hold periodic, highly visible national summits; and

**WHEREAS**, an individual's characteristics, experiences, and environmental conditions during childhood and adolescence are an indicator of future violent behavior; and

**WHEREAS**, ages 15 through 18, the ages that students spend in high school, are the peak years of offending; and

**WHEREAS**, there is concern about high school dropout rates, academic performance, and violence in schools across this state; and

**WHEREAS**, according to the Yale School of Medicine Child Study Center, the Comer School Development Program offers low-achieving schools assistance in creating a conducive learning environment while providing a solid foundation for students; and

**WHEREAS**, the work of the Yale School of Medicine Child Study Center has demonstrated that, "When teachers, administrators, parents, and mature adults interact with students in a supportive school environment and culture and provide adequate instruction in a way that mediates physical, social-interactive, psycho-emotional, moral-ethical, linguistic and cognitive-intellectual development, acceptable academic achievement will take place."; and

**WHEREAS**, the Comer School Development Program is an operating system comprised of three teams: the School Planning and Management Team, the Student and Staff Support Team, and the Parent Team, which work together to create a comprehensive school plan; and

**WHEREAS**, the Comer School Development Program model is guided by three principles: decision-making by consensus, no-fault problem solving, and collaboration; and

**WHEREAS**, due to the violence epidemic, youth suffer from either primary or secondary trauma. Primary trauma is trauma associated with the violent death of a loved one. Secondary trauma results from exposure to violence present within their community; and

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**WHEREAS**, exposure to violence in families and communities, as well as exposure to homicidal death, can lead to youth-specific post-traumatic stress disorder with complex effects as well as homicidal grief; and

**WHEREAS**, trauma is not easily visible within youth because it requires proper assessment and, due to the amount of violence youth are currently exposed to, measures should be taken to properly assess the issue; and

**WHEREAS**, the experience of trauma impacts children of all situations and conditions across this state; and

**WHEREAS**, in August 2007, the CDC deemed schools as providing "a critical opportunity for changing societal behavior because almost the entire population is engaged in this institution for many years, starting at an early and formative period" and "Universal school-based violence prevention programs represent an important means of reducing violent and aggressive behavior in the United States.":

**NOW THEREFORE BE IT RESOLVED** that the members of the Missouri House of Representatives, Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby declare youth violence as a public health epidemic and support the establishment of statewide trauma-informed education; and

**BE IT FURTHER RESOLVED** that June seventh of each year shall be known and is designated as "Christopher Harris Day" in Missouri to remember children in St. Louis and throughout the state of Missouri lost to violence; and

**BE IT FURTHER RESOLVED** that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved July 5, 2018

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SCR 36

**Designates the month of August as Shingles Awareness and Prevention Month.**

Relating to Shingles Awareness and Prevention Month in Missouri.

**Whereas**, herpes zoster (shingles) is a disease caused by the same virus (zoster) that causes chickenpox; therefore, any individual who has contracted chickenpox is at risk for shingles, corresponding to approximately ninety-eight percent of U.S. adults; and

**Whereas**, nearly one in three people in the United States will contract shingles in their lifetime, corresponding to an estimated one million people annually; and

**Whereas**, the risk of shingles increases with age, with nearly half of those affected being over sixty years old and half of people living until eighty-five years old developing shingles; and

**Whereas**, shingles is a viral infection that causes a painful rash that can be severe, along with other symptoms, including long-term nerve pain, fever, headache, chills, upset stomach, muscle weakness, skin infection, scarring, and a decrease or loss of vision or hearing; and

**Whereas**, as many as twenty percent of adults who have contracted shingles will develop postherpetic neuralgia, a debilitating complication of shingles that causes severe pain and that may interfere with sleep and recreational activities and be associated with clinical depression;

**Whereas**, vaccines have reduced the burden of widespread and often fatal diseases, enabling individuals to lead longer and healthier lives while reducing health care costs; and

**Whereas**, much attention has been paid to the importance of childhood vaccinations, but there is a general lack of awareness of adult-recommended vaccines and a misperception that immunizations are unnecessary for healthy adults; and

**Whereas**, the United States Centers for Disease Control and Prevention (CDC) and the Advisory Committee on Immunization Practices (ACIP) recommend that healthy adults fifty years and older be vaccinated against shingles to prevent shingles and shingles-related complications; and

**Whereas**, despite the recommendations of CDC officials and other experts that all healthy adults be vaccinated against shingles, as of 2015 only thirty percent of eligible adults had received the shingles vaccine; and

**Whereas**, the annual economic burden of shingles in American adults is estimated to be between \$782 million and \$5 billion; and

**Whereas**, the Institute of Medicine has stated that one of the six causes of excess costs in the U.S. health care system is missed prevention opportunities; and

**Whereas**, millions of American adults go without routine and recommended vaccinations because medical systems are not designed to ensure that adults receive regular preventive health care; and

**Whereas**, as the month of August is observed as National Immunization Awareness Month, residents of Missouri should be encouraged to speak with their health care provider to ensure that they have been properly vaccinated against shingles according to current CDC and ACIP recommendations:

**Now, Therefore, Be It Resolved** by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate August as "Shingles Awareness and Prevention Month" in Missouri to increase public awareness of the importance of adults receiving vaccines against shingles and to promote outreach and education efforts concerning adult vaccinations; and

**Be It Further Resolved** that the Department of Health and Senior Services shall take appropriate action to promote Shingles Awareness and Prevention Month, including urging health care practitioners to discuss vaccines for shingles with adult patients and adopting appropriate programs and initiatives to raise public awareness of the importance of adult vaccinations; and

**Be It Further Resolved** that the Department of Health and Senior Services shall create and disseminate educational resources on shingles and shingles vaccinations to educate the residents of Missouri on vaccine-preventable diseases, including shingles; and

**Be It Further Resolved** that the Secretary of the Missouri Senate be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved July 9, 2018

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SCR 37

**Endorses the Bangert Island Riverfront Transformational Project by the General Assembly.**

**Whereas**, the Bangert Island Riverfront Transformational Project will transform the St. Charles Riverfront into a center for economic prosperity; and

**Whereas**, the Bangert Island Riverfront Transformational Project will provide for a unique Missouri River Island recreational attraction; and

**Whereas**, the Bangert Island Riverfront Transformational Project will provide Missouri River aquatic habitat restoration; and

**Whereas**, the Bangert Island Riverfront Transformational Project, according to economic modeling, projects 4,000 new jobs; and

**Whereas**, the Bangert Island Riverfront Transformational Project, according to economic modeling, will result in a \$1.5 billion economic impact; and

**Whereas**, the Bangert Island project initiative shall:

- (1) Create 4,000 jobs for Missourians;
- (2) Have a \$1.5 billion economic impact;
- (3) Provide for a riverfront recreational attraction;
- (4) Provide for Missouri River aquatic habitat restoration; and

**Whereas**, a Modeling study produced by the Corps for restoration of Bangert Island concluded that navigation is not disturbed by the proposed side channel/chute project; and

**Whereas**, the City of St. Charles desires to work with the United States Army Corps of Engineers to advance a Section 1135 Project, which would improve aquatic habitat and restore Bangert Island; and

**Whereas**, the City of St. Charles will cost share toward construction of the Bangert Island project:

**Now Therefore Be It Resolved** that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby endorse the Bangert Island Riverfront Transformational Project; and

**Be It Further Resolved** that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, United States Senator Roy Blunt, United States Senator Claire McCaskill, Congressman Blaine Luetkemeyer, and Congresswoman Ann Wagner.

Approved May 18, 2018

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SCR 40

**Applies to Congress for the calling of an Article V convention of states to propose an amendment to the United States Constitution regarding term limits for members of Congress.**

Relating to an application to Congress for the calling of an Article V convention of states to propose an amendment to the United States Constitution regarding term limits for members of Congress.

**Whereas**, Article V of the Constitution of the United States requires a Convention to be called by the Congress of the United States for the purpose of proposing an amendment to the Constitution upon application of two-thirds of the Legislatures of the several states; and

**Whereas**, the Legislature of the State of Missouri favors a proposal and ratification of an amendment to said Constitution, which shall set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and as a member of the United States Senate:

**Now, Therefore, Be It Resolved** by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby make an application to Congress, as provided by Article V of the Constitution of the United States of America, to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a member of the United States Senate; and

**Be It Further Resolved** that this application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

**Be It Further Resolved** that this application shall expire five (5) years after the passage of this resolution; and

**Be It Further Resolved** that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the Senate of the United States and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Approved May 17, 2018

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SCR 43

**Urges the Missouri Public Service Commission to reaffirm state policies relating to natural gas hedging.**

**Whereas**, Missouri statutes and regulations recognize that consumers of electricity benefit when electrical corporations can work in the financial markets and physical commodity markets to manage overall costs and price volatility through the established business practice of hedging; and

**Whereas**, the Missouri Public Service Commission has overseen electrical corporations serving Missouri for over a decade to ensure that fuels used to generate electricity are hedged appropriately and in consumers' best interest; and

**Whereas**, due to numerous factors, including federal environmental policy shifts, consumer preferences for lower emission energy sources, and market dynamics, electric power generation is increasingly dependent on natural gas and will be for decades to come; and

**Whereas**, while natural gas commodity prices and futures estimates are relatively low today, market forces outside of Missouri and the United States could cause declines in natural gas supplies, increased global competition for natural gas supplies, and unpredictable price hikes, or extended periods of price volatility; and

**Whereas**, both financial investment strategies and ownership of natural gas fuel reserves are viable options for providing insurance against unexpended reductions in available natural gas supplies and unpredictable price rises and volatility:

**Now Therefore Be It Resolved** that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Missouri Public Service Commission to reaffirm the state's policy of encouraging electrical corporations to act in consumers' best interests through prudent hedging of natural gas and other fuel inputs; and

**Be It Further Resolved** that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Chair of the Public Service Commission and each electrical corporation regulated by the Public Service Commission.

Approved May 17, 2018

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SCR 49

**Moves referendum election date for SS#2/SB 19 (see p. 386 in the Session Laws of Missouri, 2017).**

Relating to the election date for the referendum on Senate Substitute #2 for Senate Bill 19 as enacted by the Ninety-ninth General Assembly, First Regular Session.

**Whereas**, the voters of Missouri through the referendum process have ordered an election on the enactment of Senate Substitute #2 for Senate Bill 19; and

**Whereas**, Senate Substitute #2 for Senate Bill 19 provides that no person shall be required to pay dues to a union without his or her affirmative consent; and

**Whereas**, there is substantial need for the protection of a person's right to support or refrain from supporting a union; and

**Whereas**, the Constitution of Missouri provides in Article III, Section 52(b) in part "...all elections on measures referred to the people shall be had at the general state elections, except when the General Assembly shall order a special election...":

**Now Therefore Be It Resolved** by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the referendum on Senate Substitute #2 for Senate Bill 19 of the Ninety-ninth General Assembly, First Regular Session, officially entitled on the ballot as an act "which prohibits as a condition of employment the forced membership in a labor organization (union) or forced payments of dues in full or pro-rata (fair-share); makes any activity which violates employees' rights illegal and ineffective; allows legal remedies for anyone injured as a result of another person violating or

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threatening to violate employees' rights; and which shall not apply to union agreements entered into before the effective date of Senate Bill 19" be submitted to the voters of Missouri at a statewide election to be held on August 7, 2018; and

**Be It Further Resolved** that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved May 24, 2018

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SCR 50

**Requests the U.S. Congress to replace the statue of Thomas Hart Benton in the Statuary Hall of the U.S. Capitol with a statue of Harry S Truman.**

Vetoed July 13, 2018

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SCR 53

**Establishes the Joint Committee on the Review of the Plant Industries Division.**

**Whereas**, the Plant Industries Division of the Missouri Department of Agriculture is responsible for administering several programs and corresponding provisions of law; and

**Whereas**, such programs include the Feed, Seed, and Treated Timber Program; the Produce Safety Program; the Fresh Fruit and Vegetable Inspection Program; the Pesticide Program; the Plant Pest Control Program; and the Integrated Pest Management Program; and

**Whereas**, persons requiring licenses from each program are required to pay associated fees for such license, with such fees supporting the administration of such programs; and

**Whereas**, a review of all fees supporting the Plant Industries Division shall be reviewed in order to ensure fairness to persons assessed fees by the Division:

**Now therefore Be It Resolved** that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Committee on the Review of the Plant Industries Division" to examine the administration of, and fees assessed by, the Plant Industries Division; and

**Be It Further Resolved** that the Joint Committee on the Review of the Plant Industries Division shall be composed of five members of the Senate, with no more than three members of one party, and seven members of the House of Representatives, with no more than four members of one party. The Senate members of the Joint Committee shall be appointed by the President Pro Tempore of the Senate and the House members by the Speaker of the House of Representatives. All members shall be members of a standing agriculture committee within their respective chamber. The Joint Committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the Senate and one a member of the House of Representatives. A majority of the members shall constitute a quorum. Meetings of the Joint Committee may be called at such time and place as the chairperson or chairpersons designate, but the Joint Committee shall hold at least two public meetings; and

**Be It Further Resolved** that the Joint Committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The Joint Committee may make reasonable requests for staff assistance from the research and appropriations staffs of the House and Senate, as well as the Department of Agriculture; and

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**Be It Further Resolved** that the Joint Committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the General Assembly by November 30, 2018, at which time the Joint Committee shall be dissolved; and

**Be It Further Resolved** that members of the Joint Committee and any staff personnel assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee; and

**Be It Further Resolved** that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingent Fund; and

**Be It Further Resolved** that the Joint Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-ninth General Assembly and the First Regular Session of the One-hundredth General Assembly through December 31, 2018, as recognized in *State v. Atterbury*, 300 S.W.2d 806 (Mo. 1957).

Approved May 18, 2018

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**AUGUST 7, 2018**

**PROPOSITION A** — (Proposed by Referendum Petition)

**PETITION FOR REFERENDUM**

To the Honorable John P. (Jay) Ashcroft, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and \_\_\_\_\_ County (or city of St. Louis), respectfully order that Senate Substitute Number 2 for Senate Bill No. 19, entitled "An Act To amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions," passed by the 99<sup>th</sup> general assembly of the state of Missouri, at the first regular session of the 99<sup>th</sup> general assembly, shall be referred to the voters of the State of Missouri, for their approval or rejection, at the general election to be held on the 6<sup>th</sup> day of November, 2018, unless the general assembly shall designate another date, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and \_\_\_\_\_ County (or city of St. Louis); my registered voting address and name of the city, town or village in which I live are correctly written after my name.

**REVISOR'S NOTE:** On May 24, 2018, with the Governor's approval of Senate Concurrent Resolution No. 49 by the Ninety-Ninth General Assembly, Second Regular Session, the General Assembly submitted the referendum on Senate Substitute #2 for Senate Bill No. 19 to the voters at the statewide primary election held on August 7, 2018 (see SCR 49 on p. 1984 of this publication).

***Official Ballot Title:***

Do the people of the state of Missouri want to adopt Senate Bill 19 ("Right-to-Work") as passed by the general assembly in 2017, which prohibits as a condition of employment the forced membership in a labor organization (union) or forced payments of dues in full or pro-rata (fair-share); make any activity which violates employees' rights illegal and ineffective; allow legal remedies for anyone injured as a result of another person violating or threatening to violate employees' rights; and which shall not apply to union agreements entered into before the effective date of Senate Bill 19?

State and local government entities expect no costs or savings.

***Fair Ballot Language:***

A **"yes"** vote will adopt Senate Bill 19 ("right-to-work"), passed by the general assembly in 2017. If adopted, Senate Bill 19 will amend Missouri law to prohibit, as a condition of employment, forced membership in a labor organization (union) or forced payments of dues or fees, in full or pro-rata ("fair-share"), to a union. Senate Bill 19 will also make any activity which violates employees' rights provided by the bill illegal and ineffective and allow legal remedies for anyone injured as a result of another person violating or threatening to violate those employees' rights. Senate Bill 19 will not apply to union agreements entered into before the effective date of Senate Bill 19, unless those agreements are amended or renewed after the effective date of Senate Bill 19.

A **"no"** vote will reject Senate Bill 19 ("right-to-work"), and will result in Senate Bill 19 not becoming Missouri law.

If passed, this measure will have no impact on taxes.

FOR — 453,283; AGAINST — 939,973

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## Adopted Amendments to the Constitution of Missouri 1989

NOVEMBER 6, 2018

CONSTITUTIONAL AMENDMENT NO. 1 — (Proposed by Initiative Petition)

***Official Ballot Title:***

Shall the Missouri Constitution be amended to:

- change process and criteria for redrawing state legislative districts during reapportionment;
- change limits on campaign contributions that candidates for state legislature can accept from individuals or entities;
- establish a limit on gifts that state legislators, and their employees, can accept from paid lobbyists;
- prohibit state legislators, and their employees, from serving as paid lobbyists for a period of time;
- prohibit political fundraising by candidates for or members of the state legislature on State property; and
- require legislative records and proceedings to be open to the public?

State governmental entities estimate annual operating costs may increase by \$189,000. Local governmental entities expect no fiscal impact.

***Fair Ballot Language:***

A "yes" vote will amend the Missouri Constitution to change the process and criteria for redrawing state legislative district boundaries during reapportionment (redistricting). Currently, bipartisan house and senate commissions redraw boundaries and those maps are adopted if 70% of the commissioners approve the maps. This amendment has a state demographer chosen from a panel selected by the state auditor redraw the boundaries and submit those maps to the house and senate commissions. This amendment would then allow changes to the demographer's maps only if 70% of the commissioners vote to make changes and do so within two months after receiving the maps from the state demographer. The amendment also reduces the limits on campaign contributions that candidates for state senator or state representative can accept from individuals or entities by \$100 per election for a senate candidate and \$500 for a house candidate. The amendment creates a \$5 limit on gifts that state legislators and their employees can accept from paid lobbyists or the lobbyists' clients, and prohibits state legislators and their employees from serving as paid lobbyists for a period of two years after the end of their last legislative session. The amendment prohibits political fundraising by candidates for or members of the state legislature on State property. The amendment further requires all legislative records and proceedings to be subject to the state open meetings and records law (Missouri Sunshine Law).

A "no" vote will not amend the Missouri Constitution regarding redistricting, campaign contributions, lobbyist gifts, limits on lobbying after political service, fundraising locations, and legislative records and proceedings.

If passed, this measure will have no impact on taxes.

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**Amendment 1**

NOTICE: You are advised that the proposed constitutional amendment may change, repeal, or modify by implication or may be construed by some persons to change, repeal or modify by implication, the following Articles and Sections of the Constitution of Missouri: Article I, Section 8 and the following Sections of the Missouri Revised Statutes: Sections 105.450 through 105.496 and Sections 130.011 through 130.160. The proposed amendment revises Article III of the Constitution by amending Sections 2, 5, 7, and 19 and adopting three new sections to be known as Article III Sections 3, 20(c), and 20(d).

*Be it resolved by the people of the state of Missouri that the Constitution be amended:*

**SECTION A. ENACTING CLAUSE.** — Article III of the Constitution is revised by amending Sections 2, 5, 7, 19, and adopting three new sections to be known as Article III Sections 3, 20(c), and 20(d) to read as follows:

**SECTION 2. PROHIBITED ACTIVITIES BY GENERAL ASSEMBLY MEMBERS AND EMPLOYEES — CAMPAIGN CONTRIBUTION LIMITS AND RESTRICTIONS.** — After the effective date of this section, no person serving as a member of or employed by the General Assembly shall act or serve as a paid lobbyist, register as a paid lobbyist, or solicit prospective employers or clients to represent as a paid lobbyist during the time of such service until the expiration of two calendar years after the conclusion of the session of the general assembly in which the member or employee last served and where such service was after the effective date of this section.

(a) No person serving as a member of or employed by the General Assembly shall accept directly or indirectly a gift of any tangible or intangible item, service, or thing of value from any paid lobbyist or lobbyist principal in excess of five dollars per occurrence. This Article shall not prevent Candidates for the General Assembly, including candidates for reelection, or candidates for offices within the senate or house from accepting campaign contributions consistent with this Article and applicable campaign finance law. Nothing in this section shall prevent individuals from receiving gifts, family support or anything of value from those related to them within the fourth degree by blood or marriage. The dollar limitations of this section shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency and rounded to the nearest dollar amount.

(c) The General Assembly shall make no law authorizing unlimited campaign contributions to candidates for the General Assembly, nor any law that circumvents the contribution limits contained in this Constitution. In addition to other campaign contribution limitations or restrictions provided for by law, the amount of contributions made to or accepted by any candidate or candidate committee from any person other than the candidate in any one election for the General Assembly shall not exceed the following:

- (1) To elect an individual to the office of state senator, two thousand five hundred dollars; and
- (2) To elect an individual to the office of state representative, two thousand dollars.

The contribution limits and other restrictions of this section shall also apply to any person exploring a candidacy for a public office listed in this subsection.

For purposes of this subsection, “base year amount” shall be the contribution limits prescribed in this section. Contribution limits set forth herein shall be adjusted on the first day of January in each even-numbered year hereafter by multiplying the base year amount by the cumulative consumer price index and rounded to the nearest dollar amount, for all years after 2018.

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## Adopted Amendments to the Constitution of Missouri 1991

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(d) No contribution to a candidate for legislative office shall be made or accepted, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to, or with the intent to, conceal the identity of the actual source of the contribution. There shall be a rebuttable presumption that a contribution to a candidate for public office is made or accepted with the intent to circumvent the limitations on contributions imposed in this section when a contribution is received from a committee or organization that is primarily funded by a single person, individual, or other committee that has already reached its contribution limit under any law relating to contribution limitations. A committee or organization shall be deemed to be primarily funded by a single person, individual, or other committee when the committee or organization receives more than fifty percent of its annual funding from that single person, individual, or other committee.

(e) In no circumstance shall a candidate be found to have violated limits on acceptance of contributions if the Missouri Ethics Commission, its successor agency, or a court determines that a candidate has taken no action to indicate acceptance of or acquiescence to the making of an expenditure that is deemed a contribution pursuant to this section.

(f) No candidate shall accept contributions from any federal political action committee unless the committee has filed the same financial disclosure reports that would be required of a Missouri political action committee.

**SECTION 3. STATE DEMOGRAPHER ESTABLISHED AND SELECTED — ELECTION OF REPRESENTATIVES — LEGISLATIVE DISTRICTS ESTABLISHED — CONGRESSIONAL DISTRICT COMMISSION.** — (a) There is hereby established the post of “non-partisan state demographer.” The non-partisan state demographer shall acquire appropriate information to develop procedures in preparation for drawing legislative redistricting maps on the basis of each federal census for presentation to the house apportionment commission and the senatorial apportionment commission.

(b) The non-partisan state demographer shall be selected through the following process. First, state residents may apply for selection to the state auditor using an application developed by the state auditor to determine an applicant’s qualifications and expertise relevant to the position. Second, the state auditor shall deliver to the majority leader and minority leader of the senate a list of at least three applicants with sufficient expertise and qualifications, as determined by the state auditor, to perform the duties of the non-partisan state demographer. Third, if the majority leader and minority leader of the senate together agree that a specific applicant should be selected to be the non-partisan state demographer, that applicant shall be selected and the selection process shall cease. Fourth, if the majority leader and minority leader of the senate cannot together agree on an applicant, they may each remove a number of applicants on the state auditor’s list equal to one-third of the total number of applicants on that list, rounded down to the next integer, and the state auditor shall then conduct a random lottery of the applicants remaining after removal to select the non-partisan state demographer. The state auditor shall prescribe a time frame and deadlines for this application and selection process that both encourages numerous qualified applicants and avoids delay in selection. The non-partisan state demographer shall serve a term of five years and may be reappointed. To be eligible for the non-partisan state demographer position an individual shall not have served in a partisan, elected position for four years prior to the appointment. The non-partisan state demographer shall be disqualified from holding office as a member of the general assembly for four years following the date of the presentation of his or her most recent legislative redistricting map to the house apportionment commission or the senatorial apportionment commission.

(c) The house of representatives shall consist of one hundred sixty-three members elected at each general election and apportioned [in the following manner:] as provided in this section.

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(1) Within ten days after the population of this state is reported to the President for each decennial census of the United States or, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within ten days after such a ruling has been made, the non-partisan state demographer shall begin the preparation of legislative districting plans and maps using the following methods, listed in order of priority:

(a) Districts shall be established on the basis of total population. Legislative districts shall each have a total population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the total population of the state reported in the federal decennial census.

(b) Districts shall be established in a manner so as to comply with all requirements of the United States Constitution and applicable federal laws, including, but not limited to, the Voting Rights Act of 1965 (as amended). Notwithstanding any other provision of this Article, districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or diminishing their ability to elect representatives of their choice, whether by themselves or by voting in concert with other persons.

Districts shall be designed in a manner that achieves both partisan fairness and, secondarily, competitiveness. Partisan fairness means that parties shall be able to translate their popular support into legislative representation with approximately equal efficiency. Competitiveness means that parties' legislative representation shall be substantially and similarly responsive to shifts in the electorate's preferences.

To this end, the non-partisan state demographer shall calculate the average electoral performance of the two parties receiving the most votes in the three preceding elections for governor, for United States Senate, and for President of the United States. This index shall be defined as the total votes received by each party in the three preceding elections for governor, for United States Senate, and for President of the United States, divided by the total votes cast for both parties in these elections. Using this index, the non-partisan state demographer shall calculate the total number of wasted votes for each party, summing across all of the districts in the plan. Wasted votes are votes cast for a losing candidate or for a winning candidate in excess of the fifty percent threshold needed for victory. In any plan of apportionment and map of the proposed districts submitted to the respective apportionment commission, the non-partisan state demographer shall ensure the difference between the two parties' total wasted votes, divided by the total votes cast for the two parties, is as close to zero as practicable.

To promote competitiveness, the non-partisan state demographer shall use the electoral performance index to simulate elections in which the hypothetical statewide vote shifts by one percent, two percent, three percent, four percent, and five percent in favor of each party. The vote in each individual district shall be assumed to shift by the same amount as the statewide vote. The non-partisan state demographer shall ensure that, in each of these simulated elections, the difference between the two parties' total wasted votes, divided by the total votes cast for the two parties, is as close to zero as practicable.

(c) Subject to the requirements of subdivisions (1)(a) and (1)(b), Districts shall be composed of contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

(d) To the extent consistent with subdivisions (1)(a) – (1)(c) of this subsection, district boundaries shall coincide with the boundaries of political subdivisions of the state. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be

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## Adopted Amendments to the Constitution of Missouri 1993

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divided before the less populous, but this preference shall not apply to a legislative district boundary drawn along a county line which passes through a city that lies in more than one county.

(e) Preference shall be that districts are compact in form, but the standards established by subdivisions (1)(a) – (1)(d) of this subsection take precedence over compactness where a conflict arises between compactness and these standards. In general, compact districts are those which are square, rectangular, or hexagonal in shape to the extent permitted by natural or political boundaries.

(2). Within sixty days after the population of this state is reported to the President for each decennial census of the United States [and] or, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within sixty days [after notification by the governor] that such a ruling has been made, the congressional district committee of each of the two parties casting the highest vote for governor at the last preceding election shall meet and the members of the committee shall nominate, by a majority vote of the members of the committee present, provided that a majority of the elected members is present, two members of their party, residents in that district, as nominees for reapportionment commissioners. Neither party shall select more than one nominee from any one state legislative district. The congressional committees shall each submit to the governor their list of elected nominees. Within thirty days the governor shall appoint a commission consisting of one name from each list to reapportion the state into one hundred and sixty-three representative districts and to establish the numbers and boundaries of said districts.

If any of the congressional committees fails to submit a list within such time the governor shall appoint a member of his own choice from that district and from the political party of the committee failing to make the appointment.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final statement of apportionment.

For the purposes of this Article, the term congressional district committee or congressional district refers to the congressional district committee or the congressional district from which a congressman was last elected, or, in the event members of congress from this state have been elected at large, the term congressional district committee refers to those persons who last served as the congressional district committee for those districts from which congressmen were last elected, and the term congressional district refers to those districts from which congressmen were last elected. Any action pursuant to this section by the congressional district committee shall take place only at duly called meetings, shall be recorded in their official minutes and only members present in person shall be permitted to vote.

(3) Within six months after the population of this state is reported to the President for each decennial census of the United States or, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within six months after such a ruling has been made, the non-partisan state demographer shall make public and file with the secretary of state and with the house apportionment commission a tentative plan of apportionment and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map.

The commissioners so selected shall, [on the fifteenth day, excluding Sundays and holidays, after all members have been selected] within ten days of receiving the tentative plan of apportionment and map of the proposed districts, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary [and]. The commission shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held to hear objections or testimony from interested persons. A copy of the agenda shall be filed with the clerk of the house of representatives within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

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The commission may make changes to the tentative plan of apportionment and map of the proposed districts received from the non-partisan state demographer provided that such changes are consistent with this section and approved by a vote of at least seven-tenths of the commissioners. If no changes are made or approved as provided for in this subsection, the tentative plan of apportionment and map of proposed districts shall become final. Not later than two months of receiving the tentative plan of apportionment and map of the proposed districts, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts.

[The commission shall reapportion the representatives by dividing the population of the state by the number one hundred sixty-three and shall establish each district so that the population of that district shall, as nearly as possible, equal that figure.

Each district shall be composed of contiguous territory as compact as may be.

Not later than five months after the appointment of the commission the commission shall receive the tentative plan of apportionment and map of the proposed districts ordered in subsection 4 of this section and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or testimony of interested persons.

Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts, and no statement shall be valid unless approved by at least seven-tenths of the members.

After the statement is filed members of the house of representatives shall be elected according to such districts until a reapportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, it shall stand discharged and the house of representatives shall be apportioned by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter members of the house of representatives shall be elected according to such districts until a reapportionment is made as herein provided.]

Each member of the commission shall receive as compensation fifteen dollars a day for each day the commission is in session but not more than one thousand dollars, and, in addition, shall be reimbursed for his actual and necessary expenses incurred while serving as a member of the commission.

No reapportionment shall be subject to the referendum.

**SECTION 5. SENATORS — NUMBER — SENATORIAL DISTRICTS.** — (a) The Senate shall consist of thirty-four members elected by the qualified voters of the senatorial [respective] districts for a term of four years. [For the election of senators, the state shall be divided into convenient districts of contiguous territory, as compact and nearly equal in population as may be.] Senatorial districts shall be apportioned as provided for in Article III, Section 7.

**SECTION 7. SENATORIAL DISTRICTS ESTABLISHED — SENATORIAL APPORTIONMENT COMMISSION.** — (1) Within ten days after the population of this state is reported to the President for each decennial census of the United States or, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within ten days after such a ruling has been made, the non-partisan state demographer authorized in Article III Section 3, shall begin the preparation of senatorial districting plans and maps using the same methods and criteria as those required by Article III, Section 3 for the establishment of districts for the House of Representatives.

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## Adopted Amendments to the Constitution of Missouri 1995

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(2) Within sixty days after the population of this state is reported to the President for each decennial census of the United States, [and] or within sixty days after [notification by the governor that] a reapportionment has been invalidated by a court of competent jurisdiction, the state committee of each of the two political parties casting the highest vote for governor at the last preceding election shall, at a committee meeting duly called, select by a vote of the individual committee members, and thereafter submit to the governor a list of ten persons, and within thirty days thereafter the governor shall appoint a commission of ten members, five from each list, to reapportion the thirty-four senatorial districts and to establish the numbers and boundaries of said districts.

If either of the party committees fails to submit a list within such time the governor shall appoint five members of his own choice from the party of the committee so failing to act.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final statement of apportionment.

(3) Within six months after the population of this state is reported to the President for each decennial census of the United States or in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within six months after such a ruling has been made, the non-partisan state demographer shall file with the secretary of state and with the senatorial apportionment commission a tentative plan of apportionment and map of the proposed districts.

The commissioners so selected shall [on the fifteenth day, excluding Sundays and holidays, after all members have been selected] within ten days of receiving the tentative plan of apportionment and map of the proposed districts required by this subsection, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary [and]. The commission shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held to hear objections or testimony from interested persons. A copy of the agenda shall be filed with the secretary of the senate within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable. The commission may make changes to the tentative plan of apportionment and map of the proposed districts received from the non-partisan state demographer provided that such changes are consistent with this Section and the methods and criteria required by Section 3 of this Article for the establishment of districts for the House of Representatives and approved by a vote of at least seven-tenths of the commissioners. If no changes are made or approved as provided for in this subsection, the tentative plan of apportionment and map of proposed districts shall become final. Not later than two months after receiving the tentative plan of apportionment and map of the proposed districts, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts.

[The commission shall reapportion the senatorial districts by dividing the population of the state by the number thirty-four and shall establish each district so that the population of that district shall, as nearly as possible, equal that figure; no county lines shall be crossed except when necessary to add sufficient population to a multi-district county or city to complete only one district which lies partly within such multi-district county or city so as to be as nearly equal as practicable in population. Any county with a population in excess of the quotient obtained by dividing the population of the state by the number thirty-four is hereby declared to be a multi-district county.

Not later than five months after the appointment of the commission the commission shall file with the secretary of state a tentative plan of apportionment and map of the proposed districts and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or testimony of interested persons.

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Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts, and no statement shall be valid unless approved by at least seven members.

After the statement is filed senators shall be elected according to such districts until a reapportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, it shall stand discharged and the senate shall be apportioned by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter senators shall be elected according to such districts until a reapportionment is made as herein provided.]

Each member of the commission shall receive as compensation fifteen dollars a day for each day the commission is in session, but not more than one thousand dollars, and, in addition, shall be reimbursed for his actual and necessary expenses incurred while serving as a member of the commission.

No reapportionment shall be subject to the referendum.

**SECTION 19. LEGISLATIVE PRIVILEGES — LEGISLATIVE RECORDS — LEGISLATIVE PROCEEDINGS PUBLIC.** — (a) Senators and representatives shall, in all cases except treason, felony, offenses under this Article, or breach of the peace, be privileged from arrest during the session of the general assembly, and for the fifteen days next before the commencement and after the termination of each session; and they shall not be questioned for any speech or debate in either house in any other place.

(b) Legislative records shall be public records and subject to generally applicable state laws governing public access to public records, including the “Sunshine Law.” Legislative records include, but are not limited to, all records, in whatever form or format, of the official acts of the general assembly, of the official acts of legislative committees, of the official acts of members of the general assembly, of individual legislators, their employees and staff, of the conduct of legislative business and all records that are created, stored or distributed through legislative branch facilities, equipment or mechanisms, including electronic. Each member of the general assembly is the custodian of legislative records under the custody and control of the member, their employees and staff. The chief clerk of the house or the secretary of the senate are the custodians for all other legislative records relating to the house and the senate, respectively.

(c) Legislative proceedings, including committee proceedings, shall be public meetings subject to generally applicable law governing public access to public meetings, including the “Sunshine Law.” Open public meetings of legislative proceedings shall be subject to recording by citizens, so long as the proceedings are not materially disrupted.

**SECTION 20(c). POLITICAL FUNDRAISING PROHIBITED ON STATE PROPERTY.** — No political fundraising activities or political fundraising event by any member of or candidate for the general assembly, including but not limited to the solicitation or delivery of contributions, supporting or opposing any candidate, initiative petition, referendum petition, ballot measure, political party or political committee, shall occur in or on any premises, property or building owned, leased or controlled by the State of Missouri or any agency or division thereof. Any purposeful violation of this section shall be punishable by imprisonment for up to one year or a fine of up to one thousand dollars or both, plus an amount equal to three times the illegal contributions. The Missouri Ethics Commission or its successor agency is authorized to enforce this section as provided by law.

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## Adopted Amendments to the Constitution of Missouri 1997

**SECTION 20(d). SEVERABILITY PROVISION.** — If any provision of sections 2, 3, 7, 19, or 20(c) or the application thereof to anyone or to any circumstance is held invalid, the remainder of those provisions and the application of such provisions to others or other circumstances shall not be affected thereby.

Adopted November 6, 2018.  
Effective December 6, 2018.

FOR — 1,469,093; AGAINST — 899,613

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### CONSTITUTIONAL AMENDMENT NO. 2 — (Proposed by Initiative Petition)

#### ***Official Ballot Title:***

Shall the Missouri Constitution be amended to:

- allow the use of marijuana for medical purposes, and create regulations and licensing/certification procedures for marijuana and marijuana facilities;
- impose a 4 percent tax on the retail sale of marijuana; and
- use funds from these taxes for health and care services for military veterans by the Missouri Veterans Commission and to administer the program to license/certify and regulate marijuana and marijuana facilities?

This proposal is estimated to generate annual taxes and fees of \$18 million for state operating costs and veterans programs, and \$6 million for local governments. Annual state operating costs are estimated to be \$7 million.

#### ***Fair Ballot Language:***

A **"yes"** vote will amend the Missouri Constitution to allow the use of marijuana for medical purposes under state laws. This amendment does not change federal law, which makes marijuana possession, sale and cultivation a federal offense. This amendment creates regulations and licensing procedures for medical marijuana and medical marijuana facilities — dispensary, cultivation, testing and marijuana-infused product manufacturing facilities. This amendment creates licensing fees for such facilities. This amendment will impose a 4 percent tax on the retail sale of marijuana for medical purposes by dispensary facilities. The funds from the license fees and tax will be used by the Missouri Veterans Commission for health and care services for military veterans, and by the Department of Health and Senior Services to administer the program to license/certify and regulate marijuana and marijuana facilities.

A **"no"** vote will not amend the Missouri Constitution as to the use of marijuana.

If passed, this measure will impose a 4 percent retail sales tax on marijuana for medical purposes.

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**Amendment 2**

*Be it resolved by the people of the state of Missouri that the Constitution be amended:*

Article XVI is created by enacting one new section to be known as Section 1 of Article XVI, to read as follows:

**SECTION 1. RIGHT TO ACCESS MEDICAL MARIJUANA — 1. Purposes**

This section is intended to permit state-licensed physicians to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions. The section allows patients with qualifying medical conditions the right to discuss freely with their physicians the possible benefits of medical marijuana use, the right of their physicians to provide professional advice concerning the same, and the right to use medical marijuana for treatment under the supervision of a physician.

This section is intended to make only those changes to Missouri laws that are necessary to protect patients, their primary caregivers, and their physicians from civil and criminal penalties, and to allow for the limited legal production, distribution, sale and purchase of marijuana for medical use. This section is not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes. The section does not allow for the public use of marijuana and driving under the influence of marijuana.

**2. Definitions**

(1) “Administer” means the direct application of marijuana to a Qualifying Patient by way of any of the following methods:

- (a) Ingestion of capsules, teas, oils, and other marijuana-infused products;
- (b) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
- (c) Application of ointments or balms;
- (d) Transdermal patches and suppositories;
- (e) Consuming marijuana-infused food products; or
- (f) Any other method recommended by a Qualifying Patient’s physician.

(2) “Department” means the Department of Health and Senior Services, or its successor agency.

(3) “Entity” means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

(4) “Flowering plant” means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

(5) “Marijuana” or “Marihuana” means *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

(6) “Marijuana-Infused Products” means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

(7) “Medical Marijuana Cultivation Facility” means a facility licensed by the Department, to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.

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(8) “Medical Marijuana Dispensary Facility” means a facility licensed by the Department, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

(9) “Medical Marijuana-Infused Products Manufacturing Facility” means a facility licensed by the Department, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

(10) “Medical Marijuana Testing Facility” means a facility certified by the Department, to acquire, test, certify, and transport marijuana.

(11) “Medical use” means the production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a Qualifying Patient to mitigate the symptoms or effects of the patient’s qualifying medical condition.

(12) “Physician” means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

(13) “Physician certification” means a document, whether handwritten, electronic or in another commonly used format, signed by a physician and stating that, in the physician’s professional opinion, the patient suffers from a qualifying medical condition.

(14) “Primary caregiver” means an individual twenty-one years of age or older who has significant responsibility for managing the well-being of a Qualifying Patient and who is designated as such on the primary caregiver’s application for an identification card under this section or in other written notification to the Department.

(15) “Qualifying medical condition” means the condition of, symptoms related to, or side-effects from the treatment of:

(a) Cancer;

(b) Epilepsy;

(c) Glaucoma;

(d) Intractable migraines unresponsive to other treatment;

(e) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including but not limited to those associated with multiple sclerosis, seizures, Parkinson’s disease, and Tourette’s syndrome;

(f) Debilitating psychiatric disorders, including, but not limited to, post-traumatic stress disorder, if diagnosed by a state licensed psychiatrist;

(g) Human immunodeficiency virus or acquired immune deficiency syndrome;

(h) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;

(i) Any terminal illness; or

(j) In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn’s disease, Huntington’s disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer’s disease, cachexia, and wasting syndrome.

(16) “Qualifying Patient” means a Missouri resident diagnosed with at least one qualifying medical condition.

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**3. Creating Patient Access to Medical Marijuana**

(1) In carrying out the implementation of this section, the Department shall have the authority to:

(a) Grant or refuse state licenses and certifications for the cultivation, manufacture, dispensing, sale, testing, tracking, and transportation of marijuana for medical use as provided by law; suspend, fine, restrict, or revoke such licenses and certifications upon a violation of this section or a rule promulgated pursuant to this section; and impose any administrative penalty authorized by this section or any rule promulgated pursuant to this section.

(b) Promulgate rules and emergency rules necessary for the proper regulation and control of the cultivation, manufacture, dispensing, and sale of marijuana for medical use and for the enforcement of this section so long as patient access is not restricted unreasonably and such rules are reasonably necessary for patient safety or to restrict access to only licensees and Qualifying Patients.

(c) Develop such forms, certificates, licenses, identification cards, and applications as are necessary for, or reasonably related to, the administration of this section or any of the rules promulgated under this section;

(d) Require a seed-to-sale tracking system that tracks medical marijuana from either the seed or immature plant stage until the medical marijuana or medical marijuana-infused product is sold to a Qualifying Patient or Primary Caregiver to ensure that no medical marijuana grown by a Medical Marijuana Cultivation Facility or manufactured by a Medical Marijuana-Infused Products Manufacturing Facility is sold or otherwise transferred except by a Medical Marijuana Dispensary Facility. The Department shall certify, if possible, at least two commercially available systems to licensees as compliant with its tracking standards and issue standards for the creation or use of other systems by licensees.

(e) Issue standards for the secure transportation of Marijuana and Marijuana-Infused Products. The Department shall certify entities which demonstrate compliance with its transportation standards to transport Marijuana and Marijuana-Infused Products to a Medical Marijuana Cultivation Facility, a Medical Marijuana-Infused Products Manufacturing Facility, a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or another entity with a transportation certification. The Department shall develop or adopt from any other governmental agency such safety and security standards as are reasonably necessary for the transportation of marijuana. Any entity licensed or certified pursuant to this section shall be allowed to transport cannabis.

(f) The Department may charge a fee not to exceed \$5,000 for any certification issued pursuant to this section.

(g) Prepare and transmit annually a publicly available report accounting to the Governor for the efficient discharge of all responsibilities assigned to the Department under this section;

(h) Establish a system to numerically score competing medical marijuana licensee and certificate applicants, only in cases where more applicants apply than the minimum number of licenses or certificates as calculated by this section, which scoring shall be limited to an analysis of the following: (i) the character, veracity, background, qualifications, and relevant experience of principal officers or managers; (ii) the business plan proposed by the applicant, which in the case of cultivation facilities and dispensaries shall include the ability to maintain an adequate supply of marijuana, plans to ensure safety and security of Qualifying Patients and the community, procedures to be used to prevent diversion, and any plan for making Marijuana available to low-income Qualifying Patients; (iii) site security; (iv) experience in a legal cannabis market; (v) in the case of Medical Marijuana Testing Facilities, the experience of their personnel with testing marijuana, food or drugs for toxins and/or potency and health care industry experience; (vi) the potential for positive economic impact in the site community; (vii) in the case of Medical Marijuana Cultivation Facilities, capacity or experience with agriculture, horticulture, and health

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care; (viii) in the case of Medical Marijuana Dispensary Facilities, capacity or experience with health care, the suitability of the proposed location, and its accessibility for patients; (ix) in the case of Medical Marijuana-Infused Products Manufacturing Facilities, capacity or experience with food and beverage manufacturing; and (x) maintaining competitiveness in the marijuana for medical use marketplace. In ranking applicants and awarding licenses and certificates, the Department may consult or contract with other public agencies with relevant expertise regarding these factors. The Department shall lift or ease any limit on the number of licensees or certificate holders in order to meet the demand for marijuana for medical use by Qualifying Patients.

(2) The Department shall issue any rules or emergency rules necessary for the implementation and enforcement of this section and to ensure the right to, availability, and safe use of marijuana for medical use by Qualifying Patients. In developing such rules or emergency rules, the Department may consult with other public agencies. In addition to any other rules or emergency rules necessary to carry out the mandates of this section, the Department may issue rules or emergency rules relating to the following subjects:

(a) Compliance with, enforcement of, or violation of any provision of this section or any rule issued pursuant to this section, including procedures and grounds for denying, suspending, fining, restricting, or revoking a state license or certification issued pursuant to this section;

(b) Specifications of duties of officers and employees of the Department;

(c) Instructions or guidance for local authorities and law enforcement officers;

(d) Requirements for inspections, investigations, searches, seizures, and such additional enforcement activities as may become necessary from time to time;

(e) Creation of a range of administrative penalties for use by the Department;

(f) Prohibition of misrepresentation and unfair practices;

(g) Control of informational and product displays on licensed premises provided that the rules may not prevent or unreasonably restrict appropriate signs on the property of the Medical Marijuana Dispensary Facility, product display and examination by the Qualifying Patient and/or Primary caregiver, listings in business directories including phone books, listings in marijuana-related or medical publications, or the sponsorship of health or not for profit charity or advocacy events;

(h) Development of individual identification cards for owners, officers, managers, contractors, employees, and other support staff of entities licensed or certified pursuant to this section, including a fingerprint-based federal and state criminal record check in accordance with U.S. Public Law 92-544, or its successor provisions, as may be required by the Department prior to issuing a card and procedures to ensure that cards for new applicants are issued within fourteen days. Applicants licensed pursuant to this section shall submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check. The Missouri state highway patrol, if necessary, shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for the purpose of conducting a fingerprint-based criminal background check. Fingerprints shall be submitted pursuant to 43.543 and fees shall be paid pursuant to 43.530;

(i) Security requirements for any premises licensed or certified pursuant to this section, including, at a minimum, lighting, physical security, video, alarm requirements, and other minimum procedures for internal control as deemed necessary by the Department to properly administer and enforce the provisions of this section, including reporting requirements for changes, alterations, or modifications to the premises;

(j) Regulation of the storage of, warehouses for, and transportation of marijuana for medical use;

(k) Sanitary requirements for, including, but not limited to, the preparation of medical Marijuana-Infused Products;

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(l) The specification of acceptable forms of picture identification that a Medical Marijuana Dispensary Facility may accept when verifying a sale;

(m) Labeling and packaging standards;

(n) Records to be kept by licensees and the required availability of the records;

(o) State licensing procedures, including procedures for renewals, reinstatements, initial licenses, and the payment of licensing fees;

(p) The reporting and transmittal of tax payments;

(q) Authorization for the Department of Revenue to have access to licensing information to ensure tax payment and the effective administration of this section; and

(r) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this section.

(3) The Department shall issue rules or emergency rules for a medical marijuana and medical marijuana-infused products independent testing and certification program for medical marijuana licensees and requiring licensees to test medical marijuana using one or more impartial, independent laboratories to ensure, at a minimum, that products sold for human consumption do not contain contaminants that are injurious to health, to ensure correct labeling and measure potency. The Department shall not require any medical marijuana or medical marijuana-infused products to be tested more than once prior to sale.

(4) The Department shall issue rules or emergency rules to provide for the certification of and standards for Medical Marijuana Testing Facilities, including the requirements for equipment and qualifications for personnel, but shall not require certificate holders to have any federal agency licensing or have any relationship with a federally licensed testing facility. The Department shall certify, if possible, at least two entities as Medical Marijuana Testing Facilities. No Medical Marijuana Testing Facility shall be owned by an entity under substantially common control, ownership, or management as a Medical Marijuana Cultivation Facility, Medical Marijuana-Infused Product Manufacturing Facility, or Medical Marijuana Dispensary Facility.

(5) The Department shall maintain the confidentiality of reports or other information obtained from an applicant or licensee containing any individualized data, information, or records related to the licensee or its operation, including sales information, financial records, tax returns, credit reports, cultivation information, testing results, and security information and plans, or revealing any patient information, or any other records that are exempt from public inspection pursuant to state or federal law. Such reports or other information may be used only for a purpose authorized by this section. Any information released related to patients may be used only for a purpose authorized by federal law and this section, including verifying that a person who presented a patient identification card to a state or local law enforcement official is lawfully in possession of such card.

(6) Within one hundred eighty days of the effective date of this section, the Department shall make available to the public license application forms and application instructions for Medical Marijuana Cultivation Facilities, Medical Marijuana Testing Facilities, Medical Marijuana Dispensary Facilities, and Medical Marijuana-Infused Products Manufacturing Facilities.

(7) Within one hundred eighty days of the effective date of this section, the Department shall make available to the public application forms and application instructions for Qualifying Patient, Qualifying Patient cultivation, and Primary caregiver identification cards. Within two hundred ten days of the effective date of this section, the Department shall begin accepting applications for such identification cards.

(8) An entity may apply to the Department for and obtain one or more licenses to grow marijuana as a Medical Marijuana Cultivation Facility. Each facility in operation shall require a separate license, but multiple licenses may be utilized in a single facility. Each indoor facility

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utilizing artificial lighting may be limited by the Department to thirty thousand square feet of flowering plant canopy space. Each outdoor facility utilizing natural lighting may be limited by the Department to two thousand eight hundred flowering plants. Each greenhouse facility using a combination of natural and artificial lighting may be limited by the Department, at the election of the licensee, to two thousand eight hundred flowering plants or thirty thousand square feet of flowering plant canopy. The license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The Department shall charge each applicant a non-refundable fee of ten thousand dollars per license application or renewal for all applicants filing an application within three years of the effective date of this section and shall charge each applicant a non-refundable fee of five thousand dollars per license application or renewal thereafter. Once granted, the Department shall charge each licensee an annual fee of twenty-five thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. No more than three Medical Marijuana Cultivation Facility licenses shall be issued to any entity under substantially common control, ownership, or management.

(9) An entity may apply to the Department for and obtain one or more licenses to operate a Medical Marijuana Dispensary Facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The Department shall charge each applicant a non-refundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of the effective date of this section and shall charge each applicant a non-refundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the Department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. No more than five Medical Marijuana Dispensary Facility licenses shall be issued to any entity under substantially common control, ownership, or management.

(10) An entity may apply to the Department for and obtain one or more licenses to operate a Medical Marijuana-Infused Products Manufacturing Facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The Department shall charge each applicant a non-refundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of the effective date of this section and shall charge each applicant a non-refundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the Department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. No more than three Medical Marijuana-Infused Products Manufacturing Facility licenses shall be issued to any entity under substantially common control, ownership, or management.

(11) Any applicant for a license authorized by this section may pre-file their application fee with the Department beginning 30 days after the effective date of this section.

(12) Except for good cause, a Qualifying Patient or his or her Primary caregiver may obtain an identification card from the Department to cultivate up to six flowering marijuana plants for the exclusive use of that Qualifying Patient. The card shall be valid for twelve months from its date of

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issuance and shall be renewable with the annual submittal of a new or updated physician's certification. The Department shall charge an annual fee for the card of one hundred dollars, with such rate to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.

(13) The Department may set a limit on the amount of marijuana that may be purchased by or on behalf of a single Qualifying Patient in a thirty day period, provided that limit is not less than four ounces of dried, unprocessed marijuana, or its equivalent. Any such limit shall not apply to a Qualifying Patient with written certification from two independent physicians that there are compelling reasons why the Qualifying Patient needs a greater amount than the limit established by the Department.

(14) The Department may set a limit on the amount of marijuana that may be possessed by or on behalf of each qualifying patient, provided that limit is not less than a sixty day supply of dried, unprocessed marijuana, or its equivalent. A Primary caregiver may possess a separate legal limit for each Qualifying Patient under their care and a separate legal limit for themselves if they are a Qualifying Patient. Qualifying Patients cultivating marijuana for medical use may possess up to a ninety day supply, so long as the supply remains on property under their control. Any such limit shall not apply to a Qualifying Patient with written certification from two independent physicians that there are compelling reasons for additional amounts. Possession of between the legal limit and up to twice the legal limit shall subject the possessor to Department sanctions, including an administrative penalty and loss of their patient identification card for up to a year. Purposefully possessing amounts in excess of twice the legal limit shall be punishable by imprisonment of up to one year and a fine of up to two thousand dollars.

(15) The Department may restrict the aggregate number of licenses granted for Medical Marijuana Cultivation Facilities, provided, however, that the number may not be limited to fewer than one license per every one hundred thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

(16) The Department may restrict the aggregate number of licenses granted for Marijuana-Infused Products Manufacturing Facilities, provided, however, that the number may not be limited to fewer than one license per every seventy thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

(17) The Department may restrict the aggregate number of licenses granted for Medical Marijuana Dispensary Facilities, provided, however, that the number may not be limited to fewer than twenty-four licenses in each United States Congressional district in the state of Missouri pursuant to the map of each of the eight congressional districts as drawn and effective on the effective date of this section. Future changes to the boundaries of or the number of congressional districts shall have no impact.

(18) The Department shall begin accepting license and certification applications for Medical Marijuana Dispensary Facilities, Medical Marijuana Testing Facilities, Medical Marijuana Cultivation Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, seed-to-sale tracking systems, and for transportation of marijuana no later than two hundred forty days after the effective date of this section. Applications for licenses and certifications under this section shall be approved or denied by the Department no later than one hundred fifty days after their submission. If the Department fails to carry out its non-discretionary duty to approve or deny an application

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within one hundred fifty days of submission, an applicant may immediately seek a court order compelling the Department to approve or deny the application.

(19) Qualifying Patients under this section shall obtain and annually renew an identification card or cards from the Department. The Department shall charge a fee of twenty-five dollars per year per card with such fee to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor or its successor agency. Upon receiving an application for a Qualifying Patient identification card or Qualifying Patient cultivation identification card, the Department shall, within thirty days, either issue the card or provide a written explanation for its denial. If the Department fails to deny and fails to issue a card to an eligible Qualifying Patient within thirty days, then their physician certification shall serve as their Qualifying Patient identification card or Qualifying Patient cultivation identification card for up to one year from the date of physician certification. All initial applications for or renewals of a Qualifying Patient identification card or Qualifying Patient cultivation identification card shall be accompanied by a physician certification that is less than thirty days old.

(20) Primary caregivers under this section shall obtain and annually renew an identification card from the Department. The Department shall charge a fee of twenty-five dollars per year, with such fee to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. Upon receiving an application for a Primary caregiver identification card, the Department shall, within thirty days, either issue the card or provide a written explanation for its denial.

(21) All marijuana for medical use sold in Missouri shall be cultivated in a licensed Medical Marijuana Cultivation Facility located in Missouri.

(22) All marijuana-infused products for medical use sold in the state of Missouri shall be manufactured in a Medical Marijuana-Infused Products Manufacturing Facility.

(23) The denial of a license, license renewal, or identification card by the Department shall be appealable to the Administrative Hearing Commission, or its successor entity. Following the exhaustion of administrative review, denial of a license, license renewal, or identification card by the Department shall be subject to judicial review as provided by law.

(24) No elected official shall interfere directly or indirectly with the Department's obligations and activities under this section.

(25) The Department shall not have the authority to apply or enforce any rule or regulation that would impose an undue burden on any one or more licensees or certificate holders, any Qualifying Patients, or act to undermine the purposes of this section.

### **4. Taxation and Reporting**

(1) A tax is levied upon the retail sale of marijuana for medical use sold at Medical Marijuana Dispensary Facilities within the state. The tax shall be at a rate of four percent of the retail price. The tax shall be collected by each licensed Medical Marijuana Dispensary Facility and paid to the Department of Revenue. After retaining no more than five percent for its actual collection costs, amounts generated by the tax levied in this section shall be deposited by the Department of Revenue into the Missouri Veterans' Health and Care Fund. Licensed entities making retail sales within the state shall be allowed approved credit for returns provided the tax was paid on the returned item and the purchaser was given the refund or credit.

(2) There is hereby created in the state treasury the "Missouri Veterans' Health and Care Fund," which shall consist of taxes and fees collected under this section. The State Treasurer shall be custodian of the fund, and he or she shall invest monies in the fund in the same manner as other

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funds are invested. Any interest and monies earned on such investments shall be credited to the fund. Notwithstanding any other provision of law, any monies remaining in the fund at the end of a biennium shall not revert to the credit of the general revenue fund. The Commissioner of Administration is authorized to make cash operating transfers to the fund for purposes of meeting the cash requirements of the Department in advance of it receiving annual application, licensing, and tax revenue, with any such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall stand appropriated without further legislative action as follows:

(a) First, to the Department, an amount necessary for the Department to carry out this section, including repayment of any cash operating transfers, payments made through contract or agreement with other state and public agencies necessary to carry out this section, and a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out this section;

(b) Next, the remainder of such funds shall be transferred to the Missouri Veterans Commission for health and care services for military veterans, including the following purposes: operations, maintenance and capital improvements of the Missouri Veterans Homes, the Missouri Service Officer's Program, and other services for veterans approved by the Commission, including, but not limited to, health care services, mental health services, drug rehabilitation services, housing assistance, job training, tuition assistance, and housing assistance to prevent homelessness. The Missouri Veterans Commission shall contract with other public agencies for the delivery of services beyond its expertise.

(c) All monies from the taxes authorized under this subsection shall provide additional dedicated funding for the purposes enumerated above and shall not replace existing dedicated funding.

(3) For all retail sales of marijuana for medical use, a record shall be kept by the seller which identifies, by secure and encrypted patient number issued by the seller to the qualifying patient involved in the sale, all amounts and types of marijuana involved in the sale and the total amount of money involved in the sale, including itemizations, taxes collected and grand total sale amounts. All such records shall be kept on the premises in a readily available format and be made available for review by the Department and the Department of Revenue upon request. Such records shall be retained for five years from the date of the sale.

(4) The tax levied pursuant to this subsection is separate from, and in addition to, any general state and local sales and use taxes that apply to retail sales, which shall continue to be collected and distributed as provided by general law.

(5) Except as authorized in this subsection, no additional taxes shall be imposed on the sale of marijuana for medical use.

(6) The fees and taxes provided for in this Article XVI, Section 1 shall be fully enforceable notwithstanding any other provision in this Constitution purportedly prohibiting or restricting the taxes and fees provided for herein.

(7) The unexpended balance existing in the fund shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

#### **5. Additional Patient, Physician, Caregiver and Provider Protections**

(1) Except as provided in this section, the possession of marijuana in quantities less than the limits of this section, or established by the Department, and transportation of marijuana from a Medical Marijuana Dispensary Facility to the Qualifying Patient's residence shall not subject the possessor to arrest, criminal or civil liability, or sanctions under Missouri law, provided that the possessor produces on demand to the appropriate authority a valid Qualifying Patient identification card; a valid Qualifying Patient cultivation identification card; a valid physician certification while making application for an identification card; or a valid Primary caregiver identification card.

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Production of the respective equivalent identification card or authorization issued by another state or political subdivision of another state shall also meet the requirements of this subdivision.

(2) No patient shall be denied access to or priority for an organ transplant because they hold a Qualifying Patient identification card or use marijuana for medical use.

(3) A physician shall not be subject to criminal or civil liability or sanctions under Missouri law or discipline by the Missouri State Board of Registration for the Healing Arts, or its successor agency, for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or issuing a physician certification to a patient diagnosed with a qualifying medical condition in a manner consistent with this section and legal standards of professional conduct.

(4) A health care provider shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or providing health care services that involve the medical use of marijuana consistent with this section and legal standards of professional conduct.

(5) A Medical Marijuana Testing Facility shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing laboratory testing services that relate to the medical use of marijuana consistent with this section and otherwise meeting legal standards of professional conduct.

(6) A health care provider shall not be subject to mandatory reporting requirements for the medical use of marijuana by non-emancipated Qualifying Patients under eighteen years of age in a manner consistent with this section and with consent of a parent or guardian.

(7) A Primary caregiver shall not be subject to criminal or civil liability or sanctions under Missouri law for purchasing, transporting, or administering marijuana for medical use to a qualifying patient or participating in the patient cultivation of up to six flowering marijuana plants per patient in a manner consistent with this section and generally established legal standards of personal or professional conduct.

(8) An attorney shall not be subject to disciplinary action by the state bar association or other professional licensing body for owning, operating, investing in, being employed by, contracting with, or providing legal assistance to prospective or licensed Medical Marijuana Testing Facilities, Medical Marijuana Cultivation Facilities, Medical Marijuana Dispensary Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, Qualifying Patients, Primary caregivers, physicians, health care providers or others related to activity that is no longer subject to criminal penalties under state law pursuant to this section.

(9) Actions and conduct by Qualifying Patients, Primary Caregivers, Medical Marijuana Testing Facilities, Medical Marijuana Cultivation Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, or Medical Marijuana Dispensary Facilities licensed or registered with the Department, or their employees or agents, as permitted by this section and in compliance with Department regulations and other standards of legal conduct, shall not be subject to criminal or civil liability or sanctions under Missouri law, except as provided for by this section.

(10) Nothing in this section shall provide immunity for negligence, either common law or statutorily created, nor criminal immunities for operating a vehicle, aircraft, dangerous device, or navigating a boat under the influence of marijuana.

(11) It is the public policy of the state of Missouri that contracts related to marijuana for medical use that are entered into by Qualifying Patients, Primary Caregivers, Medical Marijuana

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Testing Facilities, Medical Marijuana Cultivation Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, or Medical Marijuana Dispensary Facilities and those who allow property to be used by those entities, should be enforceable. It is the public policy of the state of Missouri that no contract entered into by Qualifying Patients, Primary Caregivers, Medical Marijuana Testing Facilities, Medical Marijuana Cultivation Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, or Medical Marijuana Dispensary Facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this section, shall be unenforceable on the basis that activities related to medical marijuana may be prohibited by federal law.

#### **6. Legislation**

Nothing in this section shall limit the General Assembly from enacting laws consistent with this section, or otherwise effectuating the patient rights of this section. The legislature shall not enact laws that hinder the right of Qualifying Patients to access marijuana for medical use as granted by this section.

#### **7. Additional Provisions**

(1) Nothing in this section permits a person to:

(a) Consume marijuana for medical use in a jail or correctional facility;

(b) Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice; or

(c) Operate, navigate, or be in actual physical control of any dangerous device or motor vehicle, aircraft or motorboat while under the influence of marijuana; or

(d) Bring a claim against any employer, former employer, or prospective employer for wrongful discharge, discrimination, or any similar cause of action or remedy, based on the employer, former employer, or prospective employer prohibiting the employee, former employee, or prospective employee from being under the influence of marijuana while at work or disciplining the employee or former employee, up to and including termination from employment, for working or attempting to work while under the influence of marijuana.

(2) No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, or Medical Marijuana-Infused Products Manufacturing Facility, or entity with a transportation certification shall be owned, in whole or in part, or have as an officer, director, board member, manager, or employee, any individual with a disqualifying felony offense. A "disqualifying felony offense" is a violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the Department determines that:

(a) The person's conviction was for the medical use of marijuana or assisting in the medical use of marijuana; or

(b) The person's conviction was for a non-violent crime for which he or she was not incarcerated and that is more than five years old; or

(c) More than five years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent criminal offenses.

The Department may consult with and rely on the records, advice and recommendations of the Attorney General and the Department of Public Safety, or their successor entities, in applying this subdivision.

(3) All Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, and Medical Marijuana-Infused Products Manufacturing Facility licenses, entities with Medical Marijuana Testing Facility certifications, and entities with transportation certifications shall be held by entities that are majority owned by natural persons who have been citizens of the state of Missouri for at least one year prior to the application for such license or certification.

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## Adopted Amendments to the Constitution of Missouri 2009

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Notwithstanding the foregoing, entities outside the state of Missouri may own a minority stake in such entities.

(4) No Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, or Medical Marijuana-Infused Products Manufacturing Facility shall manufacture, package or label marijuana or marijuana-infused products in a false or misleading manner. No person shall sell any product in a manner designed to cause confusion between a marijuana or marijuana-infused product and any product not containing marijuana. A violation of this subdivision shall be punishable by an appropriate and proportional Department sanction, up to and including loss of license.

(5) All edible marijuana-infused products shall be sold in individual, child-resistant containers that are labeled with dosage amounts, instructions for use, and estimated length of effectiveness. All marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled, in a font size at least as large as the largest other font size used on the package, as containing "Marijuana," or a "Marijuana-Infused Product." Violation of this prohibition shall subject the violator to Department sanctions, including an administrative penalty.

(6) No individual shall serve as the Primary caregiver for more than three Qualifying Patients.

(7) No Qualifying Patient shall consume marijuana for medical use in a public place, unless provided by law. Violation of this prohibition shall subject the violator to sanctions as provided by general law.

(8) No person shall extract resins from marijuana using dangerous materials or combustible gases without a Medical Marijuana-Infused Products Manufacturing Facility license. Violation of this prohibition shall subject the violator to Department sanctions, including an administrative penalty and, if applicable, loss of their identification card, certificate, or license for up to one year.

(9) All Qualifying Patient cultivation shall take place in an enclosed, locked facility that is equipped with security devices that permit access only by the Qualifying Patient or by such patient's Primary caregiver. Two Qualifying Patients, who both hold valid Qualifying Patient cultivation identification cards, may share one enclosed, locked facility. No more than twelve Qualifying Patient or Primary caregiver cultivated flowering marijuana plants may be cultivated in a single, enclosed locked facility, except when a Primary caregiver also holds a Qualifying Patient cultivation identification card, in which case no more than eighteen flowering marijuana plants may be cultivated in a single, enclosed, locked facility.

(10) No Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Testing Facility, or entity with a transportation certification shall assign, sell, give, lease, sublicense, or otherwise transfer its license or certificate to any other entity without the express consent of the Department, not to be unreasonably withheld.

(11) Unless allowed by the local government, no new Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, or Medical Marijuana-Infused Products Manufacturing Facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church. No local government shall prohibit Medical Marijuana Cultivation Facilities, Medical Marijuana Testing Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, or Medical Marijuana Dispensary Facilities, or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place, and manner of operation of such facilities in the locality. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner of

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operation of a Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Dispensary Facility, or entity holding a transportation certification that may operate in such locality.

(12) Unless superseded by federal law or an amendment to this Constitution, a physician shall not certify a qualifying condition for a patient by any means other than providing a physician certification for the patient, whether handwritten, electronic, or in another commonly used format. A Qualifying Patient must obtain a new physician certification at least annually.

(13) A physician shall not issue a certification for the medical use of marijuana for a non-emancipated Qualifying Patient under the age of eighteen without the written consent of the Qualifying Patient's parent or legal guardian. The Department shall not issue a Qualifying Patient identification card on behalf of a non-emancipated Qualifying Patient under the age of eighteen without the written consent of the Qualifying Patient's parent or legal guardian. Such card shall be issued to one of the parents or guardians and not directly to the patient. Only a parent or guardian may serve as a Primary caregiver for a non-emancipated Qualifying Patient under the age of eighteen. Only the Qualifying Patient's parent or guardian shall purchase or possess medical marijuana for a non-emancipated Qualifying Patient under the age of eighteen. A parent or guardian shall supervise the administration of medical marijuana to a non-emancipated Qualifying Patient under the age of eighteen

(14) Nothing in this section shall be construed as mandating health insurance coverage of medical marijuana for Qualifying Patient use.

(15) Real and personal property used in the cultivation, manufacture, transport, testing, distribution, sale, and administration of marijuana for medical use or for activities otherwise in compliance with this section shall not be subject to asset forfeiture solely because of that use.

#### **8. Severability**

The provisions of this section are severable, and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by any court of competent jurisdiction, the other provisions shall continue to be in effect to the fullest extent possible.

#### **9. Effective Date**

The provisions of this section shall become effective on December 6, 2018.

Adopted November 6, 2018.

FOR — 1,583,227; AGAINST — 830,631

Effective December 6, 2018.

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**CONSTITUTIONAL AMENDMENT NO. 4.** — (Proposed by 99th General Assembly, Second Regular Session, HJR 59)

#### ***Official Ballot Title:***

Do you want to amend the Missouri constitution to:

- remove language limiting bingo game advertising that a court ruled unenforceable; and
- allow a member of a licensed organization conducting bingo games to participate in the management of bingo games after being a member of the organization for six months instead of the current two years?

State and local governmental entities estimate no costs or savings from this proposal.

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## Adopted Amendments to the Constitution of Missouri 2011

### *Fair Ballot Language:*

A "yes" vote will amend the Missouri Constitution to remove language limiting bingo game advertising that a court ruled was unconstitutional and not enforceable. This amendment would also allow a member of a licensed organization conducting bingo games to participate in the management of bingo games after being a member of the organization for six months. Currently, the constitution requires two years of membership.

A "no" vote will not amend the Missouri Constitution regarding bingo games.

If passed, this measure will have no impact on taxes.

### **Amendment 4**

HJR 59

**Proposes a constitutional amendment to reduce the amount of time a person is required to be a member of an organization in order to participate in the management of a bingo game.**

**JOINT RESOLUTION** Submitting to the qualified voters of Missouri an amendment repealing section 39(a) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bingo.

#### SECTION

- A. Enacting clause.
- 39(a). Bingo may be authorized — requirements.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2018, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

**SECTION A. ENACTING CLAUSE.** — Section 39(a), article III, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 39(a), to read as follows:

**SECTION 39(A). BINGO MAY BE AUTHORIZED — REQUIREMENTS.** — The game commonly known as bingo when conducted by religious, charitable, fraternal, veteran or service organizations is not a lottery or gift enterprise within the meaning of subdivision (9) of section 39 of this article if the general assembly authorizes by law that religious, charitable, fraternal, service, or veteran organizations may conduct the game commonly known as bingo, upon the payment of the license fee and the issuance of the license as provided for by law. Any such law shall include the following requirements:

- (1) All net receipts over and above the actual cost of conducting the game as set by law shall be used only for charitable, religious or philanthropic purposes, and no receipts shall be used to compensate in any manner any person who works for or is in any way affiliated with the licensed organization;
  - (2) No license shall be granted to any organization unless it has been in continuous existence for at least five years immediately prior to the application for the license. An organization must have twenty bona fide members to be considered to be in existence;
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(3) No person shall participate in the management, conduct or operation of any game unless that person:

(a) Has been a bona fide member of the licensed organization for the ~~two years~~ **six months** immediately preceding such participation, and volunteers the time and service necessary to conduct the game;

(b) Is not a paid staff person for the licensed organization;

(c) Is not and has never been a professional gambler or gambling promoter;

(d) Has never purchased a tax stamp for wagering or gambling activity;

(e) Has never been convicted of any felony;

(f) Has never been convicted of or pleaded nolo contendere to any illegal gambling activity;

(g) Is of good moral character;

(4) Any person, any officer or director of any firm or corporation, and any partner of any partnership renting or leasing to a licensed organization any equipment or premises for use in a game shall meet all of the qualifications of paragraph (3) except subparagraph (a);

(5) No lease, rental arrangement or purchase arrangement for any equipment or premise for use in a game shall provide for payment in excess of the reasonable market rental rate for such premises and in no case shall any payment based on a percentage of the gross receipts or proceeds be permitted;

(6) No person, firm, partnership or corporation shall receive any remuneration or profit for participating in the management, conduct or operation of the game;

(7) ~~No advertising of any game shall be permitted except on the premises of the licensed organization or through ordinary communications between the organization and its members;~~

~~(8)~~ Any other requirement the general assembly finds necessary to insure that any games are conducted solely for the benefit of the eligible organizations and the general community.

Adopted November 6, 2018.

FOR — 1,194,304; AGAINST — 1,085,158

Effective December 6, 2018.

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## Defeated Amendments to the Constitution of Missouri 2013

NOVEMBER 6, 2018

CONSTITUTIONAL AMENDMENT NO. 3 — (Proposed by Initiative Petition)

***Official Ballot Title:***

Shall the Missouri Constitution be amended to:

- allow the use of marijuana for medical purposes, and create regulations and licensing procedures for marijuana and marijuana facilities;
- impose a 15 percent tax on the retail sale of marijuana, and a tax on the wholesale sale of marijuana flowers and leaves per dry-weight ounce to licensed facilities; and
- use funds from these taxes to establish and fund a state research institute to conduct research with the purpose of developing cures and treatments for cancer and other incurable diseases or medical conditions?

This proposal is estimated to generate annual taxes and fees of \$66 million. State governmental entities estimate initial implementation costs of \$186,000 and increased annual operating costs of \$500,000.

***Fair Ballot Language:***

A "yes" vote will amend the Missouri Constitution to allow the use of marijuana for medical purposes under state laws. This amendment does not change federal law, which makes marijuana possession, sale and cultivation a federal offense. This amendment makes Brad Bradshaw (the contact person on this initiative petition) the research chairperson of a newly created research institute that is funded by fees and taxes on medical marijuana. Brad Bradshaw will select the members of the board that will govern the research institute, which will issue regulations and licensing procedures for medical marijuana and medical marijuana facilities — dispensary, cultivation, and marijuana-infused product manufacturing facilities. This amendment creates licensing fees for such facilities. The amendment imposes a 15 percent tax on the retail sale of marijuana for medical purposes by dispensary facilities and a tax on the wholesale sale of marijuana flowers and leaves by cultivation facilities. The funds generated by the license fees and taxes will be used by the research institute for licensing and regulating marijuana and marijuana facilities, land acquisition and development, and conducting research with the purpose of developing cures and treatments for cancer and other incurable diseases.

A "no" vote will not amend the Missouri Constitution as to the use of marijuana.

If passed, this measure will impose an 15 percent retail sales tax on marijuana for medical uses and a wholesale sales tax on marijuana sold by medical marijuana cultivation facilities.

FOR — 754,007; AGAINST — 1,639,622

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**Amendment 3**

*Be it resolved by the people of the State of Missouri that the Constitution be amended:*

**SECTION A. ENACTING CLAUSE.** — One new article and twelve new sections are adopted by adding twelve new sections to a new Article, to be known as Sections 1 through Section 12 of Article XIV to read as follows:

**SECTION 1. PURPOSE.** — (a) For the purpose of benefiting the citizens of Missouri by providing for medical research to find and develop cures and treatments for cancer and other incurable and chronic diseases or medical conditions, and by funding said medical research by the legalization and use of medical marijuana or its derivatives as palliative or ameliorative treatment for any such condition, with taxes on medical marijuana or any derivatives thereof as set forth herein, with the proceeds of such taxes to be used to establish, provide for, and continue such medical research as provided herein. This Article XIV permits authorized physicians to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions. The Article XIV allows patients with qualifying medical conditions the right to discuss freely with their physicians the possible benefits of medical marijuana use, the right of their physicians to provide professional advice concerning the same, and the right to use medical marijuana for treatment under the supervision of a physician. This Article XIV is not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes. The section does not allow for the public use of marijuana or driving under the influence of marijuana.

**SECTION 2. DEFINITIONS.** — As used in this Article XIV, the following terms shall mean:

(a) “Administer” means the direct application of marijuana to the body of a qualifying patient by any approved methods, as defined herein.

(b) “Approved methods” for the administration of marijuana are defined to include ingestion of capsules, teas and other sanctioned marijuana-infused products, vaporization or smoking of dried flowers/buds, oils, resins, or plant material, application of ointments, patches, suppositories or balms, consuming marijuana-infused food products or any other method recommended by a qualifying patient’s physician and approved by the Research Board.

(c) “Article XIV Coordinator” means the individual who coordinates activation and implementation of this Article XIV and its subsections by initially and temporarily functioning as the Chairperson of the Research Board of the Biomedical Research and Drug Development Institute and Chairperson of the Land Acquisition Board until those positions are otherwise filled pursuant to this Article XIV.

(d) “Authorized physician” means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law and has not in the past ten years had their licensed suspended, or in the last twenty years revoked, for excessively dispensing controlled substances.

(e) “Building and construction” means the erection, renovation, development or remodeling of any structure allowed for in this article including, but not limited to, marijuana cultivation facilities, offices, buildings, clinics, hospitals, sidewalks, roads, public transit systems and structures, public recreational and entertainment facilities, community developments, landscaping, green spaces, enterprise zones, housings, parks, recreational areas and the planning, design, development, architectural design and engineering of any of the same.

(f) “Campus” means the primary and main physical location of a campus where medical research and treatment shall be performed, medical marijuana and the diseases it ameliorates may be cultivated and studied, and headquarters of the Research Board and where the Research Board

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## Defeated Amendments to the Constitution of Missouri 2015

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shall primarily operate, also including but not limited to, the campus selected and developed under land acquisition and land development, and used as the primary physical location for jobs, building and construction, land development, improvements, research, cures and education in Missouri in the endeavor to find cures for presently incurable diseases under this Article XIV.

(g) "Cures" means any and all cures, also including but not limited to, medical treatments, psychiatric and psychological treatments, medications, protocols, therapies, surgeries, genetic material, biologicals, behavioral treatments, clinical trials, laboratory studies, diagnostic tests, evaluations, counseling, treatments, implants, grafts, hardware, orthotics, machines, electronic devices, computers, software programs, studies, and endeavors that help or may help in studying, slowing, curing, eliminating, halting, placing in remission, ameliorating, ending, or regressing any or all presently incurable diseases, targeted diseases, or conditions, illnesses and diseases that are otherwise incurable.

(h) "Designated primary caregiver" means an individual twenty-one (21) years of age or older who has significant responsibility for managing the well-being of a person who has a physician certification and has been designated as such on that person's application for a designated primary caregiver identification card consistent with the regulations of the Research Board.

(i) "Designated primary caregiver identification card" means a card issued by the Research Board to a designated primary caregiver.

(j) "Education" means any and all education, also including but not limited to, teaching, training and education that is, directly or indirectly, necessary, helpful or supportive to jobs, building and construction, land development, campus development, campus improvement, research, jobs and education in Missouri in the endeavor to find cures for incurable diseases.

(k) "Endeavor" means any and all endeavors, also including but not limited to, attempts, quests, searches, championing, pursuit, travel, work, inquiries, treatments, protocols, implementations, and research relating to jobs, building and construction, land development, campus, research and education in Missouri in the effort to find cures for presently incurable diseases.

(l) "In Missouri" means within the geographic boundaries of the State of Missouri as established by law and this Constitution.

(m) "Jobs" means any and all forms of jobs and work pursuant to this Article XIV, also including but not limited to, salaries, consultants and fees, employment of individuals where the work classification is directly or indirectly related to building and construction, land development, campus, research, cures and education in Missouri in the endeavor to find cures for presently incurable diseases.

(n) "Land acquisition" means the acquisition of real and personal property, also including but not limited to investigations, inquiries, studies, plans and review of data to determine five potential locations for land development and acquisition for a campus where jobs will be had, building and construction will occur and research and education in Missouri will take place in the endeavor to find cures for presently incurable diseases and where the Research Board shall be primarily located.

(o) "Land development" means any and all land planning and development, also including but not limited to studies, inquiries, exploration, research, planning, and actual purchase of lands, buildings, real estate and property related to site development and campus, land acquisition, land design and use, covenants, restrictions, and ancillary jobs, building and construction, research and education in Missouri in the endeavor to find cures for presently incurable diseases.

(p) "Local government" means a county or city not within a county, or any city, town or village under Chapters 71-82 RSMo.

(q) "Marijuana" means *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains, including but not limited to extractions, resins, concentrates and infusions, commonly understood within the scientific community to constitute or contain marijuana, and the seeds of such plants. "Marijuana" does not include industrial hemp containing a crop-wide

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average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp, or synthetic marijuana.

(r) “Medical Marijuana Cultivation Facility” means a facility, person or entity, licensed by the Research Board, to cultivate in Missouri, store and transport in Missouri and sell in Missouri, marijuana to a Medical Marijuana Dispensary Facility for sale for medical use or to a Medical Marijuana-Infused/Extraction Products Manufacturing Facility for use and manufacture in marijuana-infused/extraction products for sale to a Medical Marijuana Dispensary Facility for sale for medical use.

(s) “Medical Marijuana Research Cultivation Facility” means a facility, person or entity, licensed by the Research Board, to cultivate in Missouri, store and transport in Missouri and sell in Missouri, marijuana for research purposes or to a Medical Marijuana Dispensary Facility for sale for medical use or to a Medical Marijuana-Infused/Extraction Products Manufacturing Facility for use and manufacture in marijuana-infused/extraction products for sale to a Medical Marijuana Dispensary Facility for sale for medical use, with such Medical Marijuana Dispensary Facilities participating in the research in some fashion directed towards the use of medical marijuana, by voluntary surveys, or otherwise, with qualifying patients who purchase the research cultivated marijuana.

(t) “Medical Marijuana Dispensary Facility” means a facility, licensed by the Research Board, to transport, store and sell in Missouri marijuana or marijuana-infused/extraction products for medical use, as provided in this Article XIV.

(u) “Medical Marijuana-Infused/Extraction Products Manufacturing Facility” means a facility, licensed by the Research Board, to manufacture products which are infused with marijuana or its extracts, or products produced from extracts or derivatives of marijuana, and store and transport marijuana-infused/extraction products in Missouri for sale to a Medical Marijuana Dispensary Facility for sale for medical use.

(v) “Medical use of marijuana” means the production, possession, delivery, transportation, distribution or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of the person’s qualifying medical condition.

(w) “Missouri Resident” means for purposes of this Article XIV that the natural person was physically present and maintained a residence in the state of Missouri for greater than one hundred and eighty (180) days out of any calendar year in question and was legally in both the United States and Missouri during that entire time period.

(x) “Participating research entities” means public, private, quasi-public or quasi-private entities or individuals that enter into contracts with the Research Board for research, building and construction and endeavors to facilitate finding cures for presently incurable diseases.

(y) “Physician certification” means a written document, valid for up to twenty-four (24) months from the date of the authorized physician’s signature, signed by an authorized physician, that states in the physician’s professional opinion, the qualifying patient suffers from a qualifying medical condition, is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient’s qualifying medical condition or symptoms associated with the qualifying medical condition, and that the potential benefits of the medical use of marijuana may outweigh the health risks to the qualifying patient.

(z) “Plant canopy” means the area dedicated to live marijuana plants, such as maintaining mother plants, propagating plants from seed to plant tissue, clones, vegetative or flowering area. Plant canopy does not include areas such as space used for the storage of fertilizers, pesticides, or other products, quarantine, office space, walkways and the like.

(aa) “Presently incurable diseases” means any and all diseases and disorders that are presently as well as in the future determined/classified to be incurable, including but not limited to, illnesses,

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## Defeated Amendments to the Constitution of Missouri 2017

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diseases, ailments, conditions and syndromes that are terminal, fatal, progressive, not necessarily progressive but result in long term and frequently permanent injury, disability or suffering, or such conditions that are not readily or not effectively treatable to a full cure.

(bb) "Qualifying medical condition" means diseases that medical marijuana ameliorates, including but not limited to:

i. cancer,

ii. epilepsy,

iii. multiple sclerosis,

iv. human immunodeficiency virus and acquired immune deficiency syndrome,

v. glaucoma,

vi. intractable migraines unresponsive to other treatment,

vii. a chronic medical condition that causes persistent pain and/or persistent muscle spasms including but not limited to those associated with paralysis, Parkinson's disease, Bell's Palsy, and Tourette's syndrome,

viii. debilitating psychiatric disorders that benefit from medical marijuana and have been treated at some point in the patient's medical history by a physician who has received at least three months or more of training in a psychiatric internship, residency program, or through a continuing education program sponsored by an accredited psychiatric residency program, approved by the Research Board and directed toward the recommendations or use of medical marijuana for psychiatric disorders,

ix. a terminal illness,

x. end stage illness as defined by the Research Board, and

xi. any other diseases that the Research Board determines, based upon reliable data and generally accepted scientific principles, will benefit from treatment with medical marijuana.

(cc) "Qualifying patient" means 1) a patient, eighteen (18) years old or older, with one or more qualifying medical conditions, or 2) a patient, under eighteen (18) years old, with one or more qualifying medical conditions who also has notarized written consent from a parent or legal guardian to use medical marijuana or medical marijuana-infused products, as well as verbal in person consent from a parent or legal guardian to an authorized physician writing the physician certification.

(dd) "Qualifying patient identification card" means a card issued by the Research Board for a qualifying patient with a valid physician certification.

(ee) "Research" means any and all research and development, also including but not limited to, teaching, training, studies, analysis, evaluations, and education that is, directly or indirectly, necessary, helpful or supportive to discovering, implementing, or finding cures, and studies for cures of illnesses and diseases that are presently incurable diseases and ancillary jobs, building and construction, research and education in Missouri in the endeavor to find cures for presently incurable diseases.

(ff) "Research Board" means the Board of the Biomedical Research and Drug Development Institute.

(gg) "Rule" or "Rules" has the meaning in this article as it does in Section 536.010 of RSMo.

(hh) "Secondary Campus" means Research Board discretionary secondary physical locations, including but not limited to building and construction of such secondary campuses that will operate in collaboration with any accredited medical or pharmacy school located within Missouri under this Article XIV, section 5, and used for jobs, building and construction, research, cures, and education in Missouri in the endeavor to find cures for presently incurable diseases under this Article XIV.

(ii) "Shall" means must in this Article XIV.

(jj) "Targeted Disease(s)" means any and all presently incurable diseases that are, or may be, specifically identified or singled out, or otherwise isolated, whether by type, sub-type, sub-sub-type, and to show by example: breast cancer, or interlobular breast cancer, or estrogen positive breast cancer, or estrogen negative interlobular breast cancer, or poorly differentiated estrogen

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positive interlobular breast cancer, etc.; or leukemia or chronic lymphocytic leukemia or acute lymphocytic leukemia, or acute lymphocytic leukemia with certain genetic markers, or chronic myelogenous leukemia, etc.; or Parkinson's disease, or early onset Parkinson's disease, etc.; or endogenous depression, or depression secondary to bipolar disorder, etc.

**SECTION 3. RESEARCH BOARD AND DUTIES.** — (a) There is hereby created and established as a governmental instrumentality of the State of Missouri the "Biomedical Research and Drug Development Institute" which shall constitute a body corporate and politic and operate pursuant to this Article XIV. The Biomedical Research and Drug Development Institute shall exist on a campus established by building and construction on land acquired and land developed pursuant to this Article. On this Biomedical Research and Drug Development Institute campus research shall be performed in the endeavors to find cures for presently incurable diseases. The Biomedical Research and Drug Development Institute shall have located on its campus targeted disease research groups to further this research.

(b) "Biomedical Research and Drug Development Institute" shall be governed by the "Board of Biomedical Research and Drug Development" hereafter "Research Board".

(c) It is expressly directed and permitted that the "Biomedical Research and Drug Development Institute" and the "Research Board" shall not be assigned to any Missouri Department but rather shall be an independent institute existing and operating pursuant to this Article XIV under the direction of the Research Board.

(d) In the event Section 3 subsection (c) of this Article XIV is contrary to existing superseding constitutional law the "Biomedical Research and Drug Development Institute" and "Research Board" shall be transferred by operation of Article IV section 12 to a department, then they shall be assigned to the Department of Health and Senior Services with supervision of the department extending only to budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision by the department shall not extend to matters relating to policies, regulatory functions or other matters specifically entrusted to the Research Board by this Article XIV, and neither the director of the department nor any employee of the department shall, directly or indirectly, interfere with the activities of the Research Board or the research provided by this Article XIV.

(e) The Research Board is charged by the people of the State of Missouri to effectuate this Article XIV, to find cures for currently incurable diseases, and to the extent reasonably practicable generate income pursuant to this Article XIV to the State of Missouri with such cures.

(f) It is the duty of the Research Board to promulgate rules in accordance with the provisions of this Article, and to effectuate the provisions of this Article. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this article shall become effective only if it complies with and is subject to all of the provisions of chapter 536 RSMo.

i. For purposes of only rule making and adjudicated cases, as defined in RSMo 536.010, the Research Board is an agency who is subject to chapter 536 RSMo, except;

ii. For purposes of adjudicated cases as defined in 536.010, the Research board is not subject to chapter 536 RSMo if it has established written procedures to assure that constitutionally required due process safeguards exist and apply to proceedings that would otherwise constitute a contested cases as defined in section 536.010 RSMo.

(g) Any member of a Board established by this Article XIV may be removed for cause by a vote of three fourths of both the Missouri House of Representatives and Senate, with the concurrence of the Governor.

(h) The Research Board shall issue, renew, regulate, restrict, and revoke licenses for marijuana facilities, including but not limited to Medical Marijuana Cultivation Facilities, Medical Marijuana

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## Defeated Amendments to the Constitution of Missouri 2019

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Research Cultivation Facilities, Medical Marijuana-Infused/Extraction Products Manufacturing Facilities, and Medical Marijuana Dispensary Facilities, and issue, renew, regulate, restrict, and revoke qualifying patient identification cards and designated primary caregiver cards.

(i) The Research Board shall issue rules for licensure of marijuana facilities, including but not limited to procedures for:

i. issuing, renewing, regulating, restricting and revoking licenses for Medical Marijuana Cultivation Facilities, Medical Marijuana Research Cultivation Facilities, Medical Marijuana-Infused/Extraction Products Manufacturing Facilities, and Medical Marijuana Dispensary Facilities.

ii. the issuance, renewal, regulating, restricting and revocation of qualifying patient identification cards and designated primary caregiver identification cards, and

iii. the creation of a confidential qualifying patient, confidential cultivation location and confidential designated primary caregiver registry. Patients may be issued confidential patient identification numbers for purposes of identity protection and medical marijuana sales. The purpose of the regulations within this subsection is to ensure the availability and safe confidential use of marijuana by qualifying patients.

(j) The Research Board shall develop rules whereby the denial or revocation of a license, license renewal, identification card or other adverse action by the Research Board shall be:

i. appealable to the Administrative Hearing Commission and otherwise subject to judicial review as provided by law, or

ii. subject to Biomedical Research and Drug Development Institute established written procedures to assure that constitutionally required due process safeguards exist and apply to such a denial, revocation, or adverse action of the Research Board.

(k) The Research Board shall consist of nine members to be selected, as soon as practicable, by the Article XIV Coordinator as set forth in this Article XIV, one of whom shall be selected by the Article XIV Coordinator as Research Chairperson. The Article XIV Coordinator shall serve as Research Chairperson until the nine members are selected, at which time the Article XIV Coordinator is terminated from the Research Board. The members of the Board, other than the temporary "then existing Research Board" in section 3(t), selected by the Article XIV Coordinator shall serve the following terms: four shall serve three years, and five, including the Research Chairperson, shall serve six years. Thereafter, each appointment shall be for a term of six years. Upon conclusion of the Research Chairperson's first term, or vacancy, whichever comes first, the Research Board shall choose from within their members a Research Chairperson. If for any reason a vacancy occurs, the Research Chairperson shall appoint a new member to fill the unexpired term. Members are eligible for up to four reappointments. Although members of the Research Board and Article XIV Coordinator may hold other employment, no member of such Research Board shall hold any public office, and no member shall hold any official position in a political party.

i. It is expressly directed and permitted that the person who is designated on the initially submitted Initiative Petition Submission Cover Page to be the contact person to whom any notices shall be sent under sections 116.140 and 116.180 RSMo for the initiative petition filed for this Article XIV pursuant to RSMo 116.100 and 116.332, shall serve as the Article XIV Coordinator.

ii. If the person who is designated on the initially submitted Initiative Petition Submission Cover Page to be the contact person to whom any notices shall be sent under sections 116.140 and 116.180 RSMo for the initiative petition filed for this Article XIV pursuant to RSMo 116.100 and 116.332 for any reason does not serve as the Article XIV Coordinator the Governor shall appoint an individual who is both a licensed Missouri physician and licensed Missouri attorney, but if no such person is available or accepts the appointment, then any Missouri resident who also holds a Missouri license to practice medicine and a PhD in Biology, Chemistry, Biochemistry, Physics,

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Genetics, Anatomy or equivalent degree, from an accredited university that has been in existence at least fifty (50) years.

iii. The Article XIV Coordinator shall serve without compensation but shall receive reimbursement for all expenses associated with the performance and delegation of all duties pursuant to this Article XIV, and shall have two administrative assistants who shall each be paid out of the General Purpose Account at the rate of a Missouri State Representative, so long as there are funds available. If no funds are immediately available, the administrative assistants may serve with deferred compensation until funds are available and when funds become available the administrative assistants shall be paid the full compensation owed, as shall the expenses of the Article XIV Coordinator be reimbursed.

(l) Five members of the Research Board shall constitute a quorum. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board. The Research Board may act only by the concurrence of a majority of a quorum, with such quorum meeting in person when practicable but by video teleconference or similar means when approved by a majority of the quorum. Failure to regularly and frequently participate in Board business shall be grounds for dismissal from the Board upon a vote of six members of the Board.

(m) The Research Board is hereby granted, has and may exercise all powers necessary or appropriate to implement, carry out, enforce and effectuate its purpose, and the purposes of this Article XIV including but not limited to the following:

- i. To make, purchase or participate in the purchase of property;
  - ii. Adopt bylaws for the regulation of its affairs and the conduct or discharge of its business and define terms so as to reasonably and effectively carry out the purpose of this Article XIV;
  - iii. To accept appropriations, gifts, grants, bequests, and devises and to utilize or dispose of the same to carry out its purpose;
  - iv. To make and execute contracts, releases, compromises, and other instruments necessary or convenient for the exercise of its powers, or to carry out its purpose;
  - v. To sue and be sued;
  - vi. To have a seal and alter the same at will;
  - vii. To make, promulgate and from time to time, amend and repeal rules;
  - viii. To perform all administrative duties necessary or that reasonably assist in the discharge and conduct of its business as defined in this Article, including, but not limited to, the formation of committees and subcommittees and the delegation of its authority, to the extent permitted by law, to such committees and subcommittees.
  - ix. To form advisory panels of licensed cultivators, infusers/ extractors, and dispensaries;
  - x. To acquire, hold, lease, sell and dispose of personal property for its purpose;
  - xi. To sell, at public or private sale, any mortgage, negotiable instrument or obligation securing building and construction or land development;
  - xii. To enter into agreements or other transactions with any federal or state agency, international entity, any person or any domestic or foreign partnership, corporation, association or organization;
  - xiii. To acquire real property, or an interest therein, in its own name, to hold, not sell, and may lease for up to 100 years and one option to renew up to another 100 years such property to a tenant to develop, for building and construction, and to manage and operate such property, to enter into management contracts with respect to such property and to mortgage such property;
  - xiv. To procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;
  - xv. To develop a retirement or pension plan for employees, staff and board members working for the Research Board or the Biomedical Research and Drug Development Institute;
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xvi. To issue and sell revenue bonds to fund any purpose authorized by this Article. Any bonds issued under the provisions of this Article shall not be deemed to be an indebtedness of the State of Missouri or of any political subdivision thereof, and shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness. The proceeds of the sale or sales of any bonds issued hereunder shall be paid into the state treasury and be credited to a fund to be designated the “Biomedical Research and Drug Development Institute Trust Fund”. The bonds shall be retired serially and by installments within a period not to exceed twenty-five years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law.

(n) The Research Board shall charge fees for each applicant for each license to operate a Medical Marijuana Cultivation Facility, Medical Marijuana Research Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused/ Extraction Products Manufacturing Facility as follows: 1. Except for Medical Marijuana Research Cultivation Facilities, a non-refundable \$25,000 application fee for each type of facility which shall constitute the licensure fee for the first year of licensure; 2. For Medical Marijuana Research Cultivation Facilities a non-refundable \$5,000 application fee which shall constitute the licensure fee for the first year of licensure and, in addition 3. For each type of facility in each subsequent licensure year, a fee equal to 125% of the pro-rata estimated average yearly cost to the Research Board of administrating and enforcing this Article XIV application and licensing process, estimated over a five (5) year period, divided equally among all applicants based on the yearly estimated number of applicants for such licenses over the same five (5) year period, as reasonably estimated by the Research Board.

(o) The Research Board shall set a limit on the amount of marijuana that may be purchased per month, provided that limit is not less than three (3) ounces every thirty (30) days of dried unprocessed marijuana or its extract equivalent as reasonably determined by the Research Board. A requested waiver of any such limit may be reviewed by the Research Board for a qualifying patient with written certification from two physicians, not of the same clinic, setting forth compelling reasons for additional amounts requested.

(p) The Research Board shall restrict the number of licenses granted for Medical Marijuana-Infused/Extraction Products Manufacturing Facilities within the state of Missouri to a total of not less than fifty (50) licenses. Upon the written request of a local government to the Research Board for an exception to increase the specific number of available licenses within that local government, above the restriction, such exception for a specific number of licenses may be granted by the Research Board for such licenses. Alternatively, upon the written request of local government for an exception to exclude local government from Medical Marijuana-Infused/Extraction Products Manufacturing Facilities, the Research Board may provide such a requesting local government a five (5) year exclusion, which thereafter may be reconsidered by the Research Board for renewal every five (5) years if the local government has placed the matter to a vote of the local government population and such vote resulted in a majority vote for a continued ban upon infused/extraction products facilities.

(q) The Research Board shall restrict the number of licenses granted for Medical Marijuana Dispensary Facilities within each county or city not within a county to two (2) for every twenty thousand (20,000) inhabitants. If a county or city not within a county has fewer than twenty thousand (20,000) inhabitants, the Research Board may restrict the number of licenses granted for Medical Marijuana Dispensary Facilities to two (2). Upon the written request of a local government to the Research Board for an exception to increase the specific number of available licenses within that local government, above the restriction, such exception for a specific number of licenses may be granted by the Research Board for such licenses. Alternatively, upon the written request of a local government for an exception to exclude local government from Medical Marijuana Dispensary

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Facilities, the Research Board may provide such a requesting local government a five (5) year exclusion, which thereafter may be reconsidered by the Research Board for renewal every five (5) years if the local government has placed the matter to a vote of the local government population and such vote resulted in a majority vote for a continued ban upon dispensaries.

(r) The Research Board may restrict the number of licenses granted for Medical Marijuana Cultivation Facilities within the state of Missouri to a total of not less than fifty (50) licenses, and the number of Medical Marijuana Research Cultivation facilities to a total of not less than four hundred (400) licenses. If the number of licenses is restricted by the Research Board, upon the written request of a local government to the Research Board for an exception to increase the specific number of available licenses within that local government, above the restriction, such exception for a specific number of licenses may be granted by the Research Board for such licenses. Alternatively, upon the written request of a local government for an exception to exclude local government from Medical Marijuana Cultivation Facilities and Medical Marijuana Research Cultivation Facilities, the Research Board may provide such a requesting local government a five (5) year exclusion, which thereafter may be reconsidered by the Research Board for renewal every five (5) years if the local government has placed the matter to a vote of the local government population and such vote resulted in a majority vote for a continued ban upon cultivation.

(s) The initial nine members of the Research Board shall have their compensation set as the annual salary received by the Missouri Supreme Court Chief Justice. Thereafter, for new members of the Board, the compensation shall be an amount agreed upon by at least one half of the Research Board, and approved by the Governor, but not less than the annual salary received by the Missouri Supreme Court Chief Justice. Upon further years of service, the compensation shall be increased every three years by the greater of a cost of living increase based upon the Consumer Price Index (CPI), or successor index as published by the U.S. Board of Labor or its successor agency, or at a raised amount agreed upon unanimously by the Research Board and approved by the Governor.

(t) A nonpartisan scientific nominating committee, hereafter nonpartisan commission, of five (5) individuals shall review applications, interview candidates and for each vacancy in the Research Board and shall select a panel of four (4) individuals from which the Research Chairperson shall appoint as member(s) of the Research Board. The five individuals on the nonpartisan commission members shall be elected from the combined pool of licensed Missouri physicians and pharmacists as set out in this subsection (t). Residents of the State of Missouri who are licensed Missouri physicians or licensed Missouri pharmacists and living in the State of Missouri at least six (6) months over the twelve (12) months before the election in this subsection (t) shall elect a grand total of five individuals from the combined pool of licensed Missouri physicians and pharmacists to serve as members of said nonpartisan commission. Each member shall serve four (4) year terms except that from the initial election of members of the nonpartisan commission, the three (3) with the lowest number of votes shall be elected to two (2) year terms, and the other two (2) members which shall be elected to a four (4) year term, and the members of the nonpartisan commission shall select one of their number to serve as chairperson. No member of the nonpartisan commission shall hold any public office, and no member shall hold any official position in a political party. The nonpartisan commission may act only by the concurrence of a majority of its members. The members of such nonpartisan commission shall receive a salary equal to that of an elected state senator as compensation for their services and they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. Except as provided otherwise in this Article XIV, any and all such nonpartisan commissions shall be governed, and all nonpartisan commission elections provided for under this section shall be held by, and regulated under, such rules as a panel of three retired Missouri judges appointed by the Research Chairperson, or Article XIV Coordinator prior to the Research Chairperson,

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shall promulgate. Said rules shall be presented to the Research Chairperson who shall file such rules with the secretary of state on behalf of the Research Board within twenty-one (21) days of receiving them from the three judge panel. The three judge panel shall be compensated the standard rate of retired senior judges paid out of the General Purpose Account during the weeks in which they perform work. Pending selection and appointment that will fill the Research Board, the Article XIV Coordinator shall appoint four (4) temporary acting members and the Governor shall appoint four (4) temporary acting members who together with the Article XIV Coordinator shall be the "then existing Research Board" and shall have the power and duties of the Research Board until such member positions are otherwise filled pursuant to this Article. Those temporary members shall serve at the same rate as Research Board members so long as there are funds available. If no funds are immediately available, the members may serve with deferred compensation until funds are available and when funds become available the members shall be paid for time served from appointment, and for their reasonable expenses incurred to effectuate their duties.

(u) Applications for vacancies in the Research Board are permitted by any licensed physician or licensed pharmacist residing in the State of Missouri for at least three years prior to their application who also holds a PhD in Biology, Chemistry, Biochemistry, Physics, Genetics, Anatomy, Biomedical Engineering, Neuroscience, a Juris Degree, or equivalent degree who may submit an application to the nonpartisan commission for consideration. Additionally, any citizen of the United States, or Nobel Laureate in the field of medicine or science with permanent residence in the United States, who also holds a PhD in Biology, Chemistry, Biochemistry, Physics, Genetics, Anatomy, Biomedical engineering, Neuroscience, a Juris Degree, or equivalent degree, from an accredited university that has been in existence at least fifty (50) years, upon nomination of a Dean of the School of Medicine of the University of Missouri - Columbia, Kansas City, St. Louis, St. Louis University, or Washington University in St. Louis, or upon nomination of a member of the Missouri State Senate may submit their application to the nonpartisan commission for consideration.

(v) The Research Board shall establish targeted diseases research groups, hereafter research groups, aimed at research, finding cures, and endeavors for fighting specific targeted diseases consistent with the purpose of the charge of this Article XIV. Specific targeted diseases shall be identified by the Research Board, and such targeted diseases may be identified for receiving segregated donations and contributions before and after the targeted disease research group is established. Research groups shall be governed by a panel of not less than three (3) individuals and not more than seven (7), chosen by the Research Board, who shall oversee, supervise, steer, and regulate the group's research to find cures. Individuals on the Research Board may sit on up to four (4) targeted disease group governing panels. Research group panel members, except for Research Board members who shall receive no additional compensation, shall have their compensation set as the annual salary determined by the Research Board, but in no event less than 70% of the annual compensation of the Missouri Supreme Court Chief Justice. When a targeted disease group governing panel includes five (5) or more members, up to two (2) of those members may be non-compensated non-voting advisory members of a 501c3 charitable organization(s) that has demonstrated a commitment, as determined by the Research Board, to finding a cure for the targeted disease.

(w) Members of the Research Board, except as allowed under this Article XIV, shall not enter into any personal financial or business relationships with a Section 10 participating research entity, other than in an accredited university faculty position, during the member's tenure on the Research Board, and for a period of two (2) years after that member's tenure on the Research Board ends. Further a Research Board member shall never steer research outcomes to or toward a particular direction or goal with the purpose of helping a private company for personal or for family financial gain. Nothing in this subsection shall prohibit or prejudice a board member or Article XIV

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Coordinator from entering into any employment, financial or business relationship so long as such does not steer or influence Article XIV research toward a particular research result/outcome for personal financial gain.

(x) The monies, including but not limited to all revenues and taxes generated, obtained and distributed under this Article XIV, and all other monies generated, obtained, and distributed under this Article XIV shall not be included within the definition of “total state revenues” as that term is used in section 17 of Article X of this constitution nor be considered as an “expense of state government” as that term is used in section 20 of article X of this constitution.

(y) The Research Board shall establish a public website for transmission and receipt of information to and from the public.

(z) Within ninety (90) days of the effective date of this Article XIV if practicable, but in no event shall the time exceed six (6) months after the effective date of this Article XIV, the Research Board shall make available to the public license application forms and application instructions for Medical Marijuana Cultivation Facilities, Medical Marijuana Research Cultivation Facilities, Medical Marijuana Dispensary Facilities, and Medical Marijuana-Infused/Extraction Products Manufacturing Facilities.

(aa) Within ninety (90) days of the effective date of this Article XIV if practicable, but in no event shall the time exceed six (6) months after the effective date of this Article XIV, the Research Board shall make available to the public application forms and application instructions for qualifying patient and primary caregiver identification cards. Within one hundred and twenty (120) days of the effective date of this Article XIV, if practicable, but in no event more than eight (8) months after the effective date of this Article XIV, the Research Board shall begin accepting applications for such identification.

**SECTION 4. LICENSURE, TAXATION AND REPORTING.** — (a) A cultivation tax is hereby imposed on each wholesale sale in Missouri by a Medical Marijuana Cultivation Facility and Medical Marijuana Research Cultivation Facility to a Medical Marijuana Infused/Extraction Products Manufacturing Facility, and a Medical Marijuana Cultivation Facility and Medical Marijuana Research Cultivation Facility to a Medical Marijuana Dispensary Facility, at a rate for marijuana flowers of nine dollars and twenty five cents (\$9.25) per dry-weight ounce, and the tax rate for marijuana leaves shall be set at two dollars and seventy five cents (\$2.75) per dry-weight ounce, with such rate to be increased or decreased each year by the percentage of increase or decrease of the Consumer Price Index (CPI), or successor index as published by the U.S. Board of Labor or its successor agency.

i. For all wholesale sales of marijuana, a receipt must be given by the seller which identifies all the parties involved in the sale, all amounts and types of marijuana involved in the sale and the total amount of money involved in the sale, including itemizations and grand total sale amounts.

(b) A tax is hereby imposed on each retail sale in Missouri of Marijuana and Marijuana Infused/Extraction products by a Medical Marijuana Dispensary Facility at a rate of fifteen percent (15%) of the purchase price paid or charged, or in case such sale involves the exchange of property, to fifteen percent (15%) of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange.

i. The tax must be collected by the Medical Marijuana Dispensary Facility and paid to the Department of Revenue within thirty (30) days of the retail sale.

ii. For all retail sales of marijuana, a receipt must be given by the seller which identifies all the parties involved in the sale, all amounts and types of marijuana involved in the sale and the total amount of money involved in the sale, including itemizations and grand total sale amounts. The seller of the product must issue a copy of the receipt to the Department of Revenue or be subject

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to an automatic penalty up to \$100 per-occurrence; failure to submit such receipts may further subject a seller to prohibition on obtaining a future license for Medical Marijuana Cultivation, a Medical Marijuana Dispensary Facility, or a Medical Marijuana-Infused/Extraction Products Manufacturing Facility, for a minimum of 30 days to a maximum of life, and if a non-human entity a maximum of forever.

(c) Subject to the limitations within this Article a person who is a Missouri resident for three or more years, or entity that is registered to do business in the State of Missouri and owned at least seventy percent (70%) or more by three year or longer duration Missouri residents, may apply for and obtain from the Research Board a license to operate a Medical Marijuana Cultivation Facility or Medical Marijuana Research Cultivation Facility in Missouri.

i. Such person or entity may apply to the Research Board for and obtain:

a. A yearly Medical Marijuana Cultivation Facility license to grow marijuana. Each such license shall be valid for growing marijuana in up to twenty thousand (20,000) square feet of plant canopy. Each such license shall be taxed at an initial rate of \$25,000 for the first year per license (which must be by money order, cashier's check, or other means as determined by the Research Board and accompany the application and will be returned if the application is unsuccessful) and then annually at \$15,000 per license upon renewal; or

b. A yearly Medical Marijuana Research Cultivation Facility license to grow marijuana. Each such license shall be valid for growing marijuana in up to two thousand five hundred (2,500) square feet of plant canopy. Each such license shall be taxed at an initial rate of \$10,000 for the first year per license (which must be by money order, cashier's check, or other means as determined by the Research Board and accompany the application and will be returned if the application is unsuccessful) and then annually at \$5,000 per license upon renewal.

c. Such licenses may be renewed each year, and rates for both licenses may be increased or decreased each year by the percentage of increase or decrease of the Consumer Price Index (CPI), or successor index as published by the U.S. Board of Labor or its successor agency.

d. No more than three Medical Marijuana Cultivation Facility licenses shall be issued to or possessed by any individual, group of individuals, or entity(s) under substantially common control, ownership, or management, whether directly, indirectly or by derivative.

e. No more than five Medical Marijuana Research Cultivation Facility licenses shall be issued to or possessed by any individual, group of individuals, or entity(s) under substantially common control, ownership, or management, whether directly, indirectly or by derivative.

ii. When there are more applications for licenses than are available, except as stated in 4(c)ii.a. of this subsection immediately below, licenses shall be on the basis of competitive bids (such bids must be by money order, cashier's check, or other means as determined by the Research Board, and accompany the application and will be returned if the bid is unsuccessful), with licenses awarded to the highest bidder. Such bids shall be made in a manner prescribed by the Research Board to avoid disclosure of bid amounts to competing bidders during the bidding process.

a. The Research Board may set aside up to 50% of the Medical Marijuana Cultivation Facility licenses and 50% of the Medical Marijuana Research Cultivation Facility licenses to be awarded based upon a ranking using the following factors: site security, including capacity for ease of cultivation, experience with understanding the medicine and law surrounding the cultivation and use of medical marijuana, experience with agriculture, horticulture, health care and the cannabis market, and sufficient available capital to maximize probable success; acceptance in the site community; business plan for Medical Marijuana Cultivation Facility licenses and business plan plus research plan for Medical Marijuana Research Cultivation Facility licenses; potential for positive economic impact in the site community and maintaining competitiveness in the marijuana

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for medical use marketplace. In ranking applicants and awarding licenses, the Research Board may consult with or contract other public agencies with relevant expertise regarding these factors. The Research Board may lift or ease any limit on the number Medical Marijuana Cultivation Facilities and Medical Marijuana Research Cultivation Facilities to meet the demand for medical marijuana by qualifying patients and research.

iii. Marijuana must be grown indoors in an enclosed, locked facility: a room, warehouse or greenhouse, or other enclosed area equipped with locks or other security devices that permit access only by authorized personnel, meeting the Research Board standards and industry standards for safety and safe use of electricity.

iv. Upon request to the Research Board, state institutions of higher education governed by sections 174.020 to 174.500 Revised Statutes of Missouri and chapter 172 Revised Statutes of Missouri shall be granted, without charge, up to one (1) medical marijuana research cultivation facility license per institution per year to grow marijuana.

v. Upon request to the Research Board by an entity operating under authority of section 10 of this Article XIV, the Research Board may grant, without charge, up to one (1) medical marijuana research cultivation facility license to a total of no more than ten (10) such entities for purposes of researching the benefits of medical marijuana for various presently incurable diseases.

vi. Initial applications for licenses shall be accepted beginning no more than seven (7) months after the effective date of this Article. The initial application period shall remain open for ninety (90) days.

vii. After the initial application period, when one or more licenses become available, the opening shall be published on the Research Board's website for ninety (90) days, at the close of which an additional application period of ninety (90) days shall immediately commence.

(d) Subject to the limitations within this Article a person who is a Missouri resident for three or more years, or entity that is registered to do business in the State of Missouri and owned at least seventy percent (70%) or more by three year or longer duration Missouri residents, may apply for and obtain a license to operate a Medical Marijuana Dispensary Facility in Missouri. Such person or entity may apply to the Research Board for and obtain a yearly Medical Marijuana Dispensary Facility license to sell marijuana or marijuana-infused/extraction products for medical use within a county or city not within a county. Each such license shall be taxed at an initial rate of \$25,000 for the first year per license (which must be by money order, cashier's check, or other means as determined by the Research Board and accompany the application and will be returned if the application is unsuccessful) and then annually at \$10,000 per license upon renewal, with such rates to be increased or decreased each year by the percentage of increase or decrease of the Consumer Price Index (CPI), or successor index as published by the U.S. Research Board of Labor or its successor agency.

i. No more than five (5) Medical Marijuana Dispensary Facility licenses shall be issued to or possessed by any one individual, group of individuals, or entity(s) under substantially common control, ownership, or management, whether directly, indirectly or by derivative, nor shall such one individual, group of individuals, or entity ever possess more than fifty percent (50%) of the licenses for a given county or city not within a county.

ii. When there are more applications for licenses than are available, in total or for particular locations, except as stated in 4(d)ii.a, licenses shall be on the basis of a three prong test established by the board, 1) knowledge of pharmacy and ability to have a pharmacist available for consultation to qualifying patients purchasing marijuana, 2) knowledge of medicine and medical research, and 3) competitive bids (such bids must be by money order, cashier's check, or other means as determined by the Research Board, and accompany the application and will be returned if the bid is unsuccessful), with licenses awarded to the individual, individuals or entities with the highest

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score. Such bids shall be made in a manner prescribed by the Research Board to avoid disclosure of bid amounts to competing bidders during the bidding process.

a. The Research Board may set aside up to 50% of the Medical Marijuana Dispensary Facility licenses to be awarded based upon a ranking using the following factors: knowledge of pharmacy, knowledge of neuroscience and marijuana interactions, site security, experience with understanding the medicine and law surrounding the use of medical marijuana, experience with retail pharmacy, health care and the cannabis market, business plan, and sufficient available capital to maximize probable success; acceptance in the site community; potential for positive economic impact in the site community and maintaining competitiveness in the marijuana for medical use marketplace. In ranking applicants and awarding licenses, the Research Board may consult with or contract other public agencies with relevant expertise regarding these factors.

iii. Initial applications for licenses shall be accepted beginning no more than seven (7) months after the effective date of this Article. The initial application period shall remain open for ninety (90) days.

iv. After the initial application period, when one or more licenses become available, the opening shall be published on the Research Board's website for ninety (90) days, at the close of which an additional application period of ninety (90) days shall immediately commence.

(e) Subject to the limitations within this Article a person who is a Missouri resident for three or more years, or entity that is registered to do business in the State of Missouri and owned at least seventy percent (70%) or more by three year or longer duration Missouri residents, may apply for and operate a Medical Marijuana-Infused/Extraction Products Manufacturing Facility in Missouri. Such person or entity may apply to the Research Board for and obtain a yearly Medical Marijuana-Infused/Extraction Manufacturing Products Facility a license to buy marijuana from Medical Marijuana Cultivation Facility or Medical Marijuana Research Cultivation Facility and sell medical marijuana-infused/extracted products to a Medical Marijuana Dispensary Facility. Each such license shall be taxed at an initial rate of \$20,000 for the first year per license (which must be by money order, cashier's check, or other means as determined by the Research Board and accompany the application and will be returned if the application is unsuccessful) and then annually at \$10,000 per license upon renewal, with such rates to be increased or decreased each year by the percentage of increase or decrease of the Consumer Price Index (CPI), or successor index as published by the U.S. Research Board of Labor or its successor agency.

i. No more than five (5) Medical Marijuana-Infused/Extraction Products Manufacturing Facility licenses shall be issued to or possessed by any one individual, group of individuals, or entity(s) under substantially common control, ownership, or management, whether directly, indirectly or by derivative, nor shall such one individual, group of individuals, or entity ever possess more than fifty percent (50%) of the licenses for a given county or city not within a county.

ii. When there are more applications for licenses than are available, except as stated in 4(e)ii.a, licenses shall be on the basis of competitive bids (such bids must be by money order, cashier's check, or other means as determined by the Research Board, and accompany the application and will be returned if the bid is unsuccessful), with licenses awarded to the highest bidder. Such bids shall be made in a manner prescribed by the Research Board to avoid disclosure of bid amounts to competing bidders during the bidding process.

a. The Research Board may set aside up to 50% of the Medical Marijuana Dispensary Facility licenses to be awarded based upon a ranking using the following factors: site security, experience with understanding the medicine and law surrounding the use of medical marijuana, experience with retail pharmacy, health care and the cannabis market, business plan, and sufficient available capital to maximize probable success; acceptance in the site community; potential for positive economic impact in the site community and maintaining competitiveness in the marijuana for

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medical use marketplace. In ranking applicants and awarding licenses, the Research Board may consult with or contract other public agencies with relevant expertise regarding these factors.

iii. Initial applications for licenses shall be accepted beginning no more than seven (7) months after the effective date of this Article. The initial application period shall remain open for ninety (90) days.

iv. After the initial application period, when one or more licenses become available, the opening shall be published on the Research Board's website for ninety (90) days, at the close of which an additional application period of ninety (90) days shall immediately commence.

(f) A qualifying patient must obtain annually a qualifying patient identification card from the Research Board and shall be taxed at an annual rate of \$100 per issuance, with such rate to be increased or decreased each year by the percentage of increase or decrease of the Consumer Price Index (CPI), or successor index as published by the U.S. Board of Labor or its successor agency. Upon application for a qualifying patient identification card, the Research Board must, within thirty (30) days, provide either the card or a written explanation for its denial of the card. It shall not be grounds for denial that use of medical marijuana is not approved under federal law.

(g) A designated primary caregiver must obtain annually a designated primary caregiver identification card from the Research Board for each designated qualifying patient and shall be taxed at an annual rate of \$100 per issuance, with such rate to be increased or decreased each year by the percentage of increase or decrease of the Consumer Price Index (CPI), or successor index as published by the U.S. Board of Labor or its successor agency. Upon application for a designated primary caregiver identification card, the Research Board must, within thirty (30) days, provide either the card or a written explanation for its denial of the card. It shall not be grounds for denial that use of medical marijuana is not approved under federal law.

(h) Marijuana in Missouri for retail sale may only be sold by a licensed Medical Marijuana Dispensary Facility.

(i) No Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, or Medical Marijuana-Infused/Extraction Products Manufacturing Facility shall assign, sell, give, lease, sublease, or otherwise transfer its license to any other individual or entity for at least five (5) years from the time of the initial application by the licensee, and then not without the express consent of the Research Board, not to be unreasonably withheld. Licenses are transferable upon death by will or inheritance.

(j) No taxes or fees shall be imposed on the sale of medical marijuana except as provided in this Article.

(k) In event subsection (j) of this section 4, immediately above, is found unconstitutional, the taxes imposed pursuant to this section are separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

(l) All revenues collected from the taxes imposed on the sale of marijuana pursuant to this section must be deposited in the Biomedical Research and Drug Development Institute Trust Fund. All revenues and taxes collected from the issuance of licenses to Medical Marijuana Cultivation Facilities, Medical Marijuana Research Cultivation Facilities, Medical Marijuana-Infused/Extraction Products Manufacturing Facilities, and Medical Marijuana Dispensary Facilities, except as provided elsewhere in this Article XIV, must likewise be deposited in the Biomedical Research and Drug Development Institute Trust Fund.

**SECTION 5. TRUST FUND** — (a) The “Biomedical Research and Drug Development Institute Trust Fund” is hereby established in the state treasury. Within the Biomedical Research and Drug Development Institute Trust Fund shall be the following accounts which include but are not necessarily limited to:

i. General Purpose Account;

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## Defeated Amendments to the Constitution of Missouri 2029

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ii. Land Acquisition Account;

iii. Targeted Diseases Account and its sub-accounts; and

iv. Section 10 Account.

(b) Except for repayment of bonds under this Section 5, subsection b, which shall be paid first, at the conclusion of each fiscal year, the state treasurer shall allocate all monies in the Biomedical Research and Drug Development Institute Trust Fund that are not otherwise in an account to the Research Board for disbursement and investment as directed in this section. During the first five (5) years, the monies shall be deposited 50% into the General Purpose Account, 25% into the Land Acquisition Account and 25% into the targeted disease account. Thereafter the Research Board shall direct the percentage of money to be deposited into each account. Monies deposited in the fund shall include but are not limited to the designated funds received from sections 4, 5 and 10 of Article XIV, money transferred from the Research Board and any other amounts which may be received from grants, gifts, devises, bequests, contributions, donations, and money from contracts, from the state or federal government, derivative of intellectual property rights, or any other source. Monies in the fund shall be used solely for the purposes established by this Article XIV.

(c) Monies deposited into the General Purpose Account shall be used for research, presently incurable diseases, targeted diseases, building and construction, the campus, cures, endeavors, jobs, payment and compensation for jobs, administrative expenses, and education in Missouri pursuant to the performed pursuant to this Article XIV. Up to 10% of the annual General Purpose Account may be allocated by the Board to various universities in the State of Missouri with accredited medical or pharmacy schools, or currently existing at the time of passage of this Article XIV independently accredited medical or pharmacy schools within the State of Missouri, for collaborative efforts pursuant to section 10 of Article XIV, and to the development of secondary campuses in Missouri at these in-state universities with accredited medical schools and pharmacy schools, plus up to a further 5% annually maybe allocated for research purposes to various such universities who have developed, or have in the past 12 months before passage of this Article XIV been actively taking steps to develop, including but not limited to providing classes that will count as credit for, graduate programs in biomedical engineering and neuroscience. Additionally, up to 10% more of the General Purpose Account may be allocated by the Research Board to various joint collaborative in-Missouri/non-Missouri research efforts pursuant to section 10 of Article XIV, and up to 2% more of the General Purpose Account may be allocated by the Research Board as grants to Missouri local law enforcement agencies to assist with costs associated with medical marijuana law enforcement and safety.

(d) Monies deposited into the Land Acquisition Account shall be used for Land Acquisition and Land Development. The Land Acquisition Account may receive specific designated grants, gifts, devises, bequests, contributions, donations, and money from contracts, from the state or federal government, derivative of intellectual property rights, or any other source, and such specific designated monies shall be segregated for the Land Acquisition and Land Development, not commingled with other money.

(e) Monies deposited into the Targeted Diseases Account shall be used for research performed by targeted disease research groups, targeted diseases research building and construction, targeted disease research jobs, ancillary activities of the research groups and for support of the research of targeted diseases research groups as set forth in this Article XIV. Individual targeted diseases groups may receive specific designated grants, gifts, bequests, contributions, donations, and money from contracts, from the state or federal government, derivative of intellectual property rights, or any other source, and such specific designated monies shall be segregated into targeted disease sub accounts for that individual targeted disease group, not commingled with other money, and shall be used only for the purposes of that research group.

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(f) Except where specifically stated otherwise, all administrative costs, expenses, jobs and compensation for duties performed and incurred under this Article XIV and by the Research Board shall be paid from the General Purpose Account of this fund.

(g) The unexpended balance existing in the fund and any of its accounts at the end of any biennium year shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

(h) All monies deposited in the Biomedical Research and Drug Development Institute Trust Fund and its accounts shall remain separate and apart from the general revenue of the State of Missouri and shall be used only for the purposes of this Article XIV. Monies in the Biomedical Research and Drug Development Institute Trust Fund shall be first used to repay bonds and any other form of indebtedness, if any, issued by the Board for the purposes authorized by Article XIV. The unexpended balances of such monies shall remain in the Biomedical Research and Drug Development Institute Trust Fund and in the particular account in which the monies are placed, and such balances shall not revert to the general revenue fund.

(i) To maintain transparency, each year the Research Board shall publish the itemized income and expenses from the fund and its accounts in a report made available on the Research Board's website using general accepted accounting principles.

**SECTION 6. LAND ACQUISITION.** — (a) It is expressly directed and permitted that within the Research Board shall be established a subcommittee known as the Land Acquisition Board. Such subcommittee members shall not receive any additional pay. The Land Acquisition Board shall consist of five individuals, four members of the Research Board selected by the Article XIV Coordinator and the fifth member being the Article XIV Coordinator. The members of the Land Acquisition Board selected by the Article XIV Coordinator shall serve the following initial terms: one shall serve two years, one shall serve three years, and two shall serve four years. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the Article XIV Coordinator shall appoint a new member from within the Research Board to fill the unexpired term. Members are eligible for reappointment. Before the appointments by way of the nonpartisan commission that will fill the Research Board and then in turn the Land Acquisition Board, the Article XIV Coordinator shall appoint four temporary members of the Land Acquisition Board, who may or may not be members of the then existing Research Board, who together shall be the "then existing Land Acquisition Board" and shall have the power and duties of the Land Acquisition Board. Those temporary members shall serve at the same rate as Research Board members so long as there are funds available. If no funds are immediately available, the members may serve with deferred compensation until funds are available and when funds become available the members shall be paid for time served from appointment, and reasonable expenses incurred to effectuate their duties.

(b) The Land Acquisition Board shall make investigations, inquiries, studies and review data to identify no more than five but no less than three potential locations for land development and Land Acquisition and for a campus.

(c) The Land Acquisition Board shall have the authority to promulgate any necessary and supportive rules, regulations and procedures to fulfill its duties and authorized activities under this Article XIV, by and through the Research Board.

(d) The Land Acquisition Board shall report an overview of activities and status of the Land Acquisition Board to the Research Board no less than once every one hundred and twenty days.

(e) No earlier than one year after the Land Acquisition Board is formed, and no later than four years after it is formed, the Land Acquisition Board shall submit a report of final proposed locations for a campus and designated on maps for each proposed location. Such maps shall be drawn, by lines of longitude and latitude or by use of historical boundaries such as state lines,

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rivers, long standing thoroughfares, and county or city boundaries. The final dimensions and geographic inclusions of the land for campus development, which shall at a minimum include the inner one contiguous square mile, layered by additional increments at two, four, nine, sixteen, twenty five and thirty six contiguous square miles, with thirty six being the maximum that could be purchased pursuant to this Article XIV for campus development, will be determined by the Land Acquisition Board. The proposed locations of the campus and maps must be approved by 2/3 of the Research Board, or if the Research Board is not yet formed then by a unanimous vote of the then-existing Research Board members and the consent of the Governor.

(f) Upon approval pursuant to section 6 subsection (e) in the next general election more than 6 months after the section 6 subsection (e) approval occurs, voters of the affected county or counties, shall have a "yes" or "no" vote on whether they desire to allow the land to be acquired and the campus developed, along with its building and construction and Article XIV activities, on the proposed location that is within their respective county. Maps that include more than one county shall be designated a multi-county map, and the votes of all affected counties within the multi-county map shall be counted as though one county.

(g) The proposed campus location county which receives the most votes by percentage of votes cast, in the respective proposed campus location counties, shall be the approved campus development site.

(h) The question presented to voters pursuant to Section 6, subsection (f) shall be in the following format:

Shall a campus for research, development, building and construction, jobs, cures and education in Missouri for endeavors to find cures for incurable diseases, and all that entails under Article XIV of the Missouri Constitution, be built on the proposed campus development site that includes the county in which I live and will result in land, in and around the vicinity set forth on the Biomedical Research and Drug Development Institute Map below, being affected, and/or purchased from the landowners:

Yes                      No  
[map here]

The amount to be acquired shall be a minimum of one square mile of contiguous property, but otherwise limited only by purchasing funds to a maximum of thirty six contiguous square miles.

(i) As funds become available, the Land Acquisition Board shall have authority to negotiate, acquire, and purchase property for the research campus. The Land Acquisition Board may use any and all legal means to acquire and purchase such property for the campus.

(j) The amount to be acquired for the campus shall be a minimum of one square mile of contiguous property, but otherwise limited only by purchasing funds to a maximum of thirty six square miles of contiguous property. The final dimensions and geographic inclusions of the land for campus development, which shall at a minimum include the inner one contiguous square mile, will be determined by the Land Acquisition Board.

(k) The Land Acquisition Board shall begin acquiring land by purchasing land, as outlined in this section of Article XIV, six (6) months after the general election referenced in section 6(f), takes place, or as soon thereafter as practicable. The purchasing shall proceed in a manner consistent with reasonable campus development.

(l) Clerical, research and general administrative support staff for the Land Acquisition Board shall be provided wages or salaries by the Land Acquisition Account. The Research Board, and the then existing Land Acquisition Board members until the Research Board members are all appointed and fill the Land Acquisition Board, shall have the authority to employ, hire, fire and set wages for all clerical, research and general administrative support staff for the Land Acquisition Board and to fulfill its functions under this Article XIV.

(m) The Land Acquisition Board, until the board is terminated and its powers and duties then transferred to the Research Board, may establish a land use plan and set aside up to twenty five percent of the acquired land for enterprise zones, housing and parks and recreational activities within the campus. Such land, at the Research Board's discretion, may be leased but not purchased from the Research Board.

(n) By unanimous vote of the Land Acquisition Board, upon the final payment for land made, or on January 1, 2028, whichever occurs first, the Land Acquisition Board shall terminate and all powers and duties shall transfer to the Research Board, including but not limited to all those powers and duties under this section 6.

**SECTION 7. IMMUNITIES.** — (a) Upon passage of this Article XIV, and beginning with its effective date, the use of medical marijuana by a qualifying patient with a valid physician certification shall not be subject to criminal or civil liability or sanctions under Missouri law, except as provided for by this Article XIV. Pending rules for, and issuance of, Qualifying Patient Identification Cards, the use of medical marijuana by a qualifying patient with a valid Physician Certification only, shall be valid in place of the Qualifying Patient Identification Card.

(b) A Medical Marijuana Dispensary Facility may sell medical marijuana or medical marijuana-infused products/extractions to a qualifying patient or designated primary caregiver upon production of a valid qualifying patient identification card or designated primary caregiver identification card, respectively and shall not be subject to criminal or civil liability or sanctions under Missouri law except as provided for by this Article XIV.

(c) Medical marijuana cultivation, transportation, storage, infusion and extraction of products, and sale pursuant to this Article XIV is hereby legal, and shall not be subject to criminal or civil liability or sanctions under Missouri law except as provided for by this Article XIV.

(d) The possession of marijuana, in quantities less than the monthly limit established by the Research Board, shall not subject the possessor to arrest, criminal or civil liability, or sanctions under Missouri law, provided that a valid qualifying patient identification card, a designated primary caregiver identification card, or the equivalent issued to a non-Missouri resident by another state or political subdivision of another state that is that non-Missouri resident's place of residency, is produced upon demand.

(e) A physician shall not be subject to criminal or civil liability or sanctions under Missouri law or discipline by the Missouri State Board of Registration for the Healing Arts, or other agency, for issuing a physician certification or recommending the use of Medical Marijuana to a person diagnosed with a qualifying medical condition in a manner consistent with this Article.

(f) A health care provider, including but not limited to any pharmacist, shall not be subject to professional discipline, or to criminal or civil liability or sanctions under Missouri law, for providing health care services that involve the medical use of marijuana consistent with this Article.

(g) A designated primary caregiver shall not be subject to criminal or civil liability or sanctions under Missouri law for purchasing or administering marijuana for medical use by a qualifying patient in a manner consistent with this Article. No individual shall serve as the designated primary caregiver for more than three (3) qualifying patients at one time.

(h) Actions and conduct by a Medical Marijuana Cultivation Facility, Medical Marijuana Research Cultivation Facility, Medical Marijuana Dispensary Facility or a Medical Marijuana-Infused/Extraction Products Manufacturing Facility, licensed and registered with the Research Board, or employees of such facilities, pursuant to and as permitted by this Article and in compliance with Research Board regulations, shall not be subject to criminal or civil liability or sanctions relating to marijuana under Missouri law except as provided for by this Article.

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i. A Medical Marijuana Cultivation Facility, Medical Marijuana Research Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused Product Manufacturing Facility who allows any license under this Article to lapse or expire through failure to timely renew or reapply for such license shall still be subject to the protections of this Article, provided the licensee obtain a valid license within ninety (90) days of the date of the lapse or expiration of the prior license and pay all fines called for in this Article.

ii. A Medical Marijuana Cultivation Facility, Medical Marijuana Research Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused/Extraction Products Manufacturing Facility who allows any license under this Article to lapse or expire through failure to timely renew or reapply for such license shall be subject to and must pay a fine of \$5,000 if a valid license is obtained within ninety (90) days of the lapse or expiration of the prior license.

(i) There shall be no immunities for negligence, either common law or statutorily created, nor criminal immunities for operating a vehicle, aircraft, dangerous device, or navigating a boat, under the influence of marijuana, and except as specifically set out in this Article the use of marijuana shall not be a defense to any civil liability or criminal activity.

(j) Missouri attorneys providing legal advice or representation relative to this Article XIV shall not be subject to professional discipline, or to criminal or civil liability or sanctions under Missouri law for providing such legal advice or representation.

(k) Patient information under this Article shall be afforded the same protection and confidentiality under the law as other patient medical information.

(l) No patient shall be denied access to medical care or priority for an organ transplant because they hold a qualifying patient identification card or use marijuana for medical use.

(m) No patient shall be denied Medicaid or other medical insurance or other governmental benefits because they hold a qualifying patient identification card or use marijuana for medical use.

(n) No testing laboratory shall be subject to civil or criminal prosecution, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing laboratory testing services that relate to the medical use of marijuana consistent with this Article XIV and otherwise meeting legal standards of professional conduct.

(o) No health care provider shall be subject to mandatory reporting requirements for the medical use of marijuana by non-emancipated qualifying patients under eighteen years of age in a manner consistent with this Article XIV and with consent of a parent or guardian.

(p) Subject to provisions to the contrary within this Article XIV, any individual acting within the scope of this Article XIV shall not be subject to professional discipline, or to criminal or civil liability or sanctions under Missouri law for actions authorized within this Article XIV.

**SECTION 8. LEGISLATION.** — (a) Nothing in this Article shall limit the legislature from enacting laws consistent with this Article, or otherwise effectuating this Article, but the legislature shall not be allowed to enact laws to hinder the effectiveness of this Article or otherwise alter this Article. Except as specifically provided in this Article, nothing in this Article shall limit the authority of a municipality or county under its land planning and zoning regulations to restrict the location, but not the number of or presence in a municipality or county of Medical Marijuana Cultivation Facilities, Medical Marijuana Research Cultivation Facility, Medical Marijuana Dispensary Facilities or Medical Marijuana-Infused/Extraction Products Manufacturing Facilities.

(b) No elected official shall interfere directly or indirectly with the Research Board's obligations and activities under this Article XIV.

**SECTION 9. LIMITATIONS AND OTHER PROVISIONS.** — (a) Nothing in this Article permits a person to:

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i. Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice; or

ii. Operate, navigate, or be in actual physical control of any dangerous device or motor vehicle, aircraft or motorboat while under the influence of marijuana; or

iii. Bring a claim against any employer, former employer or prospective employer for wrongful discharge, discrimination, or any similar cause of action or remedy, based on the employer, former employer or prospective employer prohibiting the employee, former employee or prospective employee from being under the influence of marijuana while at work or disciplining the employer or former employee, up to and including termination from employment, for working or attempting to work while under the influence of marijuana; or

iv. Consume, smoke, or use marijuana in a jail, prison, or other correctional facility; or

v. Consume, smoke, or use marijuana in a drug rehabilitation facility; or

vi. Consume, smoke, or use marijuana in a hospital or medical facility without a hospital or facility's consent; or

vii. Consume, smoke or use marijuana in a public place, including specifically, but not limited to, sidewalks, parks, playgrounds, sporting facilities, businesses, airports, bus stations, trains, casinos, government buildings, churches, synagogues or mosques; or

viii. Undertake growing or processing marijuana in a negligent or dangerous manner.

(b) A physician certification may only be given after the physician has conducted a full assessment of the patient's medical history and an in-person physical examination. A physician certification may be valid for up to twenty four (24) months.

(c) No Medical Marijuana Cultivation Facility, Medical Marijuana Research Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused/Extraction Products Manufacturing Facility shall be owned, in whole or in part, or have as an officer, director, board member, manager or employee, any individual who has been convicted of a felony. However, the Research Board may on a case by case basis find an exception based upon letters of recommendation and proof of rehabilitation by community service and lack of subsequent convictions if:

i. The person's conviction was for the medical use of marijuana or assisting in the medical use of marijuana; or

ii. The person's conviction was for a non-violent crime for which the person was not incarcerated in the Missouri Department of Corrections, or its equivalent in other jurisdictions, that is more than ten (10) years old; or

iii. The person's conviction was for a non-violent crime for which the person was incarcerated in the Missouri Department of Corrections, or its equivalent in other jurisdictions, that is more than fifteen (15) years old; provided that at least five (5) years has elapsed since that person's release from incarceration.

(d) A Medical Marijuana Cultivation Facility and Medical Marijuana Research Cultivation Facility shall not be owned or controlled, in whole or in part, by any person who has not been a resident of Missouri for at one year prior to the date of the Medical Marijuana Cultivation Facility's application.

(e) No marijuana or medical marijuana-infused product may be brought into the State of Missouri from outside of the state for use, sale, distribution, or otherwise.

(f) No Medical Marijuana Cultivation Facility, Medical Marijuana Research Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused/Extraction Products Manufacturing Facility shall manufacture, package or label marijuana or marijuana-infused products in a false, misleading or confusing manner or in any manner likely to cause confusion between the marijuana or marijuana-infused product and any product not containing marijuana.

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(g) All edible marijuana-infused product must be sold in individual child-resistant re-closeable containers that are labeled with dosage amounts, instructions for use, and estimated length of effectiveness. All marijuana and marijuana-infused products must be sold in containers clearly and consciously labeled, in a font size at least as large as the largest other font size used on the package, as containing "Marijuana," or a "Marijuana-Infused/extraction Product." The product itself must additionally be imprinted with the conspicuous lettering "THC", when practicable. A label of at least 12 point bold font must be used alerting patients if processed or packed with nuts or allergens, or in a facility where nuts or other allergens are processed or used.

(h) No poisonous or deleterious substances shall be added to any marijuana or marijuana-infused/extracted product. Doing so shall be punishable by law as established by the State of Missouri.

(i) It shall be the responsibility of the Medical Marijuana Cultivation Facility, Medical Marijuana Research Cultivation Facility, Medical Marijuana Dispensary Facility and Medical Marijuana-Infused/Extraction Products Facility to provide each subsequent person or entity in the stream of commerce a listing of all substances used in the growth and processing of marijuana, other than soil, water, and seed. All Marijuana sold for approved methods, in addition to other labels required by this Article XIV, subject to modification by the Research Board, shall be labeled or include the following information on package inserts, in at least 8 point type:

i. "GOVERNMENT WARNING: THIS PACKAGE CONTAINS MARIJUANA, A CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. MARIJUANA MAY ONLY BE CONSUMED BY A QUALIFYING PATIENT WITH A QUALIFYING PATIENT IDENTIFICATION CARD. MARIJUANA USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF MARIJUANA IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. DO NOT USE WHEN OPERATING A MOTOR VEHICLE OR DANGEROUS MACHINERY. THE INTOXICATING EFFECTS OF INGESTED MARIJUANA PRODUCTS MAY BE DELAYED UP TO TWO HOURS."

ii. For packages containing only dried flower, the net weight of marijuana in the package.

iii. Identification of the source and date of cultivation, the type of marijuana, or for marijuana infused products the date of manufacturing and packaging.

iv. The appellation of origin, if any.

v. List of pharmacologically active ingredients, by percentage, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CED), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total, and the potency of the marijuana or marijuana product by reference to the amount of tetrahydrocannabinol and cannabidiol in each serving.

vi. For marijuana infused products, a list of all ingredients and disclosure of nutritional information.

vii. A list of any solvents, nonorganic pesticides, herbicides, and fertilizers that were used in the cultivation, production, and manufacture of such marijuana or marijuana product.

viii. A warning if nuts or other known allergens are used in the product, or place of processing or sale.

(j) No Medical Marijuana Cultivation Facility, Medical Marijuana Research Cultivation Facility, Medical Marijuana Dispensary Facility or Medical Marijuana-Infused/Extraction Products Manufacturing Facility shall assign, sell, give, lease, sublicense, or otherwise transfer its license to any other facility, person, or entity except as provided in this Article XIV.

(k) This Article XIV shall not be construed as requiring health insurance companies to provide coverage for medical marijuana use.

(l) No new license shall be granted to any Medical Marijuana Cultivation Facility, Medical Marijuana Research Cultivation Facility, Medical Marijuana Dispensary Facility or Medical

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Marijuana-Infused/Extraction Products Manufacturing Facility that is located within one thousand feet of any then-existing school, group day care home, child day care center, church, synagogue or mosque.

(m) A physician:

i. shall not issue physician certifications for the use of medical marijuana exceeding twenty five percent (25%) of the number of prescriptions written by that physician in the same calendar year; and

ii. shall not have an income from treating qualifying patients with primarily medical marijuana exceeding twenty five percent (25%) of the physician's gross income.

(n) It is the public policy of the state of Missouri that contracts related to marijuana for medical use that are entered into by Qualifying Patients, Designated Primary Caregivers, Medical Marijuana Cultivation Facilities, Medical Marijuana Research Cultivation Facilities, Medical Marijuana-Infused/Extraction Products Manufacturing Facilities, or Medical Marijuana Dispensary Facilities and those who allow property to be used by those entities, should be enforceable. It is the public policy of the state of Missouri that no contract entered into by Qualifying Patients, Designated Primary Caregivers, Medical Marijuana Research Cultivation Facility, Medical Marijuana Cultivation Facilities, Medical Marijuana-Infused/Extraction Products Manufacturing Facilities, or Medical Marijuana Dispensary Facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this Article XIV, shall be unenforceable on the basis that activities related to medical marijuana may be prohibited by federal law.

(o) Marijuana cultivation of all types must occur indoors in an enclosed, locked facility: a warehouse, room, greenhouse, or other enclosed area equipped with locks or other security devices that permit access only by authorized personnel, Research Board requirements, and meeting industry standards for safety and safe use of electricity.

(p) Real and personal property used in the cultivation, manufacture, transport, testing, distribution, sale, and administration of marijuana for medical use or for activities otherwise in compliance with this Article XIV shall not be subject to asset forfeiture solely because of that use.

(q) The Research Board may require Medical Marijuana Dispensary Facility to have, on call during all operating hours, an individual licensed in Missouri to the practice of pharmacy as defined in Chapter 338 of the Revised Statutes of Missouri who is available for on-site or telephone consultation within thirty (30) minutes.

**SECTION 10. PUBLIC-PRIVATE COLLABORATIVE VENTURES.** — (a) The Research Board may enter into leases of property owned or to be acquired by the Research Board on the campus with participating research entities for building and construction, jobs, education, research to find cures, and in such endeavors enter into contracts for joint ventures and collaborative efforts and to find cures and treatments for presently incurable diseases and targeted diseases and to develop cures that may be discovered, improved or patented, in whole or part, and lease property for reasonable campus development and pursuant to this Article XIV.

(b) Any participating research entities, whether public, private, quasi-public or quasi-private, which develops cures or treatments which occurs in whole or part, directly or indirectly, by having its presence on the Biomedical Research and Drug Development Institute campus or in participation by written agreement with the Research Board, shall pay to the Biomedical Research and Drug Development Trust Fund - Section 10 Account an agreed upon contractual amount but if no contract has been entered into as to an amount, then the greater of three percent of all gross revenues or seventeen percent of all profits derived from the participating research entities cures or treatments, whether such monies were produced, earned, derivative, interest or otherwise received. All contracts

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when practicable shall be published on the Research Board's website at least 14 calendar days before any contract is finalized and published again after the contract is finalized.

(c) The Research Board may, along with or in conjunction with the participating research entity, or other entities, or on its own, make, produce, develop, market, distribute, license, and sell cures, goods, services and products, both of a medical and non-medical nature.

(d) All participating research entities shall establish a physical presence in Missouri, be licensed to do business in the State of Missouri and consent to jurisdiction of Missouri courts, and all contracts shall be governed by Missouri law.

(e) Participating research entities shall not provide anything of value to any member of the Research Board or their employees that could influence academic or research freedom, or otherwise interfere with the academic or research freedom of any member of the Research Board, nor to targeted disease groups or panels. Participating research entities who violate this prohibition shall have leases voided, and shall surrender all profits derived from the participating cures and treatments produced, earned or received, to the State of Missouri, and shall be liable for any actual and consequential damages and in appropriate circumstances also punitive damages, to the Research Board with all such damage awards being credited to the Biomedical Research and Drug Development Trust Fund - Section 10 Account.

(f) Any monies received pursuant to this section 10 shall be paid into the Biomedical Research and Drug Development Institute Trust Fund - Section 10 Account and annually disbursed by the following formula:

i. Fifty percent (50%) to the Biomedical Research and Drug Development Institute Trust Fund General Purpose Account;

ii. Twenty-five percent (25%) to general revenue of the State of Missouri with

(a) 1/4 of this 25% for the exclusive purpose of funding Missouri state roads and bridges infrastructure repairs,

(b) 1/4 of this 25% for the exclusive purpose of funding public pre-school programs, public elementary and secondary school programs, and to provide grants to in-state Missouri students to attend state institutions of higher education governed at the time of the enactment of this Article XIV by sections of 174.020 to 174.500 Revised Statutes of Missouri and chapter 172 Revised Statutes of Missouri., and

(c) 1/4 of this 25% for the exclusive purpose of funding medical care for Missouri residents;

(d) 1/4 of this 25% to fund Missouri public employee retirement trust funds; and

iii. Twenty-five percent (25%) to be refunded to Missouri state income tax paying citizens, refunded equally to all citizens of Missouri who have paid state income taxes of more than five hundred dollars (\$500) or more in the year prior to the payments being received by the Research Board pursuant to this section 10, up to the total amount of state income tax paid by such Missouri citizen in that year. Any residual amounts above and beyond the tax refund shall be paid equally to all Missouri state income tax paying Missouri residents. The refund check to Missouri citizens shall clearly state "Research Board Tax Refund".

(g) All contracts entered into pursuant to this section 10 and this Article XIV shall require that any cures obtained pursuant to section 10 and this Article XIV shall be made available to the residents of the State of Missouri at cost, with no mark-up.

**SECTION 11. EFFECTIVE DATE.** — (a) The provisions of this Article shall become effective on December 31, 2018.

**SECTION 12. SEVERABILITY.** — (a) All of the provisions of this Article, all sections, all subsections and all clauses and phrases shall be self-enforcing. All of the sections, subsections,

provisions, clauses, phrases, and words within them are severable. If any of the sections, subsections, provisions, clauses, phrases, or words within them are found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining sections, subsections, provisions, clauses, phrases, or words within them shall be and remain valid. If any appointment or selection pursuant to this Article, except 3(k)i-iii, are found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the appointment and selection, subject to any valid qualification requirement, shall be made by the Governor with the consent of a majority of the Senate. If all appointments or selections pursuant to 3(k)i-iii, are found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the appointment and selection, subject to any valid qualification requirement, shall be made by the Governor with the consent of a majority of the Senate.

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NOVEMBER 6, 2018

**PROPOSITION B**—(Proposed by Initiative Petition)***Official Ballot Title:***

Do you want to amend Missouri law to:

- increase the state minimum wage to \$8.60 per hour with 85 cents per hour increase each year until 2023, when the state minimum wage would be \$12.00 per hour;
- exempt government employers from the above increase; and
- increase the penalty for paying employees less than the minimum wage?

State and local governments estimate no direct costs or savings from the proposal, but operating costs could increase by an unknown annual amount that could be significant. State and local government tax revenue could change by an unknown annual amount ranging from a \$2.9 million decrease to a \$214 million increase depending on business decisions.

***Fair Ballot Language:***

A "yes" vote will amend Missouri statutes to increase the state minimum wage rate as follows:

\$8.60 per hour beginning January 1, 2019;  
\$9.45 per hour beginning January 1, 2020;  
\$10.30 per hour beginning January 1, 2021;  
\$11.15 per hour beginning January 1, 2022; and  
\$12.00 per hour beginning January 1, 2023.

The amendment will exempt government employers from the above increases, and will increase the penalty for paying employees less than the minimum wage.

A "no" vote will not amend Missouri law to make these changes to the state minimum wage law.

If passed, this measure will have no impact on taxes.

**Proposition B***Be it enacted by the people of the state of Missouri:*

Sections 290.502 and 290.527 of the Revised Statutes of Missouri are amended and a new section to be known as section 290.529 is enacted to read as follows:

**290.502. MINIMUM WAGE RATE — INCREASE OR DECREASE, WHEN.** — 1. Except as may be otherwise provided pursuant to sections 290.500 to 290.530, effective January 1, 2007, every employer shall pay to each employee wages at the rate of \$6.50 per hour, or wages at the same rate or rates set under the provisions of federal law as the prevailing federal minimum wage applicable to those covered jobs in interstate commerce, whichever rate per hour is higher.

2. The minimum wage shall be increased or decreased on January 1, 2008, and on January 1 of successive years, by the increase or decrease in the cost of living. On September 30, 2007, and on each September 30 of each successive year, the director shall measure the increase or decrease in the cost of

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

living by the percentage increase or decrease as of the preceding July over the level as of July of the immediately preceding year of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) or successor index as published by the U.S. Department of Labor or its successor agency, with the amount of the minimum wage increase or decrease rounded to the nearest five cents.

3. Except as may be otherwise provided pursuant to sections 290.500 to 290.530, and notwithstanding subsection (1) of this section, effective January 1, 2019, every employer shall pay to each employee wages at the rate of not less than \$8.60 per hour, or wages at the same rate or rates set under the provisions of federal law as the prevailing federal minimum wage applicable to those covered jobs in interstate commerce, whichever rate per hour is higher. Thereafter, the minimum wage established by this subsection shall be increased each year by \$.85 per hour, effective January 1 of each of the next four years, until it reaches \$12.00 per hour, effective January 1, 2023. Thereafter, the minimum wage established by this subsection shall be increased or decreased on January 1, 2024, and on January 1 of successive years, per the method set forth in subsection (2) of this section. If at any time the federal minimum wage rate is above or is thereafter increased above the minimum wage then in effect under this subsection, the minimum wage required by this subsection shall continue to be increased pursuant to this subsection (3), but the higher federal rate shall immediately become the minimum wage required by this subsection and shall be increased or decreased per the method set forth in subsection (2) for so long as it remains higher than the state minimum wage required and increased pursuant to this subsection.

4. For purposes of this section, the term "public employer" means an employer that is the state or a political subdivision of the state, including a department, agency, officer, bureau, division, board, commission, or instrumentality of the state, or a city, county, town, village, school district, or other political subdivision of the state. Subsection (3) of this section shall not apply to a public employer with respect to its employees. Any public employer that is subject to subsections (1) and (2) of this section shall continue to be subject to those subsections.

**290.527. ACTION FOR UNDERPAYMENT OF WAGES, EMPLOYEE MAY BRING — LIMITATION.** — Any employer who pays any employee less wages than the wages to which the employee is entitled under or by virtue of sections 290.500 to 290.530 shall be liable to the employee affected for the full amount of the wage rate and an additional [equal] amount equal to twice the unpaid wages as liquidated damages, less any amount actually paid to the employee by the employer and for costs and such reasonable attorney fees as may be allowed by the court or jury. The employee may bring any legal action necessary to collect the claim. Any agreement between the employee and the employer to work for less than the wage rate shall be no defense to the action. All actions for the collection of any deficiency in wages shall be commenced within [two] three years of the accrual of the cause of action.

**290.529. SEVERABILITY CLAUSE.** — Except in the circumstances set forth in section 290.523, all the provisions of sections 290.500 to 290.530 are severable. If any provision, including any section, subsection, subdivision, paragraph, sentence, or clause, of sections 290.500 to 290.530, or the application thereof to any person or circumstance, is found by a court of competent jurisdiction to be invalid, unconstitutional, or unconstitutionally enacted, such decision shall not affect other provisions or applications of sections 290.500 to 290.530 that can be given effect without the invalid, unconstitutional, or unconstitutionally enacted provision or application.

Adopted November 6, 2018.  
Effective November 6, 2018.

FOR — 1,499,002; AGAINST — 905,647

**NOVEMBER 6, 2018**

**PROPOSITION C** — (Proposed by Initiative Petition)

***Official Ballot Title:***

Do you want to amend Missouri law to:

- remove state prohibitions on personal use and possession of medical cannabis (marijuana) with a written certification by a physician who treats a patient diagnosed with a qualifying medical condition;
- remove state prohibitions on growth, possession, production, and sale of medical marijuana by licensed and regulated facilities, and a facility's licensed owners and employees;
- impose a 2% tax on the retail sale of medical marijuana; and
- use funds from this tax for veterans' services, drug treatment, early childhood education, and for public safety in cities with a medical marijuana facility?

State government entities estimate initial and one-time costs of \$2.6 million, annual costs of \$10 million, and annual revenues of at least \$10 million. Local government entities estimate no annual costs and are expected to have at least \$152,000 in annual revenues.

***Fair Ballot Language:***

A "yes" vote will amend Missouri statutes to allow the use of marijuana for medical purposes under state laws. This amendment does not change federal law, which makes marijuana possession, sale and cultivation a federal offense. This amendment creates regulations and licensing procedures for medical marijuana and medical marijuana facilities — dispensary, cultivation and production, and testing facilities. This amendment creates licensing fees for such facilities. This amendment will impose a 2 percent tax on the retail sale of marijuana for medical purposes by dispensary facilities. The funds from the license fees will go to the Division of Liquor Control to administer the program to license/certify and regulate marijuana and marijuana facilities. The funds from the tax will be used for veterans' services, drug treatment, early childhood education, and for public safety in cities with a medical marijuana facility.

A "no" vote will not amend Missouri statutes as to the use of marijuana.

If passed, this measure will impose a 2% retail sales tax on marijuana for medical purposes.

FOR — 1,039,251; AGAINST — 1,345,762

**Proposition C**

*Be it enacted by the People of the state of Missouri:*

Section A. Sections 192.005, 263.250, 311.610, 311.620, 311.630 and 311.660 RSMo, are amended and thirty-three new sections are enacted to be known as sections 195.018, 195.900, 195.903, 195.906, 195.909, 195.912, 195.915, 195.918, 195.921, 195.924, 195.927, 195.930, 195.933, 195.936,

195.939, 195.942, 195.945, 195.948, 195.951, 195.954, 195.957, 195.960, 195.961, 195.963, 195.966, 195.969, 195.972, 195.975, 195.978, 195.981, 195.982, 195.984 and 195.985 to read as follows:

192.005. There is hereby created and established as a department of state government the “Department of Health and Senior Services”. The department of health and senior services shall supervise and manage all public health functions and programs. The department shall be governed by the provisions of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo, unless otherwise provided in sections 192.005 to 192.014. The division of health of the department of social services, chapter 191, this chapter, and others, including, but not limited to, such agencies and functions as the state health planning and development agency, the crippled children’s service\*, chapter 201, the bureau and the program for the prevention of developmental disability, the hospital subsidy program, chapter 189, the state board of health, section 191.400, the student loan program, sections 191.500 to 191.550, the family practice residency program, the licensure and certification of hospitals, chapter 197, the Missouri chest hospital, sections 199.010 to 199.070\*\*, are hereby transferred to the department of health and senior services by a type I transfer, and the state cancer center and cancer commission, chapter 200, is hereby transferred to the department of health and senior services by a type III transfer as such transfers are defined in section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo Supp. 1984. The provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo Supp. 1984, relating to the manner and procedures for transfers of state agencies shall apply to the transfers provided in this section. The division of health of the department of social services is abolished. The department of health and senior services shall have the duties and powers set forth in sections 195.900 to 195.985.

195.018. The provisions of section 195.017 shall not apply to any product used as authorized by sections 195.900 to 195.985.

195.900. 1. Sections 195.900 to 195.985 shall be known and may be cited as the “Missouri Patient Care Act”.

2. (1) Sections 195.900 to 195.985 shall be deemed an exercise of the police powers of the state for the protection of the economic and social welfare and the health, peace, and morals of the people of this state.

(2) It shall be unlawful under state law to cultivate, manufacture, distribute, test, possess, or sell medical cannabis, except in compliance with the terms, conditions, limitations, and restrictions in sections 195.900 to 195.985.

(3) This section is intended to permit state-licensed physicians to certify that a patient has a qualifying medical condition and that the physician is treating or managing treatment of the patient’s qualifying medical condition in the course of a bona fide physician-patient relationship, after the physician has completed an assessment of the qualifying patient’s medical history, reviewed relevant records related to the patient’s qualifying medical condition, and conducted a physical examination.

(4) This section is intended to make only those changes to Missouri laws that are necessary to protect patients, their caregivers, and their physicians from civil and criminal penalties, and to allow for the limited legal production, distribution, sale, possession, and purchase of cannabis for medical use. This section is not intended to change current civil and criminal laws governing the use of cannabis for nonmedical purposes. The section does not allow for the public use of cannabis and driving under the influence of cannabis.

3. As used in sections 195.900 to 195.985, the following terms shall mean:

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(1) “Adequate supply”, 2.5 ounces of cannabis flower or its equivalent in cannabis concentrate or cannabis product during a period of fourteen days and that is derived solely from a licensed intrastate source. Subject to the rules of the department of health and senior services, a patient may apply for a waiver to possess more than 2.5 ounces for a fourteen-day period if a physician provides a substantial medical basis in a signed written statement asserting that, based on the patient’s medical history and in the physician’s professional judgment, 2.5 ounces is an insufficient adequate supply for a fourteen-day period to properly alleviate the patient’s qualifying medical condition or symptoms associated with the qualifying medical condition. A qualifying patient may possess no more than a sixty-day supply of cannabis flower or its equivalent in cannabis concentrate or cannabis product.

(2) “Administer”, the direct application of cannabis to a qualifying patient by way of any of the following methods:

- (a) Ingestion of capsules, teas, oils, and other cannabis-infused products;
- (b) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
- (c) Application of ointments or balms;
- (d) Transdermal patches and suppositories;
- (e) Consuming cannabis-infused food products; or
- (f) Any other method recommended by a qualifying patient’s physician.

(3) “Cannabis”, all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to, Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt derivative, mixture, or preparation of the mature stalks except the resin extracted therefrom: fiber, oil, or cake; or the sterilized seed of the plant which is incapable of germination.

(4) “Cannabis plant monitoring system”, an electronic seed-to-sale tracking system that includes, but is not limited to, testing and data collection established and maintained by the licensed medical cannabis cultivation and production facility and the medical cannabis center and available to the division for the purposes of documenting each cannabis plant and for monitoring plant development throughout the life cycle of a cannabis plant cultivated for the intended use by a qualifying patient from seed planting, cloning, or other method of propagation, to final packaging and sale to a qualifying patient.

(5) “Cannabis products”, concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof and are intended for use or consumption. The term includes, without limitation, edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

(6) “Caregiver”, a natural person, other than the qualifying patient or the qualifying patient’s physician, who is twenty-one years of age or older and has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the caregiver’s application for an identification card under this section.

(7) “Department”, the department of health and senior services.

(8) “Division”, the division of alcohol and tobacco control within the department of public safety.

(9) “Entity”, a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other entity.

(10) “Good cause”, for purposes of refusing or denying a license renewal, reinstatement, or initial license issuance:

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(a) The license applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of sections 195.900 to 195.985, any rules promulgated thereunder, or any supplemental local law, rules, or regulations;

(b) The licensee or applicant has failed to comply with any special terms or conditions that were placed on its license under an order of the state or local licensing authority; or

(c) The licensed premises have been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the establishment is located.

(11) "License", a license or registration under sections 195.900 to 195.985.

(12) "Licensed premises", the premises specified in an application for a license under sections 195.900 to 195.985, which are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, test, possess, or sell medical cannabis in accordance with the provisions of sections 195.900 to 195.985.

(13) "Licensee", a person licensed or registered under sections 195.900 to 195.985.

(14) "Limited access area", a building, room, or other contiguous area upon the licensed premises where medical cannabis is grown, cultivated, stored, weighed, displayed, packaged, sold, or possessed for sale, under control of the licensee, with limited access to only those persons licensed by the division, and visitors and vendors as provided by rule. All areas of ingress or egress to limited access areas shall be clearly identified as such by a sign as designated by the division.

(15) "Local licensing authority", an authority designated by municipal or county charter or ordinance.

(16) "Medical cannabis", cannabis that is grown and sold under sections 195.900 to 195.985 for a purpose authorized under sections 195.900 to 195.985.

(17) "Medical cannabis center", a person licensed under sections 195.900 to 195.985 to operate a business as described in sections 195.900 to 195.985 that acquires, possesses, stores, delivers, transfer, transports, sells, supplies or dispenses cannabis, cannabis products, medical cannabis, paraphernalia or related supplies to registered qualifying patients or caregivers, or other licensed medical cannabis centers.

(18) "Medical cannabis cultivation and production facility", a person licensed under sections 195.900 to 195.985 to operate a business as described in section 195.954.

(19) "Medical cannabis-infused product", a product infused with medical cannabis that is intended for use or consumption other than by smoking, including, but not limited to edible cannabis products, beverages, topical products, ointments, oils, and tinctures or smokeless vaporizing devices. Such products, when manufactured or sold by a licensed medical cannabis center, shall not be considered a drug for the purposes of chapter 196.

(20) "Medical cannabis testing facility", an independent entity licensed, approved, and certified by the division pursuant to this act to analyze the safety and potency of cannabis and as otherwise provided under sections 195.900 to 195.985.

(21) "Medical use", the production, possession, distribution, transportation, or administration of cannabis or a cannabis-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.

(22) "Person", a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

(23) "Premises", a distinct and definite location, which may include a building, a part of a building, a room, or any other definite contiguous area.

(24) "Qualifying medical condition", the condition of, symptoms related to, or side-effects from the treatment of:

(a) Cancer;

(b) Epilepsy;

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(c) Glaucoma;

(d) Intractable migraines unresponsive to other treatment;

(e) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including, but not limited to, those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;

(f) Debilitating psychiatric disorders, including, but not limited to, post-traumatic stress disorder, if diagnosed by a state licensed psychiatrist;

(g) Human immunodeficiency virus or acquired immune deficiency syndrome;

(h) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of cannabis could be effective in treating that condition and would serve as a safer alternative to the prescription medication;

(i) Any terminal illness; or

(j) In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis (ALS), inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome.

(25) "Qualifying patient", a Missouri resident diagnosed with at least one qualifying medical condition.

(26) "Smokeless vaporizing device", a medical-grade vaporizer delivery device capable of administering the active ingredients of a metered dose of medical cannabis via inhalation without combustion by-products.

(27) "State licensing authority", the division of alcohol and tobacco control which is responsible for regulating and controlling the licensing of the cultivation, manufacture, distribution, testing, possession, and sale of medical cannabis in this state.

(28) "Written certification", a document dated and signed by a physician, stating:

(a) That the qualifying patient has a qualifying medical condition and specifying the qualifying medical condition the qualifying patient has; and

(b) That the physician is treating or managing treatment of the patient's qualifying medical condition.

195.903. 1. For the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing, possession, and sale of medical cannabis in this state, the division of alcohol and tobacco control is hereby designated as the state licensing authority.

2. The state supervisor of the division may employ such officers and employees as may be determined to be necessary, with such officers and employees being part of the division. No moneys shall be appropriated to the division from the general revenue fund for the operation of sections 195.900 to 195.985, nor shall the division expend any general revenue fund moneys for the operation of sections 195.900 to 195.985. Notwithstanding any other provision of law, the division, the Commissioner of Administration, and the State Treasurer are authorized to receive and disburse funds from any source, public or private, as may assist the prompt implementation of this Act.

195.906. 1. The division shall:

(l) Grant or refuse state licenses for the cultivation, manufacture, distribution, testing, possession, and sale of medical cannabis as provided by law; suspend, fine, restrict, or revoke such licenses upon a violation of sections 195.900 to 195.985, or a rule promulgated under sections 195.900 to 195.985; and impose any penalty authorized by sections 195.900 to 195.985, or any rule promulgated under sections 195.900 to 195.985. The division may take any action with respect to a registration under sections 195.900 to 195.985 as it may with respect to a license under sections 195.900 to 195.985, in accordance with the procedures established under sections 195.900 to 195.985;

(2) Establish, revise, and amend rules and regulations as necessary to carry into effect the provisions of sections 195.900 to 195.985;

(3) Upon denial of a state license, provide written notice of the grounds for such denial of a state license to the applicant and to the local authority and the right of the applicant to a hearing before the administrative hearing commission under subsection 2 of section 195.924;

(4) Maintain the confidentiality of patient records, reports obtained from licensees showing the sales volume or quantity of medical cannabis sold, or any other records that are exempt from inspection under state law;

(5) Develop such forms, licenses, identification cards, and applications as are necessary in the discretion of the division for the administration of sections 195.900 to 195.985 or any of the rules promulgated under sections 195.900 to 195.985; and

(6) Prepare and submit an annual report accounting to the governor for the efficient discharge of all responsibilities assigned by law or directive to the state licensing authority.

2. (1) Rules promulgated under subdivision (2) of subsection 1 of this section shall include, but not be limited to, the following:

(a) Compliance with, enforcement, or violation of any provision of sections 195.900 to 195.985, or any rule issued under sections 195.900 to 195.985, including procedures and grounds for denying, suspending, fining, restricting, or revoking a state license issued under sections 195.900 to 195.985;

(b) Specifications of duties of officers and employees of the division;

(c) Instructions for local licensing authorities and law enforcement officers;

(d) Requirements for inspections, investigations, searches, seizures, and such additional activities as may become necessary from time to time;

(e) Creation of a range of administrative penalties for use by the division;

(f) Prohibition of misrepresentation and unfair practices;

(g) Control of informational and product displays on licensed premises;

(h) Development of individual identification cards for owners, officers, managers, contractors, employees, and other support staff of entities licensed under sections 195.900 to 195.985, including a fingerprint-based criminal record check as may be required by the division prior to issuing a card;

(i) Identification of state licensees and their owners, officers, managers, and employees;

(j) Security requirements for any premises licensed under sections 195.900 to 195.985, including, at a minimum, lighting, physical security, video, alarm requirements, and other minimum procedures for internal control as deemed necessary by the division to properly administer and enforce the provisions of sections 195.900 to 195.985, including reporting requirements for changes, alterations, or modifications to the premises;

(k) Regulation of the storage of, warehouses for, and transportation of medical cannabis;

(l) Sanitary requirements for medical cannabis centers and medical cannabis cultivation and production facilities, including, but not limited to, sanitary requirements for the preparation of medical cannabis-infused products;

(m) The specification of acceptable forms of picture identification that a medical cannabis center may accept when verifying a sale;

(n) Labeling standards, including, but not limited to, the serving size of active THC per serving and total servings per package;

(o) Testing standards;

(p) Records to be kept by licensees and the required availability of the records;

(q) State licensing procedures, including procedures for renewals, reinstatements, initial licenses, and the payment of licensing fees;

(r) The reporting and transmittal of monthly sales tax payments by medical cannabis centers;

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(s) Authorization for the department of revenue to have access to licensing information to ensure sales and income tax payment and effective administration of sections 195.900 to 195.985;

(t) Authorization for the division to impose administrative penalties and procedures of issuing, appealing, and creating a violation list and schedule of administrative penalties; and

(u) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of sections 195.900 to 195.985.

(2) The prompt implementation of this Missouri Patient Care Act is necessary to avoid immediate danger to the public health, safety and welfare. The division is authorized to use the emergency rulemaking procedures set out in section 536.025, and shall promulgate emergency rules by March 6, 2019, and also to file a notice of rulemaking as provided in section 536.025 by March 6, 2019.

(3) Nothing in sections 195.900 to 195.985 shall be construed as delegating to the division the power to fix prices for medical cannabis.

195.909. 1. A local licensing authority may issue only the following medical cannabis licenses upon payment of the fee and compliance with all local licensing requirements to be determined by the local licensing authority:

(1) A medical cannabis center license; and

(2) A medical cannabis cultivation and production facility license.

2. (1) A local licensing authority shall not issue a local license within a municipality or the unincorporated portion of a county unless the governing body of the municipality has adopted an ordinance or the governing body of the county has adopted a resolution containing specific standards for license issuance, or if no such ordinance or resolution is adopted prior to June 1, 2019, a local licensing authority shall consider the minimum licensing requirements of this section when issuing a license.

(2) In addition to all other standards applicable to the issuance of licenses under sections 195.900 to 195.985, the local governing body may adopt additional standards for the issuance of medical cannabis center or medical cannabis cultivation and production facility licenses consistent with the intent of sections 195.900 to 195.985 that may include, but not be limited to:

(a) Distance restrictions between premises for which local licenses are issued; and

(b) Any other requirements necessary to ensure the control of the premises and the ease of enforcement of the terms and conditions of the license.

3. Local governments may limit the use of land for operation of medical cannabis centers and medical cannabis cultivation and production facilities to specified areas as to time, place, and manner of such facilities. Local zoning approval shall be made by the governing body of the municipality if the premises are located in the municipality, or by the governing body of the county if the premises are located in the unincorporated portion of the county. The operation of sections 195.900 to 195.985 shall be statewide unless a municipality, county, or city, by a two-thirds majority of the registered voters voting at a regular election or special election called in accordance with state law, vote to prohibit the operation of medical cannabis centers and medical cannabis cultivation and production facilities in the municipality, county, or city.

4. An application for a license specified in subsection 1 of this section shall be filed with the appropriate local licensing authority on forms provided by the state licensing authority and shall contain such information as the state licensing authority may require and any forms as the local licensing authority may require. Each application shall be verified by the oath or affirmation of the persons prescribed by the state licensing authority.

5. An applicant shall file with the application for a local license, plans and specifications for the interior of the building if the building to be occupied is in existence at the time. If the building is not in

existence, the applicant shall file a plot plan and a detailed sketch for the interior and submit an architect's drawing of the building to be constructed. In its discretion, the local or state licensing authority may impose additional requirements necessary for the approval of the application.

195.912. 1. Upon receipt of an application for a local license, except an application for renewal or for transfer of ownership, a local licensing authority shall schedule and hold a public hearing upon the application to be held not less than thirty days after the date of the application, but not more than ninety days from the date of the application. If the local licensing authority fails to hold a public hearing within such time lines, the application shall be considered approved. If the local licensing authority schedules a hearing for a medical cannabis center application and/or a medical cannabis cultivation and production facility application, it shall post and publish public notice thereof not less than ten days prior to the hearing. The local licensing authority shall give public notice by the posting of a sign in a conspicuous place on the medical cannabis center premises and/or the medical cannabis cultivation and production facility premises for which application has been made and by publication in a newspaper of general circulation in the county in which the medical cannabis center premises and/or the medical cannabis cultivation and production premises are located.

2. Public notice given by posting shall include a sign of suitable material, not less than twenty-two inches wide and twenty-six inches high, composed of letters not less than one inch in height and stating the type of license applied for, the date of the hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. The sign shall contain the names and addresses of the officers, directors, or manager of the facility to be licensed.

3. Public notice given by publication shall contain the same information as that required for signs.

4. If the building in which medical cannabis is to be cultivated, manufactured, distributed, possessed, or sold is in existence at the time of the application, a sign posted as required in subsections 1 and 2 of this section shall be placed so as to be conspicuous and plainly visible to the general public. If the building is not constructed at the time of the application, the applicant shall post a sign at the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.

5. (1) A local licensing authority, or a license applicant with the authorization of the local licensing authority, may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application. Local licensing authorities who permit concurrent review shall continue to independently review the applicant's license application.

(2) When conducting a concurrent application review, the state licensing authority may advise the local licensing authority of any items it finds that may result in the denial of the license application. Upon correction of the noted discrepancies if the correction is permitted by the state licensing authority, the state licensing authority shall notify the local licensing authority of its conditional approval of the license application subject to the final approval by the local licensing authority. The state licensing authority shall then issue the applicant's state license upon receiving evidence of final approval by the local licensing authority.

(3) All applications submitted for concurrent review shall be accompanied by all applicable state license and application fees. Any applications which are later denied or withdrawn may allow for a refund of license fees only. All application fees provided by an applicant shall be retained by the respective licensing authority.

195.915. 1. Not less than five days prior to the date of the public hearing authorized in section 195.912, the local licensing authority shall make known its findings, based on its investigation, in

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writing to the applicant and other parties of interest. The local licensing authority has authority to refuse to issue a license provided for in this section for good cause, subject to judicial review.

2. Before entering a decision approving or denying the application for a local license, the local licensing authority may consider, except where sections 195.900 to 195.985 specifically provides otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts pertinent to the type of license for which application has been made, including the number, type, and availability of medical cannabis outlets located in or near the premises under consideration, and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed. A local licensing authority may only issue a medical cannabis center license and a medical cannabis cultivation and production facility license upon payment of the fee and compliance with all local licensing authority.

3. Within thirty days after the public hearing or completion of the application investigation, a local licensing authority shall issue its decision approving or denying an application for local licensure. The decision shall be in writing and shall state the reasons for the decision. The local licensing authority shall send a copy of the decision by certified mail to the applicant at the address shown on the application.

4. After approval of an application, a local licensing authority shall not issue a local license until the building in which the business to be conducted is ready for occupancy with such furniture, fixtures, and equipment in place as are necessary to comply with the applicable provisions of sections 195.900 to 195.985, and then only after the local licensing authority has inspected the premises to determine that the applicant has complied with the architect's drawing and the plot plan and detailed sketch for the interior of the buildings submitted with the application.

5. After approval of an application for local licensure, the local licensing authority shall notify the state licensing authority of such approval, who shall investigate and either approve or disapprove the application for state licensure.

195.918. 1. (1) The division may restrict the number of licenses granted for medical cannabis cultivation and production facilities, provided, however, that number may not be limited to fewer than one license per every one hundred thousand inhabitants of the state of Missouri, according to the most recent census of the United States. Each facility in operation shall require a separate license but multiple licenses may be utilized in a premises. The license shall be valid for one year from its date of issuance and shall be renewable, except for good cause. No more than three medical cannabis and production facility licenses shall be issued to any person under substantially common control, ownership, or management. At least one medical cannabis center license shall be issued for each medical cannabis cultivation and production facility license.

(2) The division may restrict the numbers of licenses granted for medical cannabis centers, provided, however, that number may not be limited to fewer than one license per every one hundred thousand inhabitants of the state of Missouri, according to the most recent census of the United States, except that, an applicant for a medical cannabis center license may be approved for an additional two medical cannabis center licenses in accordance with subdivision (3) of this subsection. Such additional medical cannabis center licenses shall not be counted toward the statewide limit for medical cannabis centers. A license shall be valid for one year from its date of issuance and shall be renewable, except for good cause.

(3) Licenses shall be geographically disbursed by the division, in consultation with the department of health and senior services, based on the demographics of the state and patient demand to ensure statewide access for patients. If more than the statewide limit for medical cannabis centers are necessary to provide sufficient patient access, a medical cannabis cultivation

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and production facility licensee may be approved for up to an additional two medical cannabis center licenses, subject to approval by the local licensing authority and the division.

2. Before the division of alcohol and tobacco control issues a state license to an applicant the applicant shall procure and file with the division evidence of a good and sufficient bond in the amount of five thousand dollars with corporate surety thereon duly licensed to do business with the state, approved as to form by the state attorney general, and conditioned that the applicant shall report and pay all sales and use taxes due to the state, or for which the state is the collector or collecting agent, in a timely manner, as provided in law.

3. A corporate surety shall not be required to make payments to the state claiming under such bond until a final determination of failure to pay taxes due to the state has been made by the division or a court of competent jurisdiction.

4. All bonds required under this section shall be renewed at such time as the bondholder's license is renewed. The renewal may be accomplished through a continuation certificate issued by the surety.

195.921. 1. Applications for a state license under the provisions of sections 195.900 to 195.985 shall be made to the division on forms prepared and furnished by the division and shall set forth such information as the division may require to enable the division to determine whether a state license shall be granted. The information shall include the name and address of the applicant, the names and addresses of the officers, directors, or managers, and all other information deemed necessary by the division. Each application shall be verified by the oath or affirmation of such person or persons as the division may prescribe.

2. Within one hundred eighty days of the effective date of this section, the division shall make available to the public license application forms and application instructions for medical cannabis cultivation and production facilities, medical cannabis center facilities, and medical cannabis testing facilities. The division shall begin accepting license and certification applications no later than two hundred forty days after the effective date of this section. Applications for licenses and certifications shall be approved or denied by the division no later than one hundred twenty days after their submission.

3. The division shall not issue a state license under this section until the local licensing authority has approved the application for a local license and issued a local license as provided for in sections 195.909 to 195.918.

4. Nothing in sections 195.900 to 195.985 shall preempt or otherwise impair the power of a local government to enact ordinances or resolutions concerning matters authorized to local governments.

195.924. 1. The division shall deny a state license if the premises on which the applicant proposes to conduct its business does not meet the requirements of sections 195.900 to 195.985.

2. If the division denies a state license under subsection 1 of this section, the applicant shall be entitled to a hearing before the administrative hearing commission. The division shall provide written notice of the grounds for denial of the state license to the applicant and to the local licensing authority at least fifteen days prior to the hearing.

195.927. 1. A license provided by sections 195.900 to 195.985 shall not be issued to or held by:  
(1) A person until the annual fee has been paid;  
(2) A person under twenty-one years of age;  
(3) A person licensed under sections 195.900 to 195.985 who during a period of licensure or who at the time of application has failed to:  
(a) Provide a surety bond, proof of assets, or file any tax return with a taxing agency;

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(b) Avoid delinquency in the payment of any state income taxes, personal property taxes, municipal taxes, or real property taxes;

(c) Pay any judgments due to a government agency;

(d) Stay out of default on a government-issued student loan;

(e) Pay child support; or

(f) Remedy an outstanding delinquency for taxes owed, an outstanding delinquency for judgments owed to a government agency, or an outstanding delinquency for child support.

(4) A person who has discharged a sentence in the ten years immediately preceding the application date for a conviction of a felony or a person who at any time has been convicted of a felony under any state or federal law regarding the possession, distribution, or use of a controlled substance;

(5) A person who employs another person at a medical cannabis center, a medical cannabis cultivation and production facility, or a medical cannabis testing facility who has not passed a criminal background check;

(6) A sheriff, deputy sheriff, police officer, or prosecuting officer, or any officer or employee of the division or a local licensing authority;

(7) A person whose authority to be a caregiver as defined in sections 195.900 to 195.985 has been revoked by the department; or

(8) A person who holds a license for a location that is currently licensed as a retail food establishment or wholesale food registrant.

2. The provisions of section 324.010.1 shall apply to sections 195.900 to 195.985.

3. All medical cannabis cultivation and production facility licensees and all medical cannabis center licensees shall be held by entities that are sixty percent or more owned by natural persons who have been bona fide residents of the state of Missouri for at least three years continuously immediately prior to the date of filing of application for such licenses. Notwithstanding the foregoing, medical cannabis cultivation and production facility licensees and medical cannabis center licensees may be held by entities with no greater than a forty percent interest owned by natural persons who have not been citizens of the state of Missouri for at least three years continuously immediately prior to the date of filing of application for such licenses.

4. (1) In investigating the qualifications of an applicant or a licensee, the division shall have access to criminal background check information furnished by a criminal justice agency subject to any restrictions or costs imposed by such agency. In addition to considering the applicant's criminal background check information, the division shall also consider any information provided by the applicant regarding such criminal background check, including, but not limited to, evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a state license.

(2) As used in subdivision (1) of this subsection, "criminal justice agency" means any federal, state, or municipal court or any governmental agency or subunit of such agency that administers criminal justice under a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice.

(3) At the time of filing an application for issuance or renewal of a state medical cannabis center license, a medical cannabis cultivation and production facility license, or a medical cannabis testing facility license, an applicant shall submit a set of his or her fingerprints and file personal history information concerning the applicant's qualifications for a state license on forms prepared by the division. The division shall submit the fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check. The Missouri state highway patrol shall forward the fingerprints to the Federal Bureau of Investigation

for the purpose of conducting a fingerprint-based criminal background check. Fingerprints shall be submitted in accordance with section 43.543, and fees shall be paid in accordance with section 43.530. The division may acquire a name-based criminal background check for an applicant or a license holder who has twice submitted to a fingerprint-based criminal background check and whose fingerprints are unclassifiable. The division shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether an applicant is qualified to hold a state license under sections 195.900 to 195.985. The division may verify any of the information an applicant is required to submit.

195.930. The division or a local licensing authority shall not receive or act upon an application for the issuance of a state or local license under sections 195.900 to 195.985:

(1) If the application for a state or local license concerns a particular location that is the same as or within one thousand feet of a location for which, within the two years immediately preceding the date of the application, the division or a local licensing authority denied an application for the same class of license due to the nature of the use or other concern related to the location;

(2) Until it is established that the applicant is or shall be entitled to possession of the premises for which application is made under a lease, rental agreement, or other arrangement for possession of the premises or by virtue of ownership of the premises;

(3) For a location in an area where the cultivation, manufacture, and sale of medical cannabis as contemplated is not permitted under the applicable local zoning laws of the municipality or county; or

(4) (a) If the building in which medical cannabis is to be cultivated, produced, or sold is located within one thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or a licensed child care facility, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility. The provisions of this subdivision shall not affect the renewal or reissuance of a license once granted nor shall the provisions of this subdivision apply to a license in effect and actively doing business before such school, college, university, playground, housing facility, licensed child care facility, youth center, public swimming pool, or video arcade was constructed.

(b) The distances referred to in this subdivision are to be computed by direct measurement from the nearest property line of the land used for a school, college, university, playground, housing facility, licensed child care facility, youth center, public swimming pool, or video arcade to the nearest portion of the building in which medical cannabis is to be cultivated, produced, or sold.

(c) In addition to the requirements of section 195.909, the local licensing authority shall consider the evidence and make a specific finding of fact as to whether the building in which the medical cannabis is to be cultivated, produced, or sold is located within the distance restrictions established by or under this subdivision.

195.933. 1. A state or local license granted under the provisions of sections 195.900 to 195.985 shall not be transferable except as provided in this section, but this section shall not prevent a change of location as provided in subsection 13 of section 195.936.

2. For a transfer of ownership, a license holder shall apply to the division and the local licensing authority on forms prepared and furnished by the division. In determining whether to permit a transfer of ownership, the division and the local licensing authority shall consider only the requirements of sections 195.900 to 195.985, any rules promulgated by the division, and any other local restrictions. The local licensing authority may hold a hearing on the application for transfer of ownership. The local licensing authority shall not hold a hearing under this subsection until the local licensing authority has posted a notice of hearing in the manner described in section 195.912

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on the licensed medical cannabis center premises and/or the medical cannabis cultivation and production facility for a period of ten days and has provided notice of the hearing to the applicant at least ten days prior to the hearing. Any transfer of ownership hearing by the division shall be held in compliance with the requirements specified in section 195.912.

195.936. 1. Sections 195.900 to 195.985 authorize a county or municipality to enact reasonable regulations or other restrictions applicable to licenses of medical cannabis centers and medical cannabis cultivation and production facilities based on local zoning, health, safety, and public welfare laws for the distribution of medical cannabis that are more restrictive than sections 195.900 to 195.985.

2. A medical cannabis center and a medical cannabis cultivation and production facility shall not operate unless licensed by the local licensing authority and the state licensing authority under sections 195.900 to 195.985. In connection with a license, the applicant shall provide a complete and accurate list of all owners, officers, and employees who work at, manage, own, or are otherwise associated with the operation and shall provide a complete and accurate application as required by the division.

3. A medical cannabis center and a medical cannabis cultivation and production facility shall notify the division in writing within ten days after an owner, officer, or employee ceases to work at, manage, own, or otherwise be associated with the operation. The owner, officer, or employee shall surrender his or her identification card to the division on or before the date of the notification.

4. A medical cannabis center and a medical cannabis cultivation and production facility shall notify the division in writing of the name, address, and date of birth of an owner, officer, manager, or employee before the new owner, officer, manager, or employee begins working at, managing, owning, or begins an association with the operation. The owner, officer, manager, or employee shall pass a fingerprint-based criminal background check as required by the division and obtain the required identification prior to being associated with, managing, owning, or working at the operation.

5. A medical cannabis center and a medical cannabis cultivation and production facility shall not acquire, possess, cultivate, deliver, transfer, transport, supply, or dispense cannabis for any purpose except to assist patients with qualifying medical conditions or to test the product at a medical cannabis testing facility, or as otherwise provided in section 195.900 to 195.985.

6. All owners of a licensed medical cannabis center and a licensed medical cannabis cultivation and production facility shall be authorized to do business in Missouri. A local licensing authority shall not issue a license provided for in sections 195.900 to 195.985 until that share of the license application fee due to the state has been received by the division. All licenses granted under sections 195.900 to 195.985 shall be valid for a period not to exceed one year from the date of issuance unless revoked or suspended under sections 195.900 to 195.985 or the rules promulgated under sections 195.900 to 195.985.

7. Before granting a local or state license, the respective licensing authority may consider, except where sections 195.900 to 195.985 specifically provide otherwise, the requirements of sections 195.900 to 195.985 and any rules promulgated under sections 195.900 to 195.985, and all other reasonable restrictions that are or may be placed upon the licensee by the licensing authority. With respect to a second or additional license for the same licensee or the same owner of another licensed business under sections 195.900 to 195.985, each licensing authority shall consider the effect on competition of granting or denying the additional licenses to such licensee and shall not approve an application for a second or additional license that has the effect of restraining competition.

8. (1) Each license issued under sections 195.900 to 195.985 is separate and distinct. It is unlawful for a person to exercise any of the privileges granted under a license other than the license that the person holds or for a licensee to allow any other person to exercise the privileges granted

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under the licensee's license. A separate license shall be required for each specific business or business entity and each geographical location.

(2) At all times, a licensee shall possess and maintain possession of the premises for which the license is issued by ownership, lease, rental, or other arrangement for possession of the premises.

9. (1) The licenses provided under sections 195.900 to 195.985 shall specify the date of issuance, the period of licensure, the name of the licensee, and the premises licensed. The licensee shall conspicuously display the license at all times on the licensed premises.

(2) A local licensing authority shall not transfer location of or renew a license to sell medical cannabis until the applicant for the license produces a license issued and granted by the state licensing authority covering the whole period for which a license or license renewal is sought.

10. In computing any period of time prescribed by sections 195.900 to 195.985, the day of the act, event, or default from which the designated period of time begins to run shall not be included. Saturdays, Sundays, and legal holidays shall be counted as any other day.

11. A licensee shall report each transfer or change of financial interest in the license to the division and the local licensing authority thirty days prior to any transfer or change under subsection 13 of this section. A report shall be required for transfers of capital stock of any corporation, regardless of size.

12. Each licensee shall manage the licensed premises himself or herself or employ a separate and distinct manager on the premises and shall report the name of the manager to the division and the local licensing authority. The licensee shall report any change in manager to the division and local licensing authority thirty days prior to such change.

13. (1) A licensee may move his or her permanent location to any other place in the same municipality for which the license was originally granted, or in the same county if the license was granted for a place outside the corporate limits of a municipality, but it shall be unlawful to cultivate, manufacture, distribute, possess, or sell medical cannabis at any such place until permission to do so is granted by the division and the local licensing authority provided for in sections 195.900 to 195.985.

(2) In permitting a change of location, the division and the local licensing authority shall consider all reasonable restrictions that are or may be placed upon the new location by the governing body or local licensing authority of the municipality or county; any such change in location shall be in accordance with all requirements of sections 195.900 to 195.985 and rules promulgated under sections 195.900 to 195.985.

195.939. 1. (1) Ninety days prior to the expiration date of an existing license, the division shall notify the licensee of the expiration date by first class mail at the licensee's address of record with the division. A licensee shall apply for the renewal of an existing license to the local licensing authority not less than forty-five days and to the division not less than thirty days prior to the date of expiration. A local licensing authority shall not accept an application for renewal of a license after the date of expiration, except as provided in subsection 2 of this section. The division may extend the expiration date of the license and accept a late application for renewal of a license; provided that, the applicant has filed a timely renewal application with the local licensing authority. All renewals filed with the local licensing authority and subsequently approved by the local licensing authority shall next be processed by the division. The division or the local licensing authority, in its discretion, subject to the requirements of this section and based upon reasonable grounds, may waive the forty-five-day or thirty-day time requirements set forth in this subsection. The local licensing authority may hold a hearing on the application for renewal only if the licensee has had complaints filed against it, has a history of violations, or there are allegations against the licensee that constitute good cause.

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(2) The local licensing authority shall not hold a renewal hearing provided for by this subsection for a medical cannabis center and a medical cannabis cultivation and production facility until it has posted a notice of hearing on the licensed medical cannabis center premises and the medical cannabis cultivation and production facility premises in the manner described in section 195.912 for a period of ten days and provided notice to the applicant at least ten days prior to the hearing. The local licensing authority may refuse to renew any license for good cause, subject to judicial review.

2.(1) Notwithstanding the provisions of subsection 1 of this section, a licensee whose license has been expired for not more than ninety days may file a late renewal application upon the payment of a nonrefundable late application fee of five hundred dollars to the local licensing authority. A licensee who files a late renewal application and pays the requisite fees may continue to operate until both the state and local licensing authorities have taken final action to approve or deny the licensee's late renewal application.

(2) The state and local licensing authorities shall not accept a late renewal application more than ninety days after the expiration of a licensee's permanent annual license. A licensee whose permanent annual license has been expired for more than ninety days shall not cultivate, manufacture, distribute, possess, or sell any medical cannabis until all required licenses have been obtained.

195.942. The division or local licensing authority may, in its discretion, revoke or elect not to renew any license if it determines that the licensed premises have been inactive without good cause for at least one year.

195.945. 1. The division, by rule, shall require a complete disclosure of all persons having a direct or indirect financial interest and the extent of such interest in each license issued under sections 195.900 to 195.985.

2. A person shall not have an unreported financial interest in a license under sections 195.900 to 195.985 unless such person has undergone a fingerprint-based criminal background check as provided for by the division in its rules; except that, this subsection shall not apply to banks, savings and loan associations, or industrial banks supervised and regulated by an agency of the state or federal government, or to FHA-approved mortgagees, or to stockholders, directors, or officers thereof.

3. This section is intended to prohibit and prevent the control of the outlets for the sale of medical cannabis by a person or party other than the persons licensed under the provisions of sections 195.900 to 195.985.

195.948. 1. For the purpose of regulating the cultivation, manufacture, distribution, testing, possession, and sale of medical cannabis, the division may, in its discretion and upon application on the prescribed form made to it, issue and grant to the applicant a license or registration from any of the following classes, subject to the provisions and restrictions provided by sections 195.900 to 195.985:

(1) Medical cannabis center license;

(2) Medical cannabis cultivation and production facility license;

(3) Medical cannabis testing facility license;

(4) Occupational licenses and registrations for owners, managers, operators, employees, contractors, and other support staff employed by, working in, or having access to restricted areas of the licensed premises as determined by the division. The division may take any action with respect to a registration under sections 195.900 to 195.985 as it may with respect to a license under sections 195.900 to 195.985, in accordance with the procedures established under sections 195.900 to 195.985.

2. In order to do business in Missouri under sections 195.900 to 195.985, a medical cannabis business shall hold both a medical cannabis center license and a medical cannabis cultivation and production facility license and shall be operated as a vertically integrated business.

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3. A medical cannabis business shall use a cannabis plant monitoring system as the primary inventory tracking system of records.

4. A state-chartered bank or a credit union may loan money to any person licensed under sections 195.900 to 195.985 for the operation of a licensed business.

5. A medical cannabis testing facility shall be licensed, approved, and certified by the division in order to test medical cannabis. A person who is an owner of a medical cannabis cultivation and production facility or a medical cannabis center facility is prohibited from having a financial interest in a medical cannabis testing facility. An owner of a medical cannabis testing facility is prohibited from having a financial interest in a medical cannabis cultivation and production facility or a medical cannabis center facility.

195.951. 1. A medical cannabis center license shall be issued only to a person selling medical cannabis under the terms and conditions of sections 195.900 to 195.985.

2. Notwithstanding the provision of this section, a medical cannabis center licensee may also sell medical cannabis-infused products that are prepackaged and labeled under subsection 7 of this section.

3. Except as otherwise provided in subsection 4 of this section, every person selling medical cannabis as provided for in this section shall sell medical cannabis grown in its medical cannabis cultivation and production facility licensed under sections 195.900 to 195.985.

4. A medical cannabis center licensee shall not purchase more than thirty percent of its total on-hand inventory of medical cannabis flower from another licensed medical cannabis center licensee in Missouri. A medical cannabis center licensee shall not sell more than thirty percent of its total on-hand inventory of medical cannabis flower to another Missouri medical cannabis licensee. At least seventy percent of the medical cannabis flower sold at a medical cannabis center shall be grown at its cultivation and production facility.

5. Prior to initiating a sale, the employee of the medical cannabis center making the sale shall verify that the purchaser has a valid registration card issued under section 195.981 and a valid picture identification card that matches the name on the registration card.

6. A licensed medical cannabis center shall provide an amount of its medical cannabis established by rule of the division for testing to a medical cannabis testing facility.

7. All medical cannabis sold at a licensed medical cannabis center shall be labeled as follows:  
(1) The medical cannabis center shall place a legible, firmly affixed label on medical cannabis, excluding medical cannabis-infused products, on which the wording is no less than one-sixteenth inch in size on each package of medical cannabis that it prepares for dispensing and which contains at a minimum the following information:

(a) The registered qualifying patient's name;

(b) The name and registration number of the medical cannabis center that produced the cannabis, together with the medical cannabis center's telephone number and mailing address, and website information, if any;

(c) The quantity of usable medical cannabis contained within the package;

(d) The date that the medical cannabis center packaged the contents;

(e) A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;

(f) The cannabinoid profile of the medical cannabis contained within the package, including tetrahydrocannabinol (THC) level; and

(g) A statement that the product has been tested for contaminants, that there were no adverse findings, and the date of testing, and the following statement, including capitalization: "This product has not been analyzed or approved by the FDA. There is limited information on the side effects of

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using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.”

(2) The medical cannabis center shall place a legible, firmly affixed label on medical cannabis-infused products on which the wording is no less than one-sixteenth inch in size on each medical cannabis-infused product that it prepares for dispensing and which contains at a minimum the following information:

(a) The registered qualifying patient’s name;

(b) The name and registration number of the medical cannabis center that produced the medical cannabis-infused product, together with the medical cannabis center’s telephone number and mailing address, and website information, if any;

(c) The name of the product;

(d) The quantity of usable cannabis contained within the product as measured in ounces;

(e) A list of ingredients, including the cannabinoid profile of the cannabis contained within the product, including the tetrahydrocannabinol (THC) level;

(f) The date of product creation and the recommended “use by” or expiration date;

(g) To identify the batch associated with manufacturing and processing, a batch number, sequential serial number, and bar code when used;

(h) Directions for use of the product if relevant;

(i) A statement that the product has been tested for contaminants, that there were no adverse findings, and the date of testing;

(j) A warning if known allergens are contained in the product; and

(k) The following statement, including capitalization: “This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.”

(3) Cannabis shall be packaged in plain, opaque, tamperproof, and child-resistant containers without depictions of the product, cartoons, or images other than the medical cannabis center’s logo.

8. A licensed medical cannabis center shall comply with all provisions of law as such provisions relate to persons with disabilities.

195.954. A medical cannabis cultivation and production facility license shall only be issued to a person licensed under this section who grows and cultivates medical cannabis and who manufactures medical cannabis or medical cannabis-infused products under the terms and conditions of sections 195.900 to 195.985.

195.957. 1. The department of health and senior services is the designated state agency for regulating and controlling the manufacturing of medical cannabis-infused products.

2. (1) Medical cannabis-infused products shall be prepared on a cultivation and production facility licensed premises that is used for the manufacture and preparation of medical cannabis-infused products and which uses equipment that is used for the manufacture and preparation of medical cannabis-infused products.

(2) Only a licensed medical cannabis cultivation and production facility is permitted to produce medical cannabis-infused products. A medical cannabis cultivation and production facility may produce medical cannabis-infused products for the facility’s medical cannabis centers and may sell the medical cannabis-infused products it produces to any other licensed medical cannabis centers in the state.

(3) The medical cannabis cultivation and production facility shall have all cannabis cultivated by such facility tested by a licensed medical cannabis testing facility in accordance with the following:

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(a) Cannabis shall be tested for the cannabinoid profile and for contaminants as specified by the department, including, but not limited to, mold, mildew, heavy metals, plant-growth regulators, and the presence of nonorganic pesticides. The department may require additional testing;

(b) The facility shall maintain the results of all testing for no less than one year;

(c) The facility shall have and follow a policy and procedure for responding to results indicating contamination, which shall include destruction of contaminated product and assessment of the source of contamination. Such policy shall be available to registered qualifying patients and primary caregivers;

(d) All testing shall be conducted by an independent laboratory that is:

a. Accredited to International Organization for Standardization (ISO) 17025 by a third-party accrediting body such as A2LA or ACLASS; or

b. Certified, registered, or accredited by an organization approved by the department.

(e) The facility shall arrange for testing to be conducted in accordance with the frequency required by the department;

(f) A facility shall have a contractual arrangement with a medical cannabis testing facility for the purposes of testing cannabis, including a stipulation that those individuals responsible for testing at the medical cannabis testing facility be licensed;

(g) A medical cannabis cultivation and production facility is prohibited from having any financial or other interest in a medical cannabis testing facility providing testing services for any medical cannabis cultivation and production facility;

(h) No individual employee of a medical cannabis testing facility providing testing services for medical cannabis cultivation and production facilities shall receive direct financial compensation from any medical cannabis cultivation and production facility;

(i) All transportation of cannabis to and from laboratories providing cannabis testing services shall comply with rules promulgated under any rulemaking authority granted in sections 195.900 to 195.985;

(j) All storage of cannabis at a laboratory providing cannabis testing services shall comply with subdivision (4) of this subsection; and

(k) All excess cannabis shall be returned to the source medical cannabis cultivation and production facility and be disposed of under paragraph (e) of subdivision (6) of this subsection.

(4)(a) All cannabis in the process of cultivation, production, preparation, transport, or analysis shall be housed and stored in such a manner as to prevent diversion, theft, or loss.

(b) Such items shall be accessible only to the minimum number of specifically authorized dispensary agents essential for efficient operation.

(c) Such items shall be returned to a secure location immediately after completion of the process or at the end of the scheduled business day.

(d) If a manufacturing process cannot be completed at the end of a working day, the processing area or tanks, vessels, bins, or bulk containers containing cannabis shall be securely locked inside an area or building that affords adequate security.

(5) A medical cannabis cultivation and production facility shall process cannabis in a safe and sanitary manner. A facility shall process the leaves and flowers of the female cannabis plant only, which shall be:

(a) Well cured and free of seeds and stems;

(b) Free of dirt, sand, debris, and other foreign matter;

(c) Free of contamination by mold, rot, other fungus, and bacterial diseases;

(d) Prepared and handled on food-grade stainless steel tables; and

(e) Packaged in a secure area.

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(6) All facilities, including those that develop or process nonedible medical cannabis-infused products, shall comply with the following sanitary requirements:

(a) Any dispensary agent whose job includes contact with cannabis or nonedible medical cannabis-infused products, including cultivation, production, or packaging, is subject to the requirements for food handlers under state law and in accordance with rules of the department of health and senior services;

(b) Any dispensary agent working in direct contact with preparation of cannabis or nonedible medical cannabis-infused products shall conform to sanitary practices while on duty, including:

a. Maintaining adequate personal cleanliness; and

b. Washing hands thoroughly in an adequate hand-washing area before starting work, and at any other time when hands may have become soiled or contaminated.

(c) Hand-washing facilities shall be adequate and convenient and shall be furnished with running water at a suitable temperature. Hand-washing facilities shall be located in the facility in production areas and where good sanitary practices require employees to wash and sanitize their hands, and shall provide effective hand cleaning and sanitizing preparations and sanitary towel service or suitable drying devices;

(d) There shall be sufficient space for placement of equipment and storage of materials as is necessary for the maintenance of sanitary operations;

(e) Litter and waste shall be properly removed, disposed of so as to minimize the development of odor, and shall minimize the potential for the waste attracting and harboring pests. The operating systems for waste disposal shall be maintained in an adequate manner;

(f) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately kept clean and in good repair;

(g) There shall be adequate safety lighting in all processing and storage areas, as well as areas where equipment or utensils are cleaned;

(h) Buildings, fixtures, and other physical facilities shall be maintained in a sanitary condition;

(i) All contact surfaces, including utensils and equipment, shall be maintained in a clean and sanitary condition. Such surfaces shall be cleaned and sanitized as frequently as necessary to protect against contamination, using a sanitizing agent registered by the United States Environmental Protection Agency (EPA), in accordance with labeled instructions. Equipment and utensils shall be so designed and of such material and workmanship as to be adequately cleanable;

(j) All toxic items shall be identified, held, and stored in a manner that protects against contamination of cannabis and medical cannabis-infused products;

(k) A facility's water supply shall be sufficient for necessary operations. Any private water source shall be capable of providing a safe, potable, and adequate supply of water to meet the facility's needs;

(l) Plumbing shall be of adequate size and design, and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the facility. Plumbing shall properly convey sewage and liquid disposable waste from the facility. There shall be no cross-connections between the potable and waste water lines;

(m) A facility shall provide its employees with adequate, readily accessible toilet facilities that are maintained in a sanitary condition and in good repair;

(n) Products that may support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of such microorganisms; and

(o) Storage and transportation of finished products shall be under conditions that shall protect them against physical, chemical, and microbial contamination as well as against deterioration of them or their container.

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3. (1) A medical cannabis cultivation and production facility shall provide adequate lighting, ventilation, temperature, humidity, space, and equipment.

(2) A facility shall have separate areas for storage of cannabis that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, until such products are destroyed.

(3) Facility storage areas shall be maintained in a clean and orderly condition.

(4) Facility storage areas shall be free from infestation by insects, rodents, birds, and pests of any kind.

(5) Facility storage areas shall be maintained in accordance with the security requirements promulgated under the authority granted in sections 195.900 to 195.985.

195.960. 1. Until a medical cannabis cultivation and production facility's cultivation or production process has been validated, such facility shall not wholesale, transfer, or process into a medical cannabis concentrate or medical cannabis product any medical cannabis, medical cannabis concentrate, or medical cannabis product unless samples from the harvest batch or production batch from which such medical cannabis, medical cannabis concentrate, or medical cannabis product was derived were tested by a medical cannabis testing facility for contaminants and passed all contaminant tests required by subsection 3 of this section.

2. (1) A medical cannabis cultivation and production facility's cultivation process shall be deemed valid if every harvest batch that it produced during a twelve-week period passed all contaminant tests required by subsection 3 of this section, including at least twelve test batches that were submitted at least six days apart and contained samples from entirely different harvest batches.

(2) A facility's production process shall be deemed valid if every production batch that it produced during a four-week period passed all contaminant tests required by subsection 3 of this section, including at least four test batches that were submitted at least six days apart which contained samples from entirely different production batches.

3. (1) Each harvest batch of medical cannabis and production batch of medical cannabis concentrate and medical cannabis product shall be tested for microbial contamination by a medical cannabis testing facility. The microbial contamination test shall include, but not be limited to, testing to determine the presence of and amounts present of salmonella sp., escherichia coli, and other bile-tolerant bacteria. Each harvest batch of medical cannabis and production batch of medical cannabis concentrate and medical cannabis product shall be tested for mold contamination by a medical cannabis testing facility. The mold contamination test shall include, but shall be limited to, testing to determine presence and the level of aspergillus sp., mucor sp., penicillium sp., and thermophilic actinomycetes sp.

(2) Each harvest batch of medical cannabis produced by a facility shall be tested for filth and other visible contamination by a medical cannabis testing facility. The filth contamination test shall include, but shall not be limited to, the detection, separation, quantification, identification, and interpretation of extraneous materials, including insects, rodent droppings, visible adulterants, and other contaminants, in medical cannabis flowers and trim.

(3) Each production batch of solvent-based medical cannabis concentrate produced by a facility shall be tested for residual solvent contamination by a medical cannabis testing facility. The residual solvent contamination test shall include, but not be limited to, testing to determine the presence of, and amounts present of, butane, propane, ethanol, isopropanol, acetone, and heptane.

4. (1) The division may require additional tests to be conducted on a harvest batch or production batch prior to a facility wholesaling, transferring, or processing into a medical cannabis concentrate or medical cannabis product any medical cannabis, medical cannabis concentrate, or medical cannabis product from such harvest batch or production batch. Additional tests may

include, but not be limited to, screening for pesticides, harmful chemicals, adulterants, or other types of microbials, molds, filth, or residual solvents.

(2) (a) A production batch of medical cannabis concentrate shall be considered exempt from subdivision (1) of this subsection if the facility that produced it does not wholesale or transfer any portion of the production batch and it uses the entire production batch to manufacture medical cannabis product; except that, a solvent-based medical cannabis concentrate produced using butane, propane, ethanol, isopropanol, acetone, heptane shall still be submitted for a residual solvent contaminant test.

(b) A facility shall not be required to have residual solvent testing conducted on the product batch of a solvent-based medical cannabis concentrate if only CO2 was used during the production of the medical cannabis concentrate.

5. (1) (a) If a facility makes a material change to its cultivation or production process, such facility shall have the first five harvest batches or production batches produced using the new standard operating procedures tested for all of the contaminants required by subsection 3 of this section regardless of whether its process has been previously validated. If any such tests fail, such facility's process shall be revalidated.

(b) It shall be considered a material change if a facility begins using a new or different pesticide during its cultivation process, and the first five harvest batches produced using the new or different pesticide shall also be tested for pesticide.

(c) It shall be considered a material change if a facility begins using a new or different solvent or combination of solvents.

(d) A facility that makes a material change shall notify the medical cannabis testing facility that conducts contaminant testing on the first five harvest batches or production batches produced using the new standard operating procedures.

(e) When a harvest batch or production batch is required to be submitted for testing under this subsection, the facility that produced it shall not wholesale, transfer, or process into a medical cannabis concentrate or medical cannabis product any of the medical cannabis, medical cannabis concentrate, or medical cannabis product from such harvest batch or production batch.

(2) If six of the ten most recently tested test batches produced by a facility fail contaminant testing, the facility shall be required to revalidate its process.

6. Notwithstanding any other provision of state law, sales of medical cannabis-infused products shall not be exempt from state or local sales tax.

195.961.1. A tax is hereby levied and imposed upon the retail sale of cannabis for medical use sold at medical cannabis centers within the state. The tax shall be equivalent to two percent of the retail price. The purpose and intent of the tax is to impose a tax upon the privilege of engaging in the business, in this state, of selling medical cannabis. The primary tax burden is placed on making taxable sales of medical cannabis. All sellers of medical cannabis shall be required to report to the director of revenue, on such forms and in such manner as the director of revenue shall prescribe. Their "gross receipts from the sale of medical cannabis," defined to mean the aggregate amount of the sales price of all sales at retail of medical cannabis, and remit to the director of revenue two percent of their gross receipts from the sales of medical cannabis.

2. After retaining no more than five percent for its actual collection costs, one-half percent of the amount generated by the tax imposed in this section shall be deposited by the department of revenue into the Missouri Veterans' Health and Care Fund, one-half percent of the amount generated by the tax imposed in this section will be deposited by the department of revenue into the Missouri Public Safety Fund, one-half percent of the amount generated by the tax imposed in this section shall be deposited by the department of revenue into the Missouri Drug Treatment

Fund, and one-half percent of the amount generated by the tax imposed in this section shall be deposited by the department of revenue into the Early Childhood Development, Education and Care Fund created by section 161.125. Licensed entities making retail sales within the state shall be allowed approved credit for returns provided the tax was paid on the returned item and the purchaser was given the refund or credit.

(1) There is hereby created in the state treasury the "Missouri Veterans' Health and Care Fund," which shall consist of certain taxes and fees collected under this section. The State Treasurer shall be custodian of the fund, and he or she shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Notwithstanding any other provision of law, any moneys remaining in the fund at the end of a biennium shall not revert to the credit of the general revenue fund. The commissioner of administration is authorized to make cash operating transfers to the fund for purposes of meeting the cash requirements of the department in advance of it receiving annual application, licensing, and tax revenue, with any such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall stand appropriated without further legislative action as follows:

(a) First, to the department an amount necessary for the department to carry out this section, including repayment of any cash operating transfers, payments made through contract or agreement with other state and public agencies necessary to carry out this section, and a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out this section.

(b) Next, the remainder of such funds shall be transferred to the Missouri Veterans Commission for health and care services for military veterans, including the following purposes: operations, maintenance and capital improvements of the Missouri Veteran's Homes, the Missouri Service Officer's Program, and other services for veterans approved by the Commission, including, but not limited to, health care services, mental health services, drug rehabilitation services, housing assistance, job training, tuition assistance, and housing assistance to prevent homelessness. The Missouri Veterans Commission shall contract with other public agencies for the delivery of services beyond its expertise.

(c) All moneys from the taxes authorized under this subsection shall provide additional dedicated funding for the purposes enumerated above and shall not replace existing dedicated funding.

(2) There is hereby created in the state treasury the "Missouri Public Safety Fund", which shall consist of taxes and fees collected under this section. The State Treasurer shall be custodian of the fund, and he or she shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Notwithstanding any other provision of law, any moneys remaining in the fund at the end of a biennium shall not revert to the credit of the general revenue fund. The Commissioner of Administration is authorized to make cash operating transfers to the fund for purposes of meeting the cash requirements of the Department in advance of it receiving annual application, licensing, and tax revenue, with any such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall stand appropriated without further legislative action as follows:

(a) First, to the Department, an amount necessary for the Department to carry out this section, including repayment of any cash operating transfers, payments made through contract or agreement with other state and public agencies necessary to carry out this section, and a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out this section.

(b) Next, the remainder of such funds shall be allocated evenly to all police departments, fire protection districts, and fire departments in the State of Missouri that have medical cannabis centers or medical cannabis cultivation and production facilities within their geographic boundaries.

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(c) All moneys from the taxes authorized under this subsection shall provide additional dedicated funding for the purposes enumerated above and shall not replace existing dedicated funding.

(3) There is hereby created in the state treasury the "Missouri Drug Treatment Fund," which shall consist of taxes and fees collected under this section. The State Treasurer shall be custodian of the fund, and he or she shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Notwithstanding any other provision of law, any moneys remaining in the fund at the end of a biennium shall not revert to the credit of the general revenue fund. The Commissioner of Administration is authorized to make cash operating transfers to the fund for purposes of meeting the cash requirements of the Department in advance of it receiving annual application, licensing, and tax revenue, with any such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall stand appropriated without further legislative action as follows:

(a) First, to the Department, an amount necessary for the Department to carry out this section, including repayment of any cash operating transfers, payments made through contract or agreement with other state and public agencies necessary to carry out this section, and a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out this section.

(b) Next, the remainder of such funds shall be allocated evenly to all Missouri Drug Treatment Centers that are funded by the State of Missouri.

(c) All moneys from the taxes authorized under this subsection shall provide additional dedicated funding for the purposes enumerated above and shall not replace existing dedicated funding.

(4) The department of revenue shall have the authority to establish, revise, and amend rules as necessary to carry into effect the tax imposed by this section and to issue all forms, instructions and other documents necessary for the collection of the tax.

3. The provisions of sections 144.010 through 144.527 shall apply to the administration of the tax imposed by this section.

195.963. 1. (1) There is hereby created in the state treasury the "Medical Cannabis License Cash Fund," which shall consist of all moneys collected by the division under sections 195.900 to 195.985. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of sections 195.900 to 195.985.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(4) There is hereby created the "Medical Cannabis Program Account" as an account within the medical cannabis license cash fund. The account shall consist of all moneys collected by the department of health and senior services under section 195.981. The account shall be a dedicated account and, upon appropriation, moneys in the account shall be used solely for the administration of section 195.981.

2. (1) The division shall require all applicants for initial state licenses under sections 195.900 to 195.985 to submit a nonrefundable application fee of twelve thousand five hundred dollars for a medical cannabis center license, and twelve thousand five hundred dollars for a medical cannabis cultivation and production facility license. The division shall require all applicants for initial state licenses under sections 195.900 to 195.985 to submit an annual license fee of twelve thousand five hundred dollars for a medical cannabis center license, and twelve thousand five thousand dollars for a cultivation and production facility license. All applications submitted shall be accompanied

by all applicable state license and application fees. Any applications which are later denied or withdrawn may allow for a refund of license fees only. All application fees provided by an applicant shall be retained by the division.

(2) The division shall establish all other fees for processing the following types of applications, licenses, notices, or reports required to be submitted to the state licensing authority:

(a) Applications to change location under subsection 13 of section 195.936 and rules promulgated thereunder;

(b) Applications for transfer of ownership under section 195.933 and rules promulgated thereunder;

(c) License renewal fees, application fees for renewals, and expired license renewal applications under section 195.939; and

(d) Licenses as listed in section 195.948.

(3) The amounts of the fees under subdivisions (1) and (2) of this subsection, when added to the other fees transferred to the fund under this section, shall reflect the actual direct and indirect costs of the division in the administration and enforcement of sections 195.900 to 195.985.

(4) The division may charge applicants licensed under sections 195.900 to 195.985 a fee for the cost of each fingerprint analysis and background investigation undertaken to qualify new officers, directors, managers, or employees.

(5) At least annually, the division shall review the amounts of the fees and, if necessary, adjust the amounts to reflect the direct and indirect costs of the division.

3. Except as provided in subsection 4 of this section, the division shall establish a basic fee that shall be paid at the time of service of any subpoena upon the division, plus a fee for meals and a fee for mileage at the rate prescribed for state officers and employees, for each mile actually and necessarily traveled in going to and returning from the place named in the subpoena. If the person named in the subpoena is required to attend the place named in the subpoena for more than one day, there shall be paid, in advance, a sum to be established by the division for each day of attendance to cover the expenses of the person named in the subpoena.

4. The subpoena fee established under subsection 3 of this section shall not be applicable to any federal, state, or local governmental agency.

195.966. 1. Except as otherwise provided, all fees and fines provided for by sections 195.900 to 195.985 shall be paid to the division, which shall transmit the fees to the state treasurer. The state treasurer shall credit the fees to the medical cannabis license cash fund created in section 195.963.

2. The expenditures of the division shall be paid out of appropriations from the medical cannabis license cash fund created in section 195.963.

195.969. 1. Each application for a local license provided for in sections 195.900 to 195.985 filed with a local licensing authority shall be accompanied by an application fee and a license fee in an amount determined by the local licensing authority not to exceed ten percent of the state application fee and license fee.

2. License fees as determined by the local licensing authority shall be paid to the treasurer of the municipality or county where the licensed premises is located in advance of the approval, denial, or renewal of the license.

195.972. 1. In addition to any other sanctions prescribed by sections 195.900 to 195.985 or rules promulgated under sections 195.900 to 195.985, the division or a local licensing authority has the power, on its own motion or on complaint, after investigation and opportunity for a public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke a license issued by the respective authority for a violation by the licensee or by any of the agents or

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employees of the licensee of the provisions of sections 195.900 to 195.985, or any of the rules promulgated under sections 195.900 to 195.985, or of any of the terms, conditions, or provisions of the license issued by the division or local licensing authority. The division or a local licensing authority has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of a hearing that the division or local licensing authority is authorized to conduct.

2. The division or local licensing authority shall provide notice of suspension, revocation, fine, or other sanction, as well as the required notice of the hearing under subsection 1 of this section by mailing the same in writing to the licensee at the address contained in the license. Except in the case of a summary suspension under section 195.984, a suspension shall not be for a longer period than six months. If a license is suspended or revoked, a part of the fees paid therefore shall not be returned to the licensee. Any license or permit may be summarily suspended by the issuing licensing authority without notice, pending any prosecution, investigation, or public hearing under the terms of section 195.984. Nothing in this section shall prevent the summary suspension of a license under section 195.984.

3. (1) Whenever a decision of the division or a local licensing authority suspending a license for fourteen days or less becomes final, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license suspended for all or part of the suspension period. Upon the receipt of the petition, the division or local licensing authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if the division or local licensing authority is satisfied that:

(a) The public welfare and morals shall not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine shall achieve the desired disciplinary purposes;

(b) The books and records of the licensee are kept in such a manner that the loss of sales that the licensee would have suffered had the suspension gone into effect may be determined with reasonable accuracy; and

(c) The licensee has not had his or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two years immediately preceding the date of the motion or complaint that resulted in a final decision to suspend the license or permit.

(2) The fine accepted shall be not less than five hundred dollars nor more than one hundred thousand dollars.

(3) Payment of a fine under the provisions of this subsection shall be in the form of cash or in the form of a certified check or cashier's check made payable to the division or local licensing authority, whichever is appropriate.

4. Upon payment of the fine under subsection 3 of this section, the division or local licensing authority shall enter its further order permanently staying the imposition of the suspension. If the fine is paid to a local licensing authority, the governing body of the authority shall cause the moneys to be paid into the general fund of the local licensing authority. Fines paid to the division under subsection 3 of this section shall be transmitted to the state treasurer who shall credit the same to the medical cannabis license cash fund created in section 195.963.

5. In connection with a petition under subsection 3 of this section, the authority of the division or local licensing authority is limited to the granting of such stays as are necessary for the authority to complete its investigation and make its findings and, if the authority makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

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6. If the division or local licensing authority does not make the findings required in subdivision (1) of subsection 3 of this section and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the division or local licensing authority.

7. Each local licensing authority shall report all actions taken to impose fines, suspensions, and revocations to the division in a manner required by the division. No later than January fifteenth of each year, the division shall compile a report of the preceding year's actions in which fines, suspensions, or revocations were imposed by local licensing authorities and by the division. The division shall file one copy of the report with the chief clerk of the house of representatives, one copy with the secretary of the senate, and six copies in the legislative library.

195.975. 1. Each licensee shall keep a complete set of all records necessary to show fully the business transactions of the licensee, all of which shall be open at all times during business hours for the inspection and examination of the division or its duly authorized representatives. The division may require any licensee to furnish such information as it considers necessary for the proper administration of this section and may require an audit to be made of the books of account and records on such occasions as it may consider necessary by an auditor to be selected by the division who shall likewise have access to all books and records of the licensee, and the expense thereof shall be paid by the licensee.

2. The licensed premises, including any places of storage where medical cannabis is grown, stored, cultivated, sold, or dispensed, shall be subject to inspection by the division or local licensing authorities and their investigators, during all business hours and other times of apparent activity, for the purpose of inspection or investigation. For examination of any inventory or books and records required to be kept by the licensees, access shall be required during business hours. Where any part of the licensed premises consists of a locked area, upon demand to the licensee, such area shall be made available for inspection without delay, and, upon request by authorized representatives of the division or local licensing authority, the licensee shall open the area for inspection.

3. Each licensee shall retain all books and records necessary to show fully the business transactions of the licensee for a period of the current tax year and the three immediately prior tax years.

195.978. 1. Except as otherwise provided in sections 195.900 to 195.985, it is unlawful for a person:  
(1) To consume medical cannabis in a licensed medical cannabis center, and it shall be unlawful for a medical cannabis licensee to allow medical cannabis to be consumed upon its licensed premises;  
(2) With knowledge, to permit or fail to prevent the use of such person's registry identification by any other person for the unlawful purchasing of medical cannabis; or  
(3) To buy, sell, transfer, give away, or acquire medical cannabis, except as allowed under sections 195.900 to 195.985.

2. It is unlawful for a person licensed under sections 195.900 to 195.985:  
(1) To be within a limited-access area unless the person's license badge is displayed as required by sections 195.900 to 195.985;  
(2) To fail to designate areas of ingress and egress for limited-access areas and post signs in conspicuous locations as required by sections 195.900 to 195.985;  
(3) To fail to report a transfer required by section 195.933; or  
(4) To fail to report the name of or a change in managers as required by section 195.936.  
3. It is unlawful for any person licensed to sell medical cannabis under sections 195.900 to 195.985:  
(1) To sell more than two and one-half ounces of cannabis flower or its equivalent in cannabis concentrate or cannabis product during a sales transaction to a qualifying patient;  
(2) To display any signs that are inconsistent with local laws or regulations;

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(3) To use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors;

(4)(a) To sell medical cannabis to a person not licensed under sections 195.900 to 195.985 or to a person not able to produce a valid patient registry identification card. Notwithstanding any provision in this paragraph to the contrary, a person under twenty-one years of age shall not be employed to sell or dispense medical cannabis at a medical cannabis center or grow or cultivate medical cannabis at a medical cannabis cultivation and production facility;

(b) If a licensee or a licensee’s employee has reasonable cause to believe that a person is exhibiting a fraudulent patient registry identification card in an attempt to obtain medical cannabis, the licensee or employee shall be authorized to confiscate the fraudulent patient registry identification card, if possible, and shall, within seventy-two hours after the confiscation, turn it over to the department of health and senior services or local law enforcement agency. The failure to confiscate the fraudulent patient registry identification card or to turn it over to the department or a state or local law enforcement agency within seventy-two hours after the confiscation shall not constitute a criminal offense;

(5) To offer for sale or solicit an order for medical cannabis in person except within the licensed premises;

(6) To have in possession or upon the licensed premises any medical cannabis, the sale of which is not permitted by the license;

(7) To buy medical cannabis from a person not licensed to sell as provided by sections 195.900 to 195.985;

(8) To sell medical cannabis except in the permanent location specifically designated in the license for sale;

(9) To require a medical cannabis center or medical cannabis cultivation and production facility to make delivery to any premises other than the specific licensed premises where the medical cannabis is to be sold, except as otherwise provided under sections 195.900 to 195.985; or

(10) To sell, serve, or distribute medical cannabis at any time other than between the hours of 8:00 a.m. and 7:00 p.m. Monday through Sunday.

4. Except as otherwise provided in sections 195.900 to 195.985, it is unlawful for:

(1) A medical cannabis center or medical cannabis cultivation and production facility to sell, deliver, or cause to be delivered to a licensee any medical cannabis not grown upon its licensed premises; or

(2) A medical cannabis center or medical cannabis cultivation and production facility to sell, possess, or permit sale of medical cannabis not grown upon its licensed premises. A violation of this subsection by a licensee shall be grounds for the immediate revocation of the license granted under sections 195.900 to 195.985.

5. It shall be unlawful for a physician who makes patient referrals to a licensed medical cannabis center to receive anything of value from the medical cannabis center licensee or its agents, servants, officers, or owners or anyone financially interested in the licensee, and it shall be unlawful for a licensee licensed under sections 195.900 to 195.985 to offer anything of value to a physician for making patient referrals to the licensed medical cannabis center.

6. A person who commits any acts that are unlawful under this section is guilty of a class A misdemeanor.

195.981.1. As used in this section, the following terms shall mean:

(1) “Bona fide physician-patient relationship”, for purposes of the medical cannabis program:

(a) A physician and a patient have a treatment or counseling relationship, in the course of which the physician has completed a full assessment of the patient’s medical history and current medical condition, including an appropriate personal physical examination;

(b) The physician has consulted with the patient with respect to the patient's qualifying medical condition before the patient applies for a registry identification card; and

(c) The physician is available to or offers to provide follow-up care and treatment to the patient, including, but not limited to, patient examinations, to determine the efficacy of the use of medical cannabis as a treatment of the patient's qualifying medical condition.

(2) "Department", the department of health and senior services.

(3) "Director", the director of the department of health and senior services.

(4) "In good standing", with respect to a physician's license:

(a) The physician holds a doctor of medicine or doctor of osteopathic medicine degree from an accredited medical school;

(b) The physician holds a valid license to practice medicine in Missouri that does not contain a restriction or condition that prohibits the recommendation of medical cannabis; and

(c) The physician has a valid and unrestricted United States Department of Justice Federal Drug Enforcement Administration controlled substances registration.

(5) "Medical cannabis program", the program established under sections 195.900 to 195.985.

(6) "Nonresident cardholder", a person who: (1) has been diagnosed with a qualifying medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a qualifying medical condition; (2) is not a resident of Missouri; (3) was issued a currently valid registry identification card or its equivalent under the laws of another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and (4) has submitted documentation required by the department and has received confirmation of registration.

(7) "Caregiver", the same meaning as such term is defined in section 195.900.

(8) "Registry identification card", the nontransferable confidential registry identification card issued by the department to patients and caregivers under this section.

2. The department of health and senior services shall establish, revise, and amend rules and regulations as follows:

(1) To ensure that patients suffering from qualifying medical conditions are able to safely gain access to medical cannabis and to ensure that such patients:

(a) Are not subject to criminal prosecution for their use of medical cannabis in accordance with this section, and the rules of the department; and

(b) Are able to establish an affirmative defense to their use of medical cannabis in accordance with this section, and the rules of the department.

(2) To prevent persons who do not suffer from qualifying medical conditions from using this section as a means to sell, acquire, possess, produce, use, or transport cannabis in violation of state and federal laws;

(3) The establishment and maintenance of a confidential registry of patients who have applied for and are entitled to receive a registry identification card;

(4) The development by the department of an application form and making such form available to residents of this state seeking to be listed on the confidential registry of patients who are entitled to receive a registry identification card;

(5) The verification by the department of medical information concerning patients who have applied for a confidential registry card or for renewal of a registry identification card;

(6) The development by the department of a written certification form that shall be used by a physician to certify that a patient has a qualifying medical condition;

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(7) The conditions for issuance and renewal, and the form, of the registry identification cards issued to patients, including, but not limited to, standards for ensuring that the department issues a registry identification card to a patient only if such patient has a bona fide physician-patient relationship with a physician in good standing and licensed to practice medicine in the state of Missouri;

(8) Communications with law enforcement officials about registry identification cards that have been suspended when a patient is no longer diagnosed as having a qualifying medical condition;

(9) A waiver process to allow a homebound patient who is on the registry to have a caregiver transport the patient's medical cannabis from a licensed medical cannabis center to the patient; and

(10) To regulate and control the manufacturing of medical cannabis-infused products.

3. The department shall conduct a public review hearing to receive public input on any emergency rules adopted by the department and be provided with an update from the industry, caregivers, patients, and other stakeholders regarding the industry's current status. The department shall provide at least five business days' notice prior to the hearing.

4. Within one hundred eighty days of the effective date of this section, the department shall make available to the public application forms and application instructions for qualifying patient and caregiver identification cards. Within two hundred ten days of the effective date of this section, the department shall begin accepting applications for qualifying patient and caregiver identification cards.

5. A physician who certifies a qualifying medical condition for an applicant to the medical cannabis program shall comply with all of the following requirements:

(1) The physician shall have a valid and active license to practice medicine in this state, which license is in good standing;

(2) After a physician, who has a bona fide physician-patient relationship with the patient, determines that the patient has a qualifying medical condition, the physician shall certify to the department that the patient has a qualifying medical condition after the physician has completed an assessment of the qualifying patient's medical history, reviewed relevant records related to the patient's qualifying medical condition, and conducted a physical examination. The physician shall specify the qualifying medical condition and, if known, the cause or source of the qualifying medical condition;

(3) The physician shall maintain a record-keeping system for all patients for whom the physician has determined have a qualifying medical condition;

(4) A physician shall not:

(a) Accept, solicit, or offer any form of pecuniary remuneration from or to a caregiver, distributor, or any other provider of medical cannabis;

(b) Offer a discount or any other thing of value to a patient who uses or agrees to use a particular caregiver, distributor, or other provider of medical cannabis to procure medical cannabis;

(c) Examine a patient for purposes of diagnosing a qualifying medical condition at a location where medical cannabis is sold or distributed;

(d) Hold an economic interest in an enterprise that provides or distributes medical cannabis if the physician certifies the qualifying medical condition of a patient for participation in the medical cannabis program; or

(e) Issue a certification for the medical use of cannabis for a non-emancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. The department shall not issue a qualifying patient registry identification card on behalf of a non-emancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. Such registry identification card shall be issued to one of the parents or guardians and not directly to the patient. Only a parent or guardian may serve as caregiver for a non-emancipated qualifying patient under the age of eighteen. Only the qualifying patient's parent or guardian shall purchase or possess medical cannabis for a non-emancipated

qualifying patient under the age of eighteen. A parent or guardian shall supervise the administration of medical cannabis to a non-emancipated qualifying patient under the age of eighteen.

(5) If the department has reasonable cause to believe that a physician has violated subdivision (1), (2), or (3) of subsection 4 of this section, or the rules promulgated by the department, the department may refer the matter to the state board of registration for the healing arts.

6. (1) A caregiver shall not delegate to any other person his or her authority to provide medical cannabis to a patient nor may a caregiver engage others to assist in providing medical cannabis to a patient.

(2) A caregiver shall not cultivate cannabis. Only a medical cannabis cultivation and production facility may cultivate cannabis and only for medical use.

(3) A caregiver shall provide to a law enforcement agency, upon inquiry, the registry identification card number of each of his or her patients. The department shall maintain a registry of such information and make it available twenty-four hours per day and seven days a week to law enforcement for verification purposes.

7. A registered patient or caregiver shall not:

(1) Purchase medical cannabis from unauthorized sources; or

(2) Obtain medical cannabis from other registered patients or caregivers.

8. (1) To be considered in compliance with this section and the rules of the department, a patient or caregiver shall have his or her registry identification card in his or her possession at all times that he or she is in possession of any form of medical cannabis and produce the same upon request of a law enforcement officer to demonstrate that the patient or caregiver is not in violation of the law. A person who violates this section or the rules promulgated by the department may be subject to criminal prosecution.

(2) The department shall maintain a registry of such information and make available twenty-four hours a day and seven days a week to law enforcement for verification purposes. Authorized employees of state or local law enforcement agencies shall be granted access to the information contained within the state health agency's confidential registry only for the purpose of verifying that an individual who has presented a registry identification card to a state or local law enforcement official is lawfully in possession of such card. The department may promulgate rules to implement this subsection.

(3) The department may deny a patient's application for a registry identification card or revoke the card if the department determines that the physician who diagnosed the patient's qualifying medical condition, the patient, or the caregiver violated this section, or the rules promulgated by the department under this section; except that, when a physician's violation is the basis for adverse action, the department may only deny or revoke a patient's application or registry identification card when the physician's violation is related to the issuance of a medical cannabis recommendation.

(4) A registry identification card shall be valid for one year and shall contain a unique identification number. It shall be the responsibility of the patient to apply to renew his or her registry identification card prior to the date on which the card expires. The department shall develop a form for a patient to use in renewing his or her registry identification card.

(5) If the department grants a patient a waiver to allow a caregiver to transport the patient's medical cannabis from a medical cannabis center to the patient, the department shall designate the waiver on the patient's registry identification card.

(6) A homebound patient who receives a waiver from the department to allow a caregiver to transport the patient's medical cannabis to the patient from a medical cannabis center shall provide the caregiver with the patient's registry identification card, which the caregiver shall carry when the caregiver is transporting the medical cannabis. A medical cannabis center may provide the

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medical cannabis to the caregiver for transport to the patient if the caregiver produces the patient's registry identification card.

9. (l) The State of Missouri and the medical cannabis centers in this State which hold valid medical cannabis center licenses will recognize a nonresident card under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of cannabis;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the person has a qualifying medical condition recognized by the state of Missouri;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;

(e) The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the division and medical cannabis centers in this State to access the database described in paragraph (d);

(f) The division determines that the database described in paragraph (d) is able to provide to medical cannabis centers in this State information that is sufficiently accurate, current and specific as to allow those centers to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and

(g) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of cannabis for medical purposes in this State, as set forth in 195.900.3(1).

(2) For the purposes of the reciprocity described in this section:

(a) The amount of medical cannabis that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is irrelevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess cannabis for medical purposes in excess of the limits set forth in 195.900.3(1).

(3) As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Missouri; and

(b) Is the functional equivalent of a registry identification card or letter of approval, as determined by the division.

10. (1) The use of medical cannabis is allowed under state law to the extent that it is carried out in accordance with sections 195.900 to 195.985 and the rules of the department.

(2) A patient or caregiver shall not:

(a) Engage in the medical use of cannabis in a way that endangers the health and well-being of a person;

(b) Engage in the medical use of cannabis in plain view or in a place open to the general public;

(c) Undertake any task while under the influence of medical cannabis, when doing so would constitute negligence or professional malpractice;

(d) Possess medical cannabis or otherwise engage in the use of medical cannabis in or on the grounds of a school or in a school bus;

(e) Engage in the use of medical cannabis while:

a. In a correctional facility;

b. Subject to a sentence to incarceration; or

c. In a vehicle, aircraft, or motorboat.

(f) Operate, navigate, or be in actual physical control of any vehicle, aircraft, or motorboat while under the influence of medical cannabis; or

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(g) Use medical cannabis if the person does not have a qualifying medical condition as diagnosed by the person's physician in the course of a bona fide physician-patient relationship that has been certified to the department.

(3) A person shall not establish a business to permit patients to congregate and smoke medical cannabis.

11. Only licensed medical cannabis cultivation and production facilities may cultivate medical cannabis.

12. If a patient raises an affirmative defense to prosecution under sections 195.900 to 195.985, the patient's physician shall certify the specific amounts in excess of an adequate supply that are necessary to address the patient's qualifying medical condition and why such amounts are necessary. A patient who asserts this affirmative defense shall waive confidentiality privileges related to the condition or conditions. If a patient, caregiver, or physician raises an exception to the state criminal laws, the patient, caregiver, or physician waives the confidentiality of his or her records related to the qualifying medical condition or conditions maintained by the department for the medical cannabis program. Upon request of a law enforcement agency for such records, the department shall only provide records pertaining to the individual raising the exception, and shall redact all other patient, caregiver, or physician identifying information.

13. (1) Except as provided in subdivision (2) of this subsection, the department shall establish a basic fee that shall be paid at the time of service of any subpoena upon the department, plus a fee for meals and a fee for mileage at the rate prescribed for state officers and employees, for each mile actually and necessarily traveled in going to and returning from the place named in the subpoena. If the person named in the subpoena is required to attend the place named in the subpoena for more than one day, there shall be paid, in advance, a sum to be established by the department for each day of attendance to cover the expenses of the person named in the subpoena.

(2) The subpoena fee established under subdivision (1) of the subsection shall not be applicable to any federal, state, or local governmental agency.

14. The department may collect fees from patients who apply to the medical cannabis program for a cannabis registry identification card for the purpose of offsetting the department's direct and indirect costs of administering the program. The amount of such fees shall be set by rule of the department. The amount of the fees set under this section shall reflect the actual direct and indirect costs of the department in the administration and enforcement of this section. All fees collected by the department through the medical cannabis program shall be transferred to the state treasurer who shall credit the same to the medical cannabis program account within the medical cannabis license cash fund created in section 195.963.

195.982. 1. No individual or health care entity organized under the laws of this state shall be subject to any adverse action by the state or any agency, board, or subdivision thereof, including civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission if such individual or employee or agent of the health care facility, in its normal course of business and within its applicable licenses and regulations, certifies a qualifying medical condition for an applicant to the medical cannabis program under sections 195.900 to 195.985.

2. A physician shall not be subject to criminal or civil liability or sanctions under Missouri law or discipline by the Missouri State Board of Registration for the Healing Arts, or its successor agency, for issuing a physician certification to a patient diagnosed with a qualifying medical condition in a manner consistent with this section and legal standards of professional conduct.

3. A health care provider shall not be subject to civil or criminal prosecution, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing health care services that involve the medical use of cannabis consistent with this section and legal standards of professional conduct.

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4. A testing laboratory shall not be subject to civil or criminal prosecution, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing laboratory testing services that relate to the medical use of cannabis consistent with this section and otherwise meeting legal standards of professional conduct.

5. A caregiver shall not be subject to criminal or civil liability or sanctions under Missouri law for purchasing, transporting, or administering cannabis for medical use by a qualifying patient under the provisions of sections 195.900 to 195.985.

6. An attorney shall not be subject to disciplinary action by the state bar association or other professional licensing body for providing legal assistance to prospective or licensed medical cannabis cultivation and production facilities, medical cannabis centers, medical cannabis testing facilities, qualifying patients, caregivers, physicians, health care providers, or others related to activity that is no longer subject to criminal penalties under state law pursuant to this section.

7. Actions and conduct by duly registered or licensed qualifying patients, caregivers, medical cannabis cultivation and production facilities, medical cannabis centers, and medical cannabis testing facilities or their employees or agents, as permitted by this section and in compliance with division and department regulations and other standards of legal conduct, shall not be subject to criminal or civil liability or sanctions under Missouri law, except as provided for by this section.

8. Nothing in this section shall provide immunity for negligence, either common law or statutorily created, nor criminal immunities for operating a vehicle, aircraft, dangerous device, or navigating a boat under the influence of cannabis.

9. It is the public policy of the state of Missouri that contracts related to cannabis for medical use that are entered into by qualifying patients, caregivers, medical cannabis cultivation and production facilities, medical cannabis centers, or medical cannabis testing facilities and those who allow property to be used by those entities, shall be enforceable. It is the public policy of the state of Missouri that no contract entered into by qualifying patients, caregivers, medical cannabis cultivation and production facilities, medical cannabis centers, medical cannabis testing facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this section, shall be unenforceable on the basis that activities related to medical cannabis may be prohibited by federal law.

10. Real property used in the cultivation, manufacture, testing, distribution, sale, possession and administration of cannabis for medical use shall not be subject to asset forfeiture solely because of that use.

195.984. 1. (1) The division of alcohol and tobacco control may summarily suspend a license issued under sections 195.900 to 195.985 prior to a hearing in order immediately to stop or restrict operations by a licensee to protect the public health, safety, or welfare. The division may rescind or amend a summary suspension.

(2) If, based upon inspection, affidavits, or other evidence, the division determines that a licensee or the products prepared by a licensee pose an immediate or serious threat to the public health, safety, or welfare, the division may summarily suspend a license:

(a) Requiring cessation or restriction of any or all licensee operations and prohibiting the use of medical cannabis produced by such licensee; or

(b) Placing restrictions on a licensee to the extent necessary to avert a continued threat, pending final investigation results.

(3) The requirements of the summary suspension shall remain in effect until the division rescinds or amends such requirements or until such time as the division takes final action on any related pending complaint and issues a final decision.

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2. The department of health and senior services may summarily suspend any registration issued under section 195.981, pending further proceedings for denial of renewal or revocation of a registration, whenever the department finds that the continued registration poses an imminent danger to the public health, safety, or welfare.

195.985. 1. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 195.900 to 195.985 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 195.900 to 195.985 and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after November 6, 2018, shall be invalid and void.

2. If any provision of sections 195.900 to 195.985 or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of sections 195.900 to 195.985 which can be given full effect without the invalid provision or application, and to this end the provisions of sections 195.900 to 195.985 are severable.

263.250. 1. The plant “marijuana”, botanically known as cannabis sativa, is hereby declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants growing upon their land. Any person who knowingly allows such plants to grow on his land or refuses to destroy such plants after being notified to do so shall allow any sheriff or such other persons as designated by the county commission to enter upon any land in this state and destroy such plants.

2. Entry to such lands shall not be made, by any sheriff or other designated person to destroy such plants, until fifteen days’ notice by certified mail shall be given the owner or occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In all such instances, the county commission shall bear the cost of destruction and notification.

3. The provisions of this section shall not apply to the authorized cultivation and production of cannabis plants for purposes of providing medical cannabis under sections 195.900 to 195.985.

311.610. 1. For the purpose of carrying out the provisions of this chapter [and], the liquor control law, and sections 195.900 to 195.985 the governor, by and with the advice and consent of the senate, shall appoint some suitable person of good moral character over the age of thirty years, who has been a qualified elector in the state of Missouri for at least five years next before the date of his appointment, as supervisor of liquor control. The supervisor of liquor control shall serve at the pleasure and under the supervision and direction of the governor.

2. The supervisor of liquor control shall devote his entire time to the duties of his office and, with the approval of the governor, appoint and employ all agents, assistants, deputies, inspectors and employees necessary for the proper enforcement and administration of the provisions of the liquor control law whose salaries shall be fixed by the governor, but no salary shall be greater than that paid to employees in other state departments for similar work, except that no salary of an agent directly engaged in the enforcement of the liquor control law shall be less than eight thousand dollars a year. In addition to his salary, the supervisor of liquor control and each of the agents, assistants, deputies, inspectors and employees shall be reimbursed for all expenses necessarily incurred in the discharge of their duties. No expenses shall be allowed for sustenance to any supervisor, agent, assistant, deputy, inspector or employee while in the city or town of his residence.

3. Before entering upon the discharge of his duties, the supervisor of liquor control shall take and subscribe to an oath to support the Constitution of the United States and of this state, and faithfully demean himself in office, and shall also execute bond to the state of Missouri in the penal sum of ten

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thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall be approved by the governor and deposited with the secretary of state and kept in his office; the premiums of the bond shall be paid by the state out of funds appropriated for that purpose.

4. The supervisor of liquor control shall issue licenses for the manufacture and sale of ardent spirits, malt, vinous, fermented and every class of liquors used as beverages. The supervisor of liquor control shall keep a record of all intoxicating liquor manufactured, brewed or sold in this state by every brewery, distiller, manufacturer, distributor or wholesaler, and make a complete report of the same to the governor at the end of each calendar year, or as soon thereafter as possible.

311.620. 1. No person shall be appointed as agent, assistant, deputy or inspector under the provisions of the liquor control law or the Missouri Patient Care Act who shall have been convicted of or against whom any indictment may be pending for any offense; nor shall any person be appointed as such agent, assistant, deputy or inspector who is not of good character or who is not a citizen of the United States, and who is not or has not been a resident taxpaying citizen of the state for a period of three years previous to his appointment; or who is not able to read and write the English language or who does not possess ordinary physical strength and who is not able to pass such physical and mental examination as the majority of a board, consisting of the governor, lieutenant governor, attorney general, and the supervisor of liquor control may prescribe.

2. No agent, assistant, deputy or inspector so appointed shall hold any other commission or office, elective or appointive or accept any other employment compensation while he is an employee of the department of liquor control, except with the written permission of the supervisor of liquor control. No agent, assistant, deputy or inspector of the department of liquor control shall accept any reward or gift other than his regular salary and expenses as provided in this chapter. No agent, assistant, deputy or inspector of the department of liquor control shall perform any police duty connected with the conduct of any election, nor at any time or in any manner electioneer for or against any party ticket, or any candidate for nomination or office on any party ticket, nor for or against any proposition of any kind or nature to be voted upon at any election.

3. The agents, assistants, deputies and inspectors appointed under the provisions of section 311.610 shall before entering upon the discharge of their duties, each take and subscribe an oath to support the Constitution and laws of the United States and the State of Missouri and to faithfully demean themselves in office in the form prescribed by Section 11, Article VII of the Constitution of this State, and they shall each give bond to be approved by the supervisor of liquor control for faithful performance of the duties of their respective offices and to safely keep and account for all moneys and property received by them. This bond shall be in the sum of five thousand dollars, and the cost of furnishing all such bonds shall be paid by the state.

4. Any agent, assistant, deputy or inspector of the department of liquor control who shall violate the provisions of this chapter shall be immediately discharged.

311.630. 1. The supervisor of alcohol and tobacco control and employees to be selected and designated as peace officers by the supervisor of alcohol and tobacco control are hereby declared to be peace officers of the state of Missouri, with full power and authority to make arrests and searches and seizures only for violations of the provisions of this chapter relating to intoxicating liquors, [and] sections 407.924 to 407.934 relating to tobacco products, and sections 195.900 to 195.985 and to serve any process connected with the enforcement of such laws. The peace officers so designated shall have been previously appointed and qualified under the provisions of section 311.620 and shall be required to hold a valid peace officer license pursuant to chapter 590.

2. The supervisor of alcohol and tobacco control shall furnish such peace officers with credentials showing their authority and a special badge, which they shall carry on their person at

all times while on duty. The names of the peace officers so designated shall be made a matter of public record in the office of the supervisor of alcohol and tobacco control.

3. All fees for the arrest and transportation of persons arrested and for the service of writs and process shall be the same as provided by law in criminal proceedings and shall be taxed as costs.

311.660. 1. The supervisor of liquor control shall have the authority to suspend or revoke for cause all such licenses; and to make the following regulations, without limiting the generality of provisions empowering the supervisor of liquor control as in this chapter set forth as to the following matters, acts and things:

(1) Fix and determine the nature, form and capacity of all packages used for containing intoxicating liquor of any kind, to be kept or sold under this law;

(2) Prescribe an official seal and label and determine the manner in which such seal or label shall be attached to every package of intoxicating liquor so sold under this law; this includes prescribing different official seals or different labels for the different classes, varieties or brands of intoxicating liquor;

(3) Prescribe all forms, applications and licenses and such other forms as are necessary to carry out the provisions of this chapter, except that when a licensee substantially complies with all requirements for the renewal of a license by the date on which the application for renewal is due, such licensee shall be permitted at least an additional ten days from the date notice is sent that the application is deficient, in which to complete the application;

(4) Prescribe the terms and conditions of the licenses issued and granted under this law;

(5) Prescribe the nature of the proof to be furnished and conditions to be observed in the issuance of duplicate licenses, in lieu of those lost or destroyed;

(6) Establish rules and regulations for the conduct of the business carried on by each specific licensee under the license, and such rules and regulations if not obeyed by every licensee shall be grounds for the revocation or suspension of the license;

(7) The right to examine books, records and papers of each licensee and to hear and determine complaints against any licensee;

(8) To issue subpoenas and all necessary processes and require the production of papers, to administer oaths and to take testimony;

(9) Prescribe all forms of labels to be affixed to all packages containing intoxicating liquor of any kind; and

(10) To make such other rules and regulations as are necessary and feasible for carrying out the provisions of this chapter, as are not inconsistent with this law.

2. The supervisor of liquor control shall have the authority to regulate and control the licensing of the cultivation, manufacture, distribution, testing, possession, and sale of medical cannabis in this state; to grant or refuse state licenses for the cultivation, manufacture, distribution, testing, possession, and sale of medical cannabis as provided by law; suspend, fine, restrict, or revoke such licenses upon a violation of sections 195.900 to 195.985, or a rule promulgated under sections 195.900 to 195.985; to impose any penalty authorized by sections 195.900 to 195.985, or any rule promulgated under sections 195.900 to 195.985; and to establish, revise, and amend rules and regulations as necessary to carry into effect the provisions of sections 195.900 to 195.985 as set forth in section 195.906.

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**PROPOSITION D** — (Proposed by the 99th General Assembly, Second Regular Session, HB 1460)

***Official Ballot Title:***

Shall Missouri law be amended to fund Missouri state law enforcement by increasing the motor fuel tax by two and one half cents per gallon annually for four years beginning July 1, 2019, exempt Special Olympic, Paralympic, and Olympic prizes from state taxes, and to establish the Emergency State Freight Bottleneck Fund?

If passed, this measure will generate at least \$288 million annually to the State Road Fund to provide for the funding of Missouri state law enforcement and \$123 million annually to local governments for road construction and maintenance.

***Fair Ballot Language:***

A “yes” vote will amend Missouri statutes to fund the Missouri State Highway Patrol’s enforcement and administration of motor vehicle laws and traffic regulations. The source of the funding will be revenue from an increased state tax on motor fuel (including gasoline, diesel fuel, kerosene, and blended fuel). The current state motor fuel tax rate is seventeen (17) cents per gallon. The amendment will increase the rate as follows:

- Nineteen and one-half (19.5) cents per gallon beginning July 1, 2019;
- Twenty-two (22) cents per gallon beginning July 1, 2020;
- Twenty-four and one-half (24.5) cents per gallon beginning July 1, 2021;
- Twenty-seven (27) cents per gallon beginning July 1, 2022.

The amendment will also increase the tax on alternative fuels used for motor vehicles (including compressed natural gas, liquid natural gas, and propane gas). The amendment will increase the rate from seventeen (17) cents to twenty-seven (27) cents per unit equivalent to a gallon of gasoline or diesel beginning January 1, 2026.

The amendment will require the state auditor to audit the state’s use of the revenue generated by these taxes every two years.

Additionally, the amendment will allow a state income tax deduction for the value of any prize or award won in the Olympics, Paralympics, or Special Olympics; and it will create an “Emergency State Freight Bottleneck Fund,” which will be dedicated to financing road improvement projects in the state.

A “no” vote will not amend Missouri statutes to increase the motor fuel tax, exempt certain prizes from state taxes or establish the Emergency State Freight Bottleneck Fund.

If passed, this measure will increase taxes on motor fuel.

FOR — 1,109,009; AGAINST — 1,281,143

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[To view the text of sections affected by Proposition D, see HB 1460 in this publication.]

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**LAWS PASSED**

**DURING THE**

**NINETY-NINTH**

**GENERAL ASSEMBLY,**

**FIRST SPECIAL SESSION**

**Convened Friday, May 18, 2018.**  
**Adjourned Sine Die**  
**Monday, June 11, 2018.**

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**JOINT PROCLAMATION**

WHEREAS, on May 3, 2018, pursuant to Section 20(b), Article III of the Constitution of Missouri, the General Assembly submitted a petition to the Secretary of State signed by three-fourths of the members of the Senate and three-fourths of the members of the House of Representatives to convene a special session; and

WHEREAS, pursuant to Section 20(b), Article III of the Constitution of Missouri, upon such submission, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall by joint proclamation convene the General Assembly in special session:

NOW THEREFORE, on the special occasion that exists in the State of Missouri:

WE, RON RICHARD, PRESIDENT PRO TEMPORE OF THE SENATE, AND TODD RICHARDSON, SPEAKER OF THE HOUSE OF REPRESENTATIVES, pursuant to the authority vested in us by Section 20(b), Article III of the Constitution of the State of Missouri, do, by this Joint Proclamation, convene the Ninety-Ninth General Assembly of the State of Missouri in the First Special Session of the Second Regular Session; and

WE HEREBY call upon the Senators and Representatives of said General Assembly to meet in their respective chambers in the State Capitol in the City of Jefferson at 6:30 p.m. on Friday, May 18, 2018; and

WE HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To consider the findings and recommendations of the House of Representatives Special Investigative Committee on Oversight including, but not limited to, all available disciplinary actions against Eric R. Greitens, Governor of the State of Missouri.
2. Such additional and other matters as may be jointly recommended by the President Pro Tempore of the Senate and the Speaker of the House of Representatives by special message to the General Assembly after it shall have been convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Missouri Senate, in the City of Jefferson, on this 9th day of May, 2018.

/s/ Ron Richard  
President Pro Tempore  
Senate

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Missouri House of Representatives, in the City of Jefferson, on this 9th day of May, 2018.

/s/ Todd Richardson  
Speaker  
House of Representatives

ATTEST:  
/s/ John R. Ashcroft  
Secretary of State

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**HOUSE CONCURRENT RESOLUTION NO. 1**

BE IT RESOLVED, by the House of Representatives of the Ninety-ninth General Assembly, First Special Session of the Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 5:00 p.m., Monday, June 11, 2018, to receive a message from His Excellency, the Honorable Michael L. Parson, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that His Excellency be informed that the House of Representatives and Senate of the Ninety-ninth General Assembly, First Special Session of the Second Regular Session, are ready to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

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**LAWS PASSED**

**DURING THE**

**NINETY-NINTH**

**GENERAL ASSEMBLY,**

**FIRST**

**EXTRAORDINARY SESSION (2018)**

**Convened Monday, September 10, 2018.**  
**Adjourned Sine Die**  
**Wednesday, September 19, 2018.**

Veto Session held September 12, 2018

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## HB 2

**Enacts provisions relating to treatment courts.**

AN ACT to repeal sections 208.151, 217.703, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 488.2230, 488.5358, and 577.001, RSMo, and to enact in lieu thereof fifteen new sections relating to treatment courts.

## SECTION

- A. Enacting clause.
- 208.151 Medical assistance, persons eligible — rulemaking authority.
- 217.703 Earned compliance credits awarded, when.
- 478.001 Treatment court divisions, definitions, establishment, purpose — referrals to certified treatment programs required, exception — completion of treatment program, effect — adult treatment court — DWI court — family treatment court — juvenile treatment court — veterans treatment court.
- 478.003 Administration — commissioners, appointment, term, removal, powers, duties, qualifications, compensation — orders of commissioners, confirmation or rejection by judges, effect — assignment of judges outside circuit, when.
- 478.004 Meetings prior to treatment court sessions — criminal cases, defendant ordered to treatment court division for treatment, when — accepting participants from outside circuit — opioid treatment.
- 478.005 Conditions and criteria for referral — statements by participant not to be used as evidence, when — records, access to staff, closed, when.
- 478.007 Alternative disposition of cases, court may be established — private probation services, when.
- 478.009 Treatment courts coordinating commission established, members, meetings — duties — fund created.
- 478.466 Treatment court commissioner, appointment, qualifications, compensation, powers and duties — surcharge (Jackson County).
- 478.550 Circuit No. 23, number of judges, divisions — when judges elected — family court commissioner and treatment court commissioner to become associate circuit judge positions, when.
- 478.600 Circuit No. 11, number of judges, divisions — when judges elected — treatment court commissioner to become associate circuit judge position.
- 478.716 Treatment court commissioner position.
- 488.2230 Municipal ordinance violations, additional court costs (Kansas City).
- 488.5358 Treatment court operations, surcharge for, exceptions (Jackson County).
- 577.001 Chapter definitions.
- 478.006 Jackson County, provisions of drug court law may apply, when.
- 478.008 Veterans treatment courts authorized, requirements.
- 478.551 Drug court commissioner position to be state funded.

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

**SECTION A. ENACTING CLAUSE.** — Sections 208.151, 217.703, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 488.2230, 488.5358, and 577.001, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 208.151, 217.703, 478.001, 478.003, 478.004, 478.005, 478.007, 478.009, 478.466, 478.550, 478.600, 478.716, 488.2230, 488.5358, and 577.001, to read as follows:

**208.151. MEDICAL ASSISTANCE, PERSONS ELIGIBLE — RULEMAKING AUTHORITY.** — 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to

the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

- (1) All participants receiving state supplemental payments for the aged, blind and disabled;
- (2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in ~~drug~~ **treatment** court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;
- (3) All participants receiving blind pension benefits;
- (4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;
- (5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as amended;
- (6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (7) All persons eligible to receive nursing care benefits;
- (8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;
- (9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;
- (10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;
- (11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;
- (13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;
- (14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise

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the state MO HealthNet plan to extend coverage under 42 U.S.C. Section 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance

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abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C.

Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

(26) Effective August 28, 2013, persons who are in foster care under the responsibility of the state of Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, without regard to income or assets, if such persons:

- (a) Are under twenty-six years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- (c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so

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submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(I).

**217.703. EARNED COMPLIANCE CREDITS AWARDED, WHEN.** — 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter 579, or an offense previously listed in chapter 195, or for a class D or E felony, excluding sections 565.225, 565.252, 566.031, 566.061, 566.083, 566.093, 568.020, 568.060, offenses defined as sexual assault under section 589.015, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section 565.052, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;

(3) Supervised by the division of probation and parole; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

2. If an offender was placed on probation, parole, or conditional release for an offense of:

(1) Involuntary manslaughter in the second degree;

(2) Assault in the second degree except under subdivision (2) of subsection 1 of section 565.052 or section 565.060 as it existed prior to January 1, 2017;

(3) Domestic assault in the second degree;

(4) Assault in the third degree when the victim is a special victim or assault of a law enforcement officer in the second degree as it existed prior to January 1, 2017;

(5) Statutory rape in the second degree;

(6) Statutory sodomy in the second degree;

(7) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or

(8) Any case in which the defendant is found guilty of a felony offense under chapter 571 [§] ,

the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section or at a hearing under subsection 5 of this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.

4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report or notice of citation submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a violation report, which may include a report of absconder status, has been submitted, the offender is in custody, or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held, or if a hearing is held and the offender is continued under supervision, or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. If a hearing is held, all earned credits shall be rescinded if:

(1) The court or board revokes the probation or parole or the court places the offender in a department program under subsection 4 of section 559.036 or under section 217.785; or

(2) The offender is found by the court or board to be ineligible to earn compliance credits because the nature and circumstances of the violation indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender.

Earned credits, if not rescinded, shall continue to be suspended for a period of time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, "absconder" shall mean an offender under supervision whose whereabouts are unknown and who has left such offender's place of residency without the permission of the offender's supervising officer and without notifying of their whereabouts for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination of time served in custody, if applicable, time served on probation, parole, or conditional release, and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court shall order final discharge of the offender, so long as the offender has completed restitution and at least two years of his or her probation, parole, or conditional release, which shall include any time served in custody under section 217.718 and sections 559.036 and 559.115.

8. The award or rescission of any credits earned under this section shall not be subject to appeal or any motion for postconviction relief.

9. At least twice a year, the division shall calculate the number of months the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the offender of the length of the remaining term.

10. No less than sixty days before the date of final discharge, the division shall notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be discharged under subsection 7 of this section.

11. Any offender who was sentenced prior to January 1, 2017, to an offense that was eligible for earned compliance credits under subsection 1 or 2 of this section at the time of sentencing shall continue to remain eligible for earned compliance credits so long as the offender meets all the other requirements provided under this section.

**12. The application of earned compliance credits shall be suspended upon entry into a treatment court, as described in sections 478.001 to 478.009, and shall remain suspended until the**

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offender is discharged from such treatment court. Upon successful completion of treatment court, all earned compliance credits accumulated during the suspension period shall be retroactively applied, so long as the other terms and conditions of probation have been successfully completed.

**478.001. TREATMENT COURT DIVISIONS, DEFINITIONS, ESTABLISHMENT, PURPOSE — REFERRALS TO CERTIFIED TREATMENT PROGRAMS REQUIRED, EXCEPTION — COMPLETION OF TREATMENT PROGRAM, EFFECT — ADULT TREATMENT COURT — DWI COURT — FAMILY TREATMENT COURT — JUVENILE TREATMENT COURT — VETERANS TREATMENT COURT. — 1. [Drug courts] For purposes of sections 478.001 to 478.009, the following terms shall mean:**

- (1) "Adult treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants charged with a criminal offense;
- (2) "Community-based substance use disorder treatment program", an agency certified by the department of mental health as a substance use disorder treatment provider;
- (3) "Co-occurring disorder", the coexistence of both a substance use disorder and a mental health disorder;
- (4) "DWI court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants who have pleaded guilty to or been found guilty of driving while intoxicated or driving with excessive blood alcohol content;
- (5) "Family treatment court", a treatment court focused on addressing a substance use disorder or co-occurring disorder existing in families in the juvenile court, family court, or criminal court in which a parent or other household member has been determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family;
- (6) "Juvenile treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of juveniles in the juvenile court;
- (7) "Medication-assisted treatment", the use of pharmacological medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders;
- (8) "Mental health disorder", any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive, volitional, or emotional function and that constitutes a substantial impairment in a person's ability to participate in activities of normal living;
- (9) "Risk and needs assessment", an actuarial tool, approved by the treatment courts coordinating commission and validated on a targeted population of drug-involved adult offenders, scientifically proven to determine a person's risk to recidivate and to identify criminal risk factors that, when properly addressed, can reduce that person's likelihood of committing future criminal behavior;
- (10) "Substance use disorder", the recurrent use of alcohol or drugs that causes clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home;
- (11) "Treatment court commissioner", a person appointed by a majority of the circuit and associate circuit judges in a circuit to preside as the judicial officer in the treatment court division;
- (12) "Treatment court division", a specialized, nonadversarial court division with jurisdiction over cases involving substance-involved offenders and making extensive use of comprehensive supervision, drug or alcohol testing, and treatment services. Treatment court divisions include, but are not limited to, the following specialized courts: adult treatment court, DWI court, family treatment court, juvenile treatment court, veterans treatment court, or any combination thereof;

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(13) "Treatment court team", the following members who are assigned to the treatment court: the judge or treatment court commissioner, treatment court administrator or coordinator, prosecutor, public defender or member of the criminal defense bar, a representative from the division of probation and parole, a representative from law enforcement, substance use disorder treatment providers, and any other person selected by the treatment court team;

(14) "Veterans treatment court", a treatment court focused on substance use disorders, co-occurring disorders, or mental health disorders of defendants charged with a criminal offense who are military veterans or current military personnel.

2. A treatment court division may be established by any circuit court pursuant to sections 478.001 to ~~[478.006]~~ **478.009** to provide an alternative for the judicial system to dispose of cases which stem from ~~[drug]~~ , or are otherwise impacted by, substance use. **The treatment court division may include, but not be limited to, cases assigned to an adult treatment court, DWI court, family treatment court, juvenile treatment court, veterans treatment court, or any combination thereof.** A ~~[drug]~~ **treatment** court shall combine judicial supervision, drug or alcohol testing, and treatment of ~~[drug-court]~~ participants. Except for good cause found by the court, a ~~[drug]~~ **treatment** court making a referral for substance ~~[abuse]~~ **use disorder** treatment, when such program will receive state or federal funds in connection with such referral, shall refer the person only to a program which is certified by the department of mental health, unless no appropriate certified treatment program is located within the same county as the ~~[drug]~~ **treatment** court. Upon successful completion of the treatment **court** program, the charges, petition, or penalty against a ~~[drug]~~ **treatment** court participant may be dismissed, reduced, or modified, **unless otherwise stated.** Any fees received by a court from a defendant as payment for substance treatment programs shall not be considered court costs, charges or fines.

~~[2-]~~ 3. **An adult treatment court may be established by any circuit court under sections 478.001 to 478.009 to provide an alternative for the judicial system to dispose of cases which stem from substance use.**

4. Under sections 478.001 to ~~[478.007]~~ **478.009**, a DWI ~~[dœket]~~ **court** may be established by ~~[a] any circuit court[, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010,]~~ to provide an alternative for the judicial system to dispose of cases ~~[which]~~ **that** stem from driving while intoxicated. ~~[A drug court commissioner may serve as a commissioner in a DWI court or any other treatment or problem solving court as designated by the drug court coordinating commission. Drug court commissioners may serve in counties other than the county they are appointed upon agreement by the presiding judge of that circuit and assignment by the supreme court.]~~

5. A family treatment court may be established by any circuit court. The juvenile division of the circuit court or the family court, if one is established under section 487.010, may refer one or more parents or other household members subject to its jurisdiction to the family treatment court if he or she has been determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family.

6. A juvenile treatment court may be established by the juvenile division of any circuit court. The juvenile division may refer a juvenile to the juvenile treatment court if the juvenile is determined to have committed acts that violate the criminal laws of the state or ordinances of a municipality or county and a substance use disorder or co-occurring disorder contributed to the commission of the offense.

7. A veterans treatment court may be established by any circuit court, or combination of circuit courts upon agreement of the presiding judges of such circuit courts, to provide an alternative for the judicial system to dispose of cases that stem from a substance use disorder, mental health disorder, or co-occurring disorder of military veterans or current military personnel. A veterans treatment court shall combine judicial supervision, drug or alcohol testing, and substance use and mental health disorder treatment to participants who have served or are

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currently serving the United States Armed Forces, including members of the Reserves or National Guard. Except for good cause found by the court, a veterans treatment court shall make a referral for substance use or mental health disorder treatment, or a combination of substance use and mental health disorder treatment, through the Department of Defense health care, the Veterans Administration, or a community-based substance use disorder treatment program. Community-based programs utilized shall receive state or federal funds in connection with such referral and shall only refer the individual to a program certified by the department of mental health, unless no appropriate certified treatment program is located within the same circuit as the veterans treatment court.

**478.003. ADMINISTRATION — COMMISSIONERS, APPOINTMENT, TERM, REMOVAL, POWERS, DUTIES, QUALIFICATIONS, COMPENSATION — ORDERS OF COMMISSIONERS, CONFIRMATION OR REJECTION BY JUDGES, EFFECT — ASSIGNMENT OF JUDGES OUTSIDE CIRCUIT, WHEN. — 1.** In any judicial circuit of this state, a majority of the judges of the circuit court may designate a judge to hear cases arising in the circuit subject to the provisions of sections 478.001 to ~~[478.007]~~ **478.009**. In lieu thereof and subject to appropriations or other funds available for such purpose, a majority of the judges of the circuit court may appoint a person or persons to act as ~~[drug]~~ **treatment court commissioners**. Each commissioner shall be appointed for a term of four years, but may be removed at any time by a majority of the judges of the circuit court. The qualifications ~~[and]~~, compensation, **and retirement benefits** of the commissioner shall be the same as that of an associate circuit judge. If the compensation of a commissioner appointed pursuant to this section is provided from other than state funds, the source of such fund shall pay to and reimburse the state for the actual costs of the salary and benefits of the commissioner. The commissioner shall have all the powers and duties of a circuit judge, except that any order, judgment or decree of the commissioner shall be confirmed or rejected by an associate circuit or circuit judge by order of record entered within the time the judge could set aside such order, judgment or decree had the same been made by the judge. If so confirmed, the order, judgment or decree shall have the same effect as if made by the judge on the date of its confirmation.

**2.** The Missouri supreme court may assign a treatment court commissioner to serve in the treatment court division of a circuit other than the circuit in which the commissioner is appointed. The transfer shall only be ordered with the consent and approval of the presiding judge of the circuit to which the commissioner is to be assigned.

**3.** A treatment court commissioner may serve as a commissioner in any treatment court as designated by the treatment court coordinating commission, subject to local court rules.

**478.004. MEETINGS PRIOR TO TREATMENT COURT SESSIONS — CRIMINAL CASES, DEFENDANT ORDERED TO TREATMENT COURT DIVISION FOR TREATMENT, WHEN — ACCEPTING PARTICIPANTS FROM OUTSIDE CIRCUIT — OPIOID TREATMENT. — 1.** ~~[As used in this section, "medication assisted treatment" means the use of pharmacological medications, in combination with counseling and behavioral therapies, to provide a whole patient approach to the treatment of substance use disorders.]~~ **The treatment court team shall, when practicable, conduct a meeting prior to each treatment court session to discuss and provide updated information regarding the treatment court participant. After determining his or her progress or lack thereof, the treatment court team shall consider the appropriate incentive or sanction to be applied, and the court shall make the final decision based on information presented in the meeting.**

**2.** In any criminal case in the circuit, if it is determined that the defendant meets the criteria for eligibility in the treatment court, the judge presiding over the criminal case may order the defendant to the treatment court division for treatment:

(1) Prior to the entry of the sentence, excluding suspended imposition of sentence (SIS), if the prosecuting attorney consents;

(2) As a condition of probation; or

(3) Upon consideration of a motion to revoke probation.

3. A circuit that has established a treatment court division under this chapter may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a treatment court in the transferring jurisdiction. The transfer may occur at any time during the proceedings including, but not limited to, prior to adjudication and during periods when the participant is on probation. The receiving court shall have jurisdiction to impose a sentence including, but not limited to, sanctions, incentives, incarceration, and phase changes. A transfer under this subsection is not valid unless it is agreed to by the following:

(1) The parties to the action;

(2) The judge or commissioner of the transferring court; and

(3) The judge or commissioner of the receiving treatment court.

**If the defendant assigned to treatment court is terminated from the treatment court, the case shall be returned to the transferring court for disposition.**

~~[2-]~~ 4. If a **[drug] treatment court** ~~[or veterans court]~~ participant requires treatment for opioid or other substance misuse or dependence, a **[drug] treatment court** ~~[or veterans court]~~ shall not prohibit such participant from participating in and receiving medication-assisted treatment under the care of a physician licensed in this state to practice medicine. A **[drug] treatment court** ~~[or veterans court]~~ participant shall not be required to refrain from using medication-assisted treatment as a term or condition of successful completion of the **[drug] treatment court** program.

~~[3-]~~ 5. A **[drug] treatment court** ~~[or veterans court]~~ participant assigned to a treatment program for opioid or other substance misuse or dependence shall not be in violation of the terms or conditions of the **[drug] treatment court** ~~[or veterans court]~~ on the basis of his or her participation in medication-assisted treatment under the care of a physician licensed in this state to practice medicine.

**478.005. CONDITIONS AND CRITERIA FOR REFERRAL — STATEMENTS BY PARTICIPANT NOT TO BE USED AS EVIDENCE, WHEN — RECORDS, ACCESS TO STAFF, CLOSED, WHEN. — 1.** Each circuit court shall establish conditions for referral of proceedings to the **[drug] treatment court division**. ~~[The defendant in any criminal proceeding accepted by a drug court for disposition shall be a nonviolent person, as determined by the prosecuting attorney. Any proceeding accepted by the drug court program for disposition shall be upon agreement of the parties.]~~ **Each treatment court within a treatment court division shall establish criteria upon which a person is deemed eligible for that specific treatment court and for determining successful completion of the treatment court program.**

2. Any statement made by a participant as part of participation in the **[drug] treatment court** program, or any report made by the staff of the program, shall not be admissible as evidence against the participant in any criminal, juvenile or civil proceeding. Notwithstanding the foregoing, termination from the **[drug] treatment court** program and the reasons for termination may be considered in sentencing or disposition.

3. Notwithstanding any other provision of law to the contrary, **[drug] treatment court** staff shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant. Upon general request, employees of all such agencies shall fully inform ~~a~~ **[drug] treatment court** staff of all matters relevant to the treatment of the participant. All such records and reports and the contents thereof shall be treated as closed records and shall not be disclosed to any

person outside of the ~~[drug]~~ **treatment** court, and shall be maintained by the court in a confidential file not available to the public.

**478.007. ALTERNATIVE DISPOSITION OF CASES, COURT MAY BE ESTABLISHED — PRIVATE PROBATION SERVICES, WHEN.** — 1. Any circuit court ~~or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010,~~ may establish a ~~[docket or]~~ **DWI court within the treatment court division** to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section ~~[577.023]~~ **577.001**; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This ~~[docket or]~~ court shall combine judicial supervision, drug **or alcohol** testing, continuous alcohol monitoring, or verifiable breath alcohol testing ~~[performed a minimum of four times per day]~~, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This ~~[docket or]~~ court ~~[may]~~ **shall** operate in conjunction with a ~~[drug]~~ **treatment** court established pursuant to sections 478.001 to ~~[478.006]~~ **478.009**.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the division's role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload.

**478.009. TREATMENT COURTS COORDINATING COMMISSION ESTABLISHED, MEMBERS, MEETINGS — DUTIES — FUND CREATED.** — 1. In order to coordinate the allocation of resources available to ~~[drug]~~ **treatment** courts ~~[and the dockets or courts]~~ established by section ~~[478.007]~~ **478.001** throughout the state, there is hereby established a "~~[Drug]~~ **Treatment** Courts Coordinating Commission" in the judicial department. The ~~[drug]~~ **treatment** courts coordinating commission shall consist of one member selected by the director of the department of corrections; one member selected by the director of the department of social services; one member selected by the director of the department of mental health; one member selected by the director of the department of public safety; one member selected by the state courts administrator; and ~~[three]~~ **five** members selected by the **Missouri** supreme court, **one of which shall be a representative of the prosecuting attorneys of the state and one of which shall be a representative of the criminal defense bar of the state.** The **Missouri** supreme court shall designate the chair of the commission. The commission shall periodically meet at the call of the chair; evaluate resources available for assessment and treatment of persons assigned to ~~[drug]~~ **treatment** courts or for the operation of ~~[drug]~~ **treatment** courts; secure grants, funds and other property and services necessary or desirable to facilitate ~~[drug]~~ **treatment** court operation; and allocate such resources among the various ~~[drug]~~ **treatment** courts operating within the state.

2. **The commission shall establish standards and practices for the various courts of the treatment court divisions, taking into consideration guidelines and principles based on current**

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research and findings relating to practices shown to reduce recidivism of offenders with a substance use disorder or co-occurring disorder.

3. Each treatment court division shall adopt policies and practices that are consistent with the standards and practices established by the commission.

4. The commission, in cooperation with the office of state courts administrator, shall provide technical assistance to treatment courts to assist them with the implementation of policies and practices consistent with the standards established by the commission.

5. A circuit court that operates a treatment court division shall adhere to the commission's established standards and practices in order to operate and be recognized as a functioning treatment court division.

6. Treatment courts that do not comply with the commission's standards shall be subject to administrative action, which shall prohibit that treatment court from accepting any new admissions and shall require a written plan for the completion of treatment for any existing participants be submitted to the commission and the office of state courts administrator. A treatment court receiving administrative action may request authorization for the continuance of operations for a specified period of time. A request for authorization for continuance of operations shall include a plan of improvement and proposals that would allow for the continued operation for a specified period of time.

7. Treatment court programs that collect or assess fees shall follow guidelines established by the commission.

8. Treatment court programs shall enter data in the approved statewide case management system as specified by the commission.

9. There is hereby established in the state treasury a "[Drug] Treatment Court Resources Fund", which shall be administered by the [drug] treatment courts coordinating commission. Funds available for allocation or distribution by the [drug] treatment courts coordinating commission may be deposited into the [drug] treatment court resources fund. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the [drug] treatment court resources fund shall not be transferred or placed to the credit of the general revenue fund of the state at the end of each biennium, but shall remain deposited to the credit of the [drug] treatment court resources fund.

10. After a date determined by the commission, funds from the treatment court resources fund shall be awarded only to treatment courts that are in compliance with the standards and practices established by the commission.

**478.466. TREATMENT COURT COMMISSIONER, APPOINTMENT, QUALIFICATIONS, COMPENSATION, POWERS AND DUTIES — SURCHARGE (JACKSON COUNTY).** — 1. In the sixteenth judicial circuit consisting of the county of Jackson, a majority of the court en banc may appoint one person, who shall possess the same qualifications as an associate circuit judge, to act as [drug] treatment court commissioner. The commissioner shall be appointed for a term of four years. The compensation of the commissioner shall be the same as that of an associate circuit judge and shall be paid out of the same source as the compensation of all other [drug] treatment court commissioners in the state. The retirement benefits of such commissioner shall be the same as those of an associate circuit judge, payable in the same manner and from the same source as those of an associate circuit judge. Subject to approval or rejection by a circuit judge, the commissioner shall have all the powers and duties of a circuit judge. A circuit judge shall by order of record reject or confirm any order, judgment and decree of the commissioner within the time the judge could set aside such order, judgment or decree had the same been made by him. If so confirmed, the order, judgment or decree shall have the same effect as if made by the judge on the date of its confirmation.

2. The court administrator of the sixteenth judicial circuit shall charge and collect a surcharge of thirty dollars in all proceedings assigned to the [drug] treatment commissioner for disposition, provided

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Matter in bold-face type is proposed language.

that the surcharge shall not be charged in any proceeding when costs are waived or are to be paid by the state, county or municipality. Moneys obtained from such surcharge shall be collected and disbursed in the manner provided by sections 488.010 to 488.020 and payable to the **[drug] treatment** commissioner for operation of the **[drug] treatment** court.

**478.550. CIRCUIT NO. 23, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED — FAMILY COURT COMMISSIONER AND TREATMENT COURT COMMISSIONER TO BECOME ASSOCIATE CIRCUIT JUDGE POSITIONS, WHEN.** — 1. There shall be four circuit judges in the twenty-third judicial circuit consisting of the county of Jefferson. These judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007, there shall be six circuit judges in the twenty-third judicial district and these judges shall sit in divisions numbered one, two, three, four, five, and six. The division eleven associate circuit judge position and the division twelve associate circuit judge shall become circuit judge positions beginning January 1, 2007. The division eleven associate circuit judge shall be numbered as division five and the division twelve associate circuit judge shall be numbered as division six.

2. The circuit judge in division three shall be elected in 1980. The circuit judges in divisions one and four shall be elected in 1982. The circuit judge in division two shall be elected in 1984. The circuit judges in divisions five and six shall be elected for a six-year term in 2006.

3. Beginning January 1, 2007, the family court commissioner position in the twenty-third judicial district appointed under section 487.020 shall become an associate circuit judge position in all respects and shall be designated as division eleven. This position may retain the duties and responsibilities with regard to the family court. The associate circuit judge in division eleven shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

4. Beginning January 1, 2007, the **[drug] treatment** court commissioner position in the twenty-third judicial district appointed under section 478.003 shall become an associate circuit judge position in all respects and shall be designated as division twelve. This position may retain the duties and responsibilities with regard to the **[drug] treatment** court. The associate circuit judge in division twelve shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

**478.600. CIRCUIT NO. 11, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED — TREATMENT COURT COMMISSIONER TO BECOME ASSOCIATE CIRCUIT JUDGE POSITION.** — 1. There shall be four circuit judges in the eleventh judicial circuit. These judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five associate circuit judge position and the division seven associate circuit judge position shall become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five and seven shall be elected for a six-year term in 2006.

3. Beginning January 1, 2007, the family court commissioner positions in the eleventh judicial circuit appointed under section 487.020 shall become associate circuit judge positions in all respects and shall be designated as divisions nine and ten respectively. These positions may retain the duties and responsibilities with regard to the family court. The associate circuit judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

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4. Beginning on January 1, 2007, the ~~drug~~ **treatment** court commissioner position in the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge position in all respects and shall be designated as division eleven. This position retains the duties and responsibilities with regard to the ~~drug~~ **treatment** court. Such associate circuit judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320. Beginning in fiscal year 2019, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2020. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320.

**478.716. TREATMENT COURT COMMISSIONER POSITION.**— Beginning January 1, 2007, there is hereby created a state-funded ~~drug~~ **treatment** court commissioner position in the forty-second judicial circuit.

**488.2230. MUNICIPAL ORDINANCE VIOLATIONS, ADDITIONAL COURT COSTS (KANSAS CITY).**— 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than four hundred thousand inhabitants and located in more than one county may provide for additional court costs in an amount up to seven dollars per case for each municipal ordinance violation case, except that no such additional cost shall be collected in any proceeding involving a violation of an ordinance when the proceeding or defendant has been dismissed by the court.

2. The judge may waive the assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.

3. Such cost shall be calculated by the clerk and disbursed to the city at least monthly. The city shall use such additional costs exclusively to fund special mental health~~, drug,~~ and ~~veterans~~ **treatment** courts, including indigent defense and ancillary services associated with such specialized courts.

**488.5358. TREATMENT COURT OPERATIONS, SURCHARGE FOR, EXCEPTIONS (JACKSON COUNTY).**— The court administrator of the sixteenth judicial circuit shall, pursuant to section 478.466, charge and collect a surcharge of thirty dollars in all proceedings assigned to the ~~drug~~ **treatment** commissioner for disposition, provided that the surcharge shall not be charged in any proceeding when costs are waived or are to be paid by the state, county or municipality. Moneys obtained from such surcharge shall be collected and disbursed in the manner provided by sections 488.010 to 488.020 and payable to the ~~drug~~ **treatment** commissioner for operation of the ~~drug~~ **treatment** court.

**577.001. CHAPTER DEFINITIONS.**— As used in this chapter, the following terms mean:

- (1) "Aggravated offender", a person who has been found guilty of:
  - (a) Three or more intoxication-related traffic offenses committed on separate occasions; or
  - (b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;
- (2) "Aggravated boating offender", a person who has been found guilty of:
  - (a) Three or more intoxication-related boating offenses; or

(b) Two or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or ~~drug~~ **treatment** court;

(5) "Chronic offender", a person who has been found guilty of:

(a) Four or more intoxication-related traffic offenses committed on separate occasions; or

(b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(6) "Chronic boating offender", a person who has been found guilty of:

(a) Four or more intoxication-related boating offenses; or

(b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(7) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;

(8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;

(9) "Drive", "driving", "operates" or "operating", physically driving or operating a vehicle or vessel;

(10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;

(11) "Habitual offender", a person who has been found guilty of:

(a) Five or more intoxication-related traffic offenses committed on separate occasions; or

(b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(12) "Habitual boating offender", a person who has been found guilty of:

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

- (a) Five or more intoxication-related boating offenses; or
- (b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or
- (c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or
- (d) While boating while intoxicated, the defendant acted with criminal negligence to:
  - a. Cause the death of any person not a passenger in the vessel operated by the defendant, including the death of an individual that results from the defendant's vessel leaving the water; or
  - b. Cause the death of two or more persons; or
  - c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;
- (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;
- (14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;
- (15) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content, driving under the influence of alcohol or drugs in violation of a state law, county or municipal ordinance, any federal offense, or any military offense, or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;
- (16) "Law enforcement officer" or "arresting officer", includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;
- (17) "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;
- (18) "Persistent offender", a person who has been found guilty of:
  - (a) Two or more intoxication-related traffic offenses committed on separate occasions; or
  - (b) One intoxication-related traffic offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;
- (19) "Persistent boating offender", a person who has been found guilty of:
  - (a) Two or more intoxication-related boating offenses committed on separate occasions; or
  - (b) One intoxication-related boating offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;
- (20) "Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;
- (21) "Prior boating offender", a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

~~478.006. JACKSON COUNTY, PROVISIONS OF DRUG COURT LAW MAY APPLY, WHEN.—~~  
 Any provision or provisions of sections 478.001 to 478.006 may be applied by local circuit court rule to proceedings in the sixteenth judicial circuit subject to section 478.466.]

~~478.008. VETERANS TREATMENT COURTS AUTHORIZED, REQUIREMENTS.—~~1. Veterans treatment courts may be established by any circuit court, or combination of circuit courts, upon agreement of the presiding judges of such circuit courts to provide an alternative for the judicial system to dispose of cases which stem from substance abuse or mental illness of military veterans or current military personnel.

2. A veterans treatment court shall combine judicial supervision, drug testing, and substance abuse and mental health treatment to participants who have served or are currently serving the United States Armed Forces, including members of the Reserves, National Guard, or state guard.

3. (1) Each circuit court, which establishes such courts as provided in subsection 1 of this section, shall establish conditions for referral of proceedings to the veterans treatment court; and

(2) Each circuit court shall enter into a memorandum of understanding with each participating prosecuting attorney in the circuit court. The memorandum of understanding shall specify a list of felony offenses ineligible for referral to the veterans treatment court. The memorandum of understanding may include other parties considered necessary including, but not limited to, defense attorneys, treatment providers, and probation officers.

4. (1) A circuit that has adopted a veterans treatment court under this section may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a veterans treatment court in the jurisdiction where the participant is charged.

(2) The transfer can occur at any time during the proceedings, including, but not limited to, prior to adjudication. The receiving court shall have jurisdiction to impose sentence, including, but not limited to, sanctions, incentives, incarceration, and phase changes.

(3) A transfer under this subsection is not valid unless it is agreed to by all of the following:

(a) The defendant or respondent;

(b) The attorney representing the defendant or respondent;

(c) The judge of the transferring court and the prosecutor of the case; and

(d) The judge of the receiving veterans treatment court and the prosecutor of the veterans treatment court.

(4) If the defendant is terminated from the veterans treatment court program the defendant's case shall be returned to the transferring court for disposition.

5. Any proceeding accepted by the veterans treatment court program for disposition shall be upon agreement of the parties.

6. Except for good cause found by the court, a veterans treatment court shall make a referral for substance abuse or mental health treatment, or a combination of substance abuse and mental health treatment, through the Department of Defense health care, the Veterans Administration, or a community based treatment program. Community based programs utilized shall receive state or federal funds in connection with such referral and shall only refer the individual to a program which is certified by the Missouri department of mental health, unless no appropriate certified treatment program is located within the same county as the veterans treatment court.

7. Any statement made by a participant as part of participation in the veterans treatment court program, or any report made by the staff of the program, shall not be admissible as evidence against the participant in any criminal, juvenile, or civil proceeding. Notwithstanding the foregoing, termination from the veterans treatment court program and the reasons for termination may be considered in sentencing or disposition.

~~8. Notwithstanding any other provision of law to the contrary, veterans treatment court staff shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant.~~

~~9. Upon general request, employees of all such agencies shall fully inform a veterans treatment court staff of all matters relevant to the treatment of the participant. All such records and reports and the contents thereof shall:~~

~~(1) Be treated as closed records;~~

~~(2) Not be disclosed to any person outside of the veterans treatment court;~~

~~(3) Be maintained by the court in a confidential file not available to the public.~~

~~10. Upon successful completion of the treatment program, the charges, petition, or penalty against a veterans treatment court participant may be dismissed, reduced, or modified. Any fees received by a court from a defendant as payment for substance abuse or mental health treatment programs shall not be considered court costs, charges, or fines.]~~

~~[478.551. DRUG COURT COMMISSIONER POSITION TO BE STATE FUNDED. — Any drug court commissioner authorized pursuant to section 478.001 and appointed in the twenty third judicial circuit pursuant to section 478.003 shall be a state funded position.]~~

Approved October 24, 2018

### HB 3

#### Enacts provisions relating to science education.

AN ACT to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to science education.

#### SECTION

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|---------|---|
| A.      | Enacting clause.  |
| 161.261 | STEM career awareness, program established, purpose — online program, criteria — fund created — rulemaking authority.   |
| 170.018 | Computer science, academic credit for math, science, or practical arts — work group — endorsement on teacher certificate — fund, grants — rulemaking authority. |

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

**SECTION A. ENACTING CLAUSE.** — Chapters 161 and 170, RSMo, are amended by adding thereto two new sections, to be known as sections 161.261 and 170.018, to read as follows:

**161.261. STEM CAREER AWARENESS, PROGRAM ESTABLISHED, PURPOSE — ONLINE PROGRAM, CRITERIA — FUND CREATED — RULEMAKING AUTHORITY.** — **1.** Subject to appropriation, the department of elementary and secondary education shall establish a statewide program to be known as the "STEM Career Awareness Program" to increase STEM career awareness among students in grades six through eight. For purposes of this section, "STEM" means science, technology, engineering, and mathematics.

**2.** The department of elementary and secondary education shall promote the statewide program beginning in the 2019-20 school year. The program shall introduce students to a wide variety of STEM careers and technology through an online-based STEM curriculum.

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

3. By January 1, 2019, the department of elementary and secondary education shall solicit proposals for the online program. By March 1, 2019, the department of elementary and secondary education shall select a provider for the online program. The program selected shall meet a majority of the following criteria:

- (1) The program introduces students to a wide variety of STEM careers and technologies;
- (2) The curriculum is designed for flexible implementation in a wide variety of classrooms, including science, math, English, and social studies, through lessons that emphasize the application of STEM careers in such contexts;
- (3) The curriculum demonstrates how math and language arts skills appropriate to middle schools are used by STEM careers, making classroom instruction relevant to students interested in STEM careers;
- (4) The program produces analytic reports for individual students and for classes, including an analysis of performance against individual math and language arts skills objectives;
- (5) The curriculum is available in a self-paced online format; and
- (6) The program includes web-based professional development for school staff.

4. Notwithstanding subsections 2 and 3 of this section, the department of elementary and secondary education may choose a third-party nonprofit entity to implement the statewide program, solicit proposals, and select a provider as described under subsection 3 of this section.

5. There is hereby created in the state treasury the "STEM Career Awareness Program Fund". The fund shall consist of any appropriations, gifts, bequests, or public or private donations to such fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. The department of elementary and secondary education may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

**170.018. COMPUTER SCIENCE, ACADEMIC CREDIT FOR MATH, SCIENCE, OR PRACTICAL ARTS — WORK GROUP — ENDORSEMENT ON TEACHER CERTIFICATE — FUND, GRANTS — RULEMAKING AUTHORITY. — 1. (1) For purposes of this section, "computer science course" means a course in which students study computers and algorithmic processes, including their principles, hardware and software designs, implementation, and impact on society.**

**(2) The department of elementary and secondary education shall, before July 1, 2019, develop a high school graduation policy that allows a student to fulfill one unit of academic credit with a district-approved computer science course meeting the standards of subsection 2 of this section for any mathematics, science, or practical arts unit required for high school graduation. The policy shall require that all students have either taken all courses that require end-of-course**

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

examinations for math and science or are on track to take all courses that require end-of-course examinations for math and science under the Missouri school improvement program in order to receive credit toward high school graduation under this subsection.

(3) A school district shall communicate to students electing to use a computer science course for a mathematics unit that some institutions of higher education may require four units of academic credit in mathematics for college admission. The parent, guardian, or legal custodian of each student who chooses to take a computer science course to fulfill a unit of academic credit in mathematics shall sign and submit to the school district a document containing a statement acknowledging that taking a computer science course to fulfill a unit of academic credit in mathematics may have an adverse effect on college admission decisions.

(4) The department of elementary and secondary education and the department of higher education shall cooperate in developing and implementing academic requirements for computer science courses offered in any grade or grades not lower than the ninth nor higher than the twelfth grade.

2. (1) The department of elementary and secondary education shall convene a work group to develop and recommend rigorous academic performance standards relating to computer science for students in kindergarten and in each grade not higher than the twelfth grade. The work group shall include, but not be limited to, educators providing instruction in kindergarten or in any grade not higher than the twelfth grade and representatives from the department of elementary and secondary education, the department of higher education, business and industry, and institutions of higher education. The department of elementary and secondary education shall develop written curriculum frameworks relating to computer science that may be used by school districts. The requirements of section 160.514 shall not apply to this section.

(2) The state board of education shall adopt and implement academic performance standards relating to computer science beginning in the 2019-20 school year.

3. Before July 1, 2019, the department of elementary and secondary education shall develop a procedure by which any teacher who holds a certificate of license to teach under section 168.021 and demonstrates sufficient content knowledge of computer science shall receive a special endorsement on his or her license signifying his or her specialized knowledge in computer science.

4. (1) For purposes of this subsection, "eligible entity" means:

(a) A local educational agency, or a consortium of local educational agencies, in the state, including charter schools that have declared themselves local educational agencies;

(b) An institution of higher education in the state; or

(c) A nonprofit or private provider of nationally recognized and high-quality computer science professional development, as determined by the department of elementary and secondary education.

(2) There is hereby created in the state treasury the "Computer Science Education Fund". The fund shall consist of all moneys that may be appropriated to it by the general assembly and any gifts, contributions, grants, or bequests received from private or other sources for the purpose of providing teacher professional development programs relating to computer science. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of grants to eligible entities as described in this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(3) The state board of education shall award grants from the computer science education fund to eligible entities for the purpose of providing teacher professional development programs relating to computer science. An eligible entity wishing to receive such a grant shall submit an application to the department of elementary and secondary education addressing how the entity plans to:

- (a) Reach new and existing teachers with little computer science background;
- (b) Use effective practices for professional development;
- (c) Focus the training on the conceptual foundations of computer science;
- (d) Reach and support historically underrepresented students in computer science;
- (e) Provide teachers with concrete experience with hands-on, inquiry-based practices; and
- (f) Accommodate the particular needs of students and teachers in each district and school.

5. The department of elementary and secondary education shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

Approved October 30, 2018

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**SUBJECT INDEX**

**FOR**

**NINETY-NINTH**

**GENERAL ASSEMBLY,**

**SECOND**

**REGULAR SESSION**

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**99TH GENERAL ASSEMBLY, SECOND REGULAR SESSION****ADMINISTRATION, OFFICE OF**

- SB 802 Modifies provisions relating to women's and minority business enterprises
- SB 1007 Modifies the merit system
- HB 1517 Requires the Attorney General and the Commissioner of Administration to submit to the General Assembly a monthly report of all settlements paid from the State Legal Expense Fund
- HB 1531 Modifies provisions relating to contingency fee contracts entered into by the state and interpleader actions
- HB 1729 Modifies provision relating to prevailing wage
- HB 1879 Modifies provisions relating to financial transactions by public entities

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- HB 1355 Modifies provisions relating to public safety

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HB 1517 Requires the Attorney General and the Commissioner of Administration to submit to the General Assembly a monthly report of all settlements paid from the State Legal Expense Fund

HB 1832 Modifies provisions relating to merchandising practices

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SB 892 Modifies provisions relating to various retirement plans for public employees

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HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

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HB 1872 Establishes a grant program to expand broadband internet access in unserved and underserved areas of the state

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SB 655 Increases the minimum age for marriage from 15 to 16 years, modifies the sex offender registry system, and eliminates the statute of limitations for sexual offenses committed against minors

SB 793 Modifies provisions relating to court proceedings

SB 800 Modifies provisions relating to juvenile court proceedings

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- SB 806 Modifies provisions regarding when a deceased person owes money to the state and guardianship and conservatorship proceedings
- SB 819 Modifies provisions of law relating to the protection of children
- SB 826 Modifies provisions relating to health care
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- HB 2101 Modifies provisions relating to the payment of guardian ad litem fees in certain cases
- HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

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- SB 793 Modifies provisions relating to court proceedings
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- HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers

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- HB 2034 Modifies provisions relating to industrial hemp

#### CIVIL PROCEDURE

- SB 581 Repeals provisions requiring a landlord to keep security deposits in a trust and authorizes the right to a trial de novo in rent and possession actions
- SB 608 Modifies provisions regarding the liability of property owners when criminal conduct occurs on the property
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- SB 793 Modifies provisions relating to court proceedings  
SB 800 Modifies provisions relating to juvenile court proceedings  
SB 806 Modifies provisions regarding when a deceased person owes money to the state and guardianship and conservatorship proceedings  
SB 871 Modifies provisions relating to orders of protection for a child, circuit clerks being named a party in expungement proceedings, court reporter fees, service of process after the expiration of the statute of limitations, and judicial positions  
HB 1250 Modifies provisions relating to trusts, powers of appointment, gifts in fraud of marital rights, and commercial receivership, and establishes the Missouri Fiduciary Access to Digital Assets Act  
HB 1531 Modifies provisions relating to contingency fee contracts entered into by the state and interpleader actions  
HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

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- HB 1517 Requires the Attorney General and the Commissioner of Administration to submit to the General Assembly a monthly report of all settlements paid from the State Legal Expense Fund

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- HJR 59 Proposes a constitutional amendment to reduce the amount of time a person is required to be a member of an organization in order to participate in the management of a bingo game

#### **CONSTRUCTION AND BUILDING CODES**

- HB 1729 Modifies provision relating to prevailing wage  
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- SB 705 Modifies provisions relating to rate adjustments outside of general rate proceedings for certain public utilities
- HB 1531 Modifies provisions relating to contingency fee contracts entered into by the state and interpleader actions
- HB 1729 Modifies provision relating to prevailing wage
- HB 1879 Modifies provisions relating to financial transactions by public entities
- HB 1880 Modifies provisions relating to broadband communications services provided by rural electric cooperatives

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#### CORPORATIONS

- SB 564 Modifies provisions relating to public utilities
- SB 593 Enacts provisions relating to financial solvency of insurance companies
- SB 659 Modifies provisions relating to the Department of Natural Resources
- SB 705 Modifies provisions relating to rate adjustments outside of general rate proceedings for certain public utilities
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- SB 802 Modifies provisions relating to women's and minority business enterprises
- SB 884 Modifies provisions relating to taxation
- HB 1250 Modifies provisions relating to trusts, powers of appointment, gifts in fraud of marital rights, and commercial receivership, and establishes the Missouri Fiduciary Access to Digital Assets Act
- HB 1456 Modifies provisions relating to communication services
- HB 1872 Establishes a grant program to expand broadband internet access in unserved and underserved areas of the state

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- SB 1007 Modifies the merit system
- HB 1355 Modifies provisions relating to public safety

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- HB 1719 Modifies provisions relating to professional registration

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- HB 1719 Modifies provisions relating to professional registration

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- SB 623 Modifies provisions relating to foreclosure proceeds
- SB 892 Modifies provisions relating to various retirement plans for public employees
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- HB 1291 Modifies provisions relating to political subdivisions
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- HB 1456 Modifies provisions relating to communication services  
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HB 1646 Modifies provisions of law relating to brush control on roads in certain counties  
HB 1729 Modifies provision relating to prevailing wage  
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HB 1446 Modifies provisions relating to elections  
HB 1456 Modifies provisions relating to communication services  
HB 1504 Allows certain counties to pass ordinances regulating land surrounding National Guard training centers  
HB 1879 Modifies provisions relating to financial transactions by public entities

#### COUNTY OFFICIALS

- SB 568 Modifies provisions relating to salaries for certain county officials  
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SB 806 Modifies provisions regarding when a deceased person owes money to the state and guardianship and conservatorship proceedings  
SB 807 Modifies provisions relating to higher education  
SB 892 Modifies provisions relating to various retirement plans for public employees  
SB 990 Modifies provisions relating to the attachment of school districts to community college districts  
HB 1428 Modifies process for filling vacancies in county elected offices  
HB 1446 Modifies provisions relating to elections  
HB 1769 Creates the offense of filing false documents

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- SB 581 Repeals provisions requiring a landlord to keep security deposits in a trust and authorizes the right to a trial de novo in rent and possession actions  
SB 660 Modifies the law relating to mental health  
SB 768 Modifies several provisions relating to the taxation of telecommunications companies  
SB 806 Modifies provisions regarding when a deceased person owes money to the state and guardianship and conservatorship proceedings  
SB 819 Modifies provisions of law relating to the protection of children  
SB 871 Modifies provisions relating to orders of protection for a child, circuit clerks being named a party in expungement proceedings, court reporter fees, service of process after the expiration of the statute of limitations, and judicial positions  
HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers  
HB 1355 Modifies provisions relating to public safety  
HB 1461 Modifies provisions relating to the Address Confidentiality Program  
HB 1531 Modifies provisions relating to contingency fee contracts entered into by the state and interpleader actions
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- HB 2101 Modifies provisions relating to the payment of guardian ad litem fees in certain cases  
HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

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- SB 793 Modifies provisions relating to court proceedings  
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SB 800 Modifies provisions relating to juvenile court proceedings  
SB 819 Modifies provisions of law relating to the protection of children  
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HB 1246 Requires certain locations and businesses to post information regarding human trafficking  
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HB 1355 Modifies provisions relating to public safety  
HB 1558 Creates the offense of nonconsensual dissemination of private sexual images and threatening the nonconsensual dissemination of private sexual images  
HB 1769 Creates the offense of filing false documents  
HB 1797 Establishes provisions relating to unlawful activity on nuclear power plant property  
HB 1832 Modifies provisions relating to merchandising practices

**CRIMINAL PROCEDURE**

- SB 655 Increases the minimum age for marriage from 15 to 16 years, modifies the sex offender registry system, and eliminates the statute of limitations for sexual offenses committed against minors  
SB 660 Modifies the law relating to mental health  
SB 793 Modifies provisions relating to court proceedings  
SB 800 Modifies provisions relating to juvenile court proceedings  
SB 819 Modifies provisions of law relating to the protection of children  
SB 954 Allows individuals found guilty of certain offenses of unlawful use of a weapon to expunge such record  
HB 1355 Modifies provisions relating to public safety  
HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

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- HB 1268 Modifies provisions relating to the Missouri Dental Board  
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SB 881 Modifies provisions of law relating to transportation  
SB 882 Modifies provisions of the Missouri Higher Education Savings Program  
HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers  
HB 1635 Modifies provisions relating to mandated abuse and neglect reporting in long-term care facilities  
HB 2171 Modifies Blind Pension Fund eligibility and payment

#### **DOMESTIC RELATIONS**

- SB 800 Modifies provisions relating to juvenile court proceedings  
SB 819 Modifies provisions of law relating to the protection of children  
SB 871 Modifies provisions relating to orders of protection for a child, circuit clerks being named a party in expungement proceedings, court reporter fees, service of process after the expiration of the statute of limitations, and judicial positions  
HB 1461 Modifies provisions relating to the Address Confidentiality Program  
HB 2101 Modifies provisions relating to the payment of guardian ad litem fees in certain cases  
HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

#### **DRUGS AND CONTROLLED SUBSTANCES**

- SB 718 Modifies provisions relating to health care  
SB 826 Modifies provisions relating to health care  
SB 951 Modifies provisions relating to health care  
HB 2034 Modifies provisions relating to industrial hemp  
HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

#### **DRUNK DRIVING/BOATING**

- HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

#### **EASEMENTS AND CONVEYANCES**

- SB 907 Authorizes the conveyance of certain state properties  
HB 1646 Modifies provisions of law relating to brush control on roads in certain counties  
HB 1838 Authorizes the conveyance of certain state properties  
HB 1880 Modifies provisions relating to broadband communications services provided by rural electric cooperatives  
HB 1887 Prohibits a property owners' association from preventing a property owner from placing political signs on his or her property

#### **ECONOMIC DEVELOPMENT**

- SB 564 Modifies provisions relating to public utilities
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- SB 629 Modifies provisions relating to tax increment financing
  - SB 881 Modifies provisions of law relating to transportation
  - HB 1415 Modifies provisions relating to workforce development

**ECONOMIC DEVELOPMENT, DEPARTMENT OF**

- SB 590 Modifies the Historic Preservation Tax Credit
- SB 773 Modifies provisions relating to taxation
- SB 1007 Modifies the merit system
- HB 1415 Modifies provisions relating to workforce development
- HB 1456 Modifies provisions relating to communication services
- HB 1492 Modifies the law regarding the Show-Me Heroes program
- HB 1729 Modifies provision relating to prevailing wage
- HB 1872 Establishes a grant program to expand broadband internet access in unserved and underserved areas of the state

**EDUCATION, ELEMENTARY AND SECONDARY**

- SB 592 Modifies several provisions relating to elections
- SB 603 Modifies provisions relating to virtual education
- SB 687 Modifies provisions relating to student transportation
- SB 743 Modifies provisions relating to elementary and secondary education
- SB 768 Modifies several provisions relating to the taxation of telecommunications companies
- SB 894 Modifies provisions relating to education curriculum involving science and technology (VETOED)
- SB 990 Modifies provisions relating to the attachment of school districts to community college districts
- HB 1415 Modifies provisions relating to workforce development
- HB 1446 Modifies provisions relating to elections
- HB 1606 Modifies provisions relating to elementary and secondary education
- HB 1665 Authorizes the granting of a visiting scholars certificate to teachers in public schools
- HB 1744 Modifies provisions relating to higher education
- HB 2129 Establishes provisions relating to information on organ, eye, and tissue donation presented to students

**EDUCATION, HIGHER**

- SB 592 Modifies several provisions relating to elections
- SB 807 Modifies provisions relating to higher education
- SB 870 Modifies provisions of law relating to emergency medical services
- SB 882 Modifies provisions of the Missouri Higher Education Savings Program
- SB 894 Modifies provisions relating to education curriculum involving science and technology (VETOED)
- SB 990 Modifies provisions relating to the attachment of school districts to community college districts
- HB 1268 Modifies provisions relating to the Missouri Dental Board
- HB 1415 Modifies provisions relating to workforce development
- HB 1446 Modifies provisions relating to elections
- HB 1465 Modifies provisions relating to degree offerings at public institutions of higher education
- HB 1744 Modifies provisions relating to higher education
- HB 1879 Modifies provisions relating to financial transactions by public entities
- HB 2034 Modifies provisions relating to industrial hemp

**ELDERLY**

- SB 806 Modifies provisions regarding when a deceased person owes money to the state and guardianship and conservatorship proceedings
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- HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers
- HB 1625 Establishes the Missouri Senior Farmers' Market Nutrition Program
- HB 1635 Modifies provisions relating to mandated abuse and neglect reporting in long-term care facilities

#### **ELECTIONS**

- SCR 49 Moves referendum election date for SS#2/SB 19
- SB 592 Modifies several provisions relating to elections
- SB 990 Modifies provisions relating to the attachment of school districts to community college districts
- HB 1446 Modifies provisions relating to elections
- HB 1887 Prohibits a property owners' association from preventing a property owner from placing political signs on his or her property

#### **ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF**

- SB 603 Modifies provisions relating to virtual education
- SB 687 Modifies provisions relating to student transportation
- SB 743 Modifies provisions relating to elementary and secondary education
- SB 894 Modifies provisions relating to education curriculum involving science and technology (VETOED)
- HB 1415 Modifies provisions relating to workforce development
- HB 1606 Modifies provisions relating to elementary and secondary education
- HB 1665 Authorizes the granting of a visiting scholars certificate to teachers in public schools

#### **EMERGENCIES**

- SB 627 Modifies provisions relating to agriculture
- SB 870 Modifies provisions of law relating to emergency medical services
- SB 982 Enacts provisions relating to insurance
- HB 1364 Modifies provisions relating to petroleum products
- HB 1456 Modifies provisions relating to communication services

#### **EMINENT DOMAIN AND CONDEMNATION**

- HB 1646 Modifies provisions of law relating to brush control on roads in certain counties

#### **EMPLOYEES — EMPLOYERS**

- SCR 49 Moves referendum election date for SS#2/SB 19
- SB 660 Modifies the law relating to mental health
- HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers
- HB 1413 Creates new provisions relating to public sector collective bargaining
- HB 1719 Modifies provisions relating to professional registration

#### **ENERGY**

- SB 564 Modifies provisions relating to public utilities
- SB 917 Modifies provisions relating to coal ash
- HB 1797 Establishes provisions relating to unlawful activity on nuclear power plant property
- HB 1880 Modifies provisions relating to broadband communications services provided by rural electric cooperatives

#### **ENTERTAINMENT, SPORTS AND AMUSEMENTS**

- SB 773 Modifies provisions relating to taxation
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HB 1388 Modifies provisions relating to certain sports contests

**ENVIRONMENTAL PROTECTION**

SB 564 Modifies provisions relating to public utilities  
SB 659 Modifies provisions relating to the Department of Natural Resources  
SB 782 Modifies provisions relating to the Department of Natural Resources  
SB 917 Modifies provisions relating to coal ash  
HB 1364 Modifies provisions relating to petroleum products

**ESTATES, WILLS AND TRUSTS**

SB 581 Repeals provisions requiring a landlord to keep security deposits in a trust and authorizes the right to a trial de novo in rent and possession actions  
SB 806 Modifies provisions regarding when a deceased person owes money to the state and guardianship and conservatorship proceedings  
HB 1250 Modifies provisions relating to trusts, powers of appointment, gifts in fraud of marital rights, and commercial receivership, and establishes the Missouri Fiduciary Access to Digital Assets Act

**ETHICS**

SB 843 Modifies the composition, duties or repeals outright certain administrative boards, commissions, and councils

**EVIDENCE**

SB 608 Modifies provisions regarding the liability of property owners when criminal conduct occurs on the property

**EXCAVATION**

HB 1286 Modifies the per ton fee that is paid to the Division of Fire Safety for the use of explosives under the Missouri Blasting Safety Act

**FAMILY LAW**

SB 655 Increases the minimum age for marriage from 15 to 16 years, modifies the sex offender registry system, and eliminates the statute of limitations for sexual offenses committed against minors  
SB 800 Modifies provisions relating to juvenile court proceedings  
SB 819 Modifies provisions of law relating to the protection of children  
HB 1713 Modifies provisions relating to birth parent and adoptee access to original birth certificates

**FEDERAL - STATE RELATIONS**

SCR 40 Applies to Congress for the calling of an Article V convention of states to propose an amendment to the United States Constitution regarding term limits for members of Congress  
SCR 50 Requests the U.S. Congress to replace the statue of Thomas Hart Benton in the Statuary Hall of the U.S. Capitol with a statue of Harry S Truman

**FEES**

SB 659 Modifies provisions relating to the Department of Natural Resources  
SB 782 Modifies provisions relating to the Department of Natural Resources  
SB 793 Modifies provisions relating to court proceedings  
SB 881 Modifies provisions of law relating to transportation  
SB 917 Modifies provisions relating to coal ash  
SB 982 Enacts provisions relating to insurance

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- HB 1286 Modifies the per ton fee that is paid to the Division of Fire Safety for the use of explosives under the Missouri Blasting Safety Act
- HB 1364 Modifies provisions relating to petroleum products
- HB 1991 Establishes the Uniform Small Wireless Facility Deployment Act
- HB 2034 Modifies provisions relating to industrial hemp
- HB 2101 Modifies provisions relating to the payment of guardian ad litem fees in certain cases

#### FENCES AND ENCLOSURES

- SB 782 Modifies provisions relating to the Department of Natural Resources

#### FIRE PROTECTION

- SB 870 Modifies provisions of law relating to emergency medical services
- HB 1286 Modifies the per ton fee that is paid to the Division of Fire Safety for the use of explosives under the Missouri Blasting Safety Act
- HB 1413 Creates new provisions relating to public sector collective bargaining

#### FIREARMS

- SB 954 Allows individuals found guilty of certain offenses of unlawful use of a weapon to expunge such record

#### FOOD

- SB 627 Modifies provisions relating to agriculture
- HB 1625 Establishes the Missouri Senior Farmers' Market Nutrition Program
- HB 2034 Modifies provisions relating to industrial hemp

#### FUNERALS AND FUNERAL DIRECTORS

- HB 1719 Modifies provisions relating to professional registration

#### GAMBLING

- HB 1388 Modifies provisions relating to certain sports contests

#### GENERAL ASSEMBLY

- SCR 36 Designates the month of August as Shingles Awareness and Prevention Month
- SB 564 Modifies provisions relating to public utilities
- SB 705 Modifies provisions relating to rate adjustments outside of general rate proceedings for certain public utilities
- SB 775 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies the hospital reimbursement allowance tax
- SB 819 Modifies provisions of law relating to the protection of children
- SB 843 Modifies the composition, duties or repeals outright certain administrative boards, commissions, and councils
- HB 1500 Modifies provisions relating to certain occupations and professions
- HB 1517 Requires the Attorney General and the Commissioner of Administration to submit to the General Assembly a monthly report of all settlements paid from the State Legal Expense Fund

#### GOVERNOR AND LT. GOVERNOR

- HB 1469 Renames the "Missouri reserve military force" the "Missouri state defense force"
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**GUARDIANS**

- SB 806 Modifies provisions regarding when a deceased person owes money to the state and guardianship and conservatorship proceedings
- SB 819 Modifies provisions of law relating to the protection of children
- HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

**HEALTH AND SENIOR SERVICES, DEPARTMENT OF**

- SCR 36 Designates the month of August as Shingles Awareness and Prevention Month
- SB 819 Modifies provisions of law relating to the protection of children
- SB 826 Modifies provisions relating to health care
- SB 843 Modifies the composition, duties or repeals outright certain administrative boards, commissions, and councils
- SB 870 Modifies provisions of law relating to emergency medical services
- SB 951 Modifies provisions relating to health care
- SB 1007 Modifies the merit system
- HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers
- HB 1713 Modifies provisions relating to birth parent and adoptee access to original birth certificates
- HB 1953 Establishes procedures for dissemination of information about the bone marrow registry and establishes an Advisory Council on Rare Diseases and Personalized Medicine
- HB 2183 Modifies provisions relating to hospital regulations and certificate of need

**HEALTH CARE**

- SCR 36 Designates the month of August as Shingles Awareness and Prevention Month
- SB 718 Modifies provisions relating to health care
- SB 775 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies the hospital reimbursement allowance tax
- SB 826 Modifies provisions relating to health care
- SB 870 Modifies provisions of law relating to emergency medical services
- SB 951 Modifies provisions relating to health care
- SB 982 Enacts provisions relating to insurance
- HB 1252 Modifies an insurance mandate relating to low-dose mammography screening
- HB 1268 Modifies provisions relating to the Missouri Dental Board
- HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers
- HB 1355 Modifies provisions relating to public safety
- HB 1516 Requires licensed chiropractors to be reimbursed for the provision of MO HealthNet services
- HB 1617 Modifies provisions relating to telehealth
- HB 1719 Modifies provisions relating to professional registration
- HB 1953 Establishes procedures for dissemination of information about the bone marrow registry and establishes an Advisory Council on Rare Diseases and Personalized Medicine
- HB 2129 Establishes provisions relating to information on organ, eye, and tissue donation presented to students
- HB 2183 Modifies provisions relating to hospital regulations and certificate of need
- HB 2280 Modifies provisions relating to MO HealthNet benefits for pregnant women receiving substance abuse treatment
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**HEALTH CARE PROFESSIONALS**

- SCR 36 Designates the month of August as Shingles Awareness and Prevention Month  
SB 660 Modifies the law relating to mental health  
SB 718 Modifies provisions relating to health care  
SB 775 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies the hospital reimbursement allowance tax  
SB 819 Modifies provisions of law relating to the protection of children  
SB 826 Modifies provisions relating to health care  
SB 840 Modifies provisions relating to professional registration  
SB 870 Modifies provisions of law relating to emergency medical services  
SB 951 Modifies provisions relating to health care  
SB 982 Enacts provisions relating to insurance  
HB 1268 Modifies provisions relating to the Missouri Dental Board  
HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers  
HB 1355 Modifies provisions relating to public safety  
HB 1516 Requires licensed chiropractors to be reimbursed for the provision of MO HealthNet services  
HB 1617 Modifies provisions relating to telehealth  
HB 1719 Modifies provisions relating to professional registration  
HB 1953 Establishes procedures for dissemination of information about the bone marrow registry and establishes an Advisory Council on Rare Diseases and Personalized Medicine

**HEALTH, PUBLIC**

- SCR 36 Designates the month of August as Shingles Awareness and Prevention Month  
SB 718 Modifies provisions relating to health care  
SB 951 Modifies provisions relating to health care  
HCR 70 Declares youth violence as a public health epidemic and declares June 7th as "Christopher Harris Day" in Missouri  
HB 1252 Modifies an insurance mandate relating to low-dose mammography screening  
HB 1953 Establishes procedures for dissemination of information about the bone marrow registry and establishes an Advisory Council on Rare Diseases and Personalized Medicine

**HIGHER EDUCATION, DEPARTMENT OF**

- SB 807 Modifies provisions relating to higher education  
SB 894 Modifies provisions relating to education curriculum involving science and technology (VETOED)  
HB 1465 Modifies provisions relating to degree offerings at public institutions of higher education

**HIGHWAY PATROL**

- SB 655 Increases the minimum age for marriage from 15 to 16 years, modifies the sex offender registry system, and eliminates the statute of limitations for sexual offenses committed against minors  
SB 819 Modifies provisions of law relating to the protection of children  
SB 870 Modifies provisions of law relating to emergency medical services  
HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers  
HB 1355 Modifies provisions relating to public safety  
HB 1460 Modifies provisions relating to state revenue  
HB 2034 Modifies provisions relating to industrial hemp
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**HISTORIC PRESERVATION**

- SB 590 Modifies the Historic Preservation Tax Credit  
SB 773 Modifies provisions relating to taxation  
SB 843 Modifies the composition, duties or repeals outright certain administrative boards, commissions, and councils  
HB 1991 Establishes the Uniform Small Wireless Facility Deployment Act

**HOLIDAYS AND OBSERVANCES**

- SB 891 Designates the week beginning the second Saturday in October as "Buy Missouri Week"  
HCR 63 Designates March 18th of each year as DeMolay Day.  
HCR 70 Declares youth violence as a public health epidemic and declares June 7th as "Christopher Harris Day" in Missouri

**HOSPITALS**

- SB 660 Modifies the law relating to mental health  
SB 775 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies the hospital reimbursement allowance tax  
SB 826 Modifies provisions relating to health care  
SB 951 Modifies provisions relating to health care  
SB 982 Enacts provisions relating to insurance  
HB 2183 Modifies provisions relating to hospital regulations and certificate of need

**HOUSING**

- HB 1887 Prohibits a property owners' association from preventing a property owner from placing political signs on his or her property  
HB 1991 Establishes the Uniform Small Wireless Facility Deployment Act

**INSURANCE — AUTOMOBILE**

- SB 708 Modifies provisions relating to motor vehicle financial responsibility

**INSURANCE — GENERAL**

- SB 593 Enacts provisions relating to financial solvency of insurance companies  
SB 594 Exempts certain types of commercial insurance lines from filing requirements with respect to rates, rate plans, modifications, and manuals  
SB 982 Enacts provisions relating to insurance  
HB 1364 Modifies provisions relating to petroleum products  
HB 1531 Modifies provisions relating to contingency fee contracts entered into by the state and interpleader actions  
HB 1690 Modifies provisions relating to insurance guaranty associations  
HB 1991 Establishes the Uniform Small Wireless Facility Deployment Act

**INSURANCE — HEALTH**

- SB 718 Modifies provisions relating to health care  
SB 826 Modifies provisions relating to health care  
SB 951 Modifies provisions relating to health care  
SB 982 Enacts provisions relating to insurance  
HB 1252 Modifies an insurance mandate relating to low-dose mammography screening  
HB 1617 Modifies provisions relating to telehealth  
HB 1690 Modifies provisions relating to insurance guaranty associations
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**INSURANCE — LIFE**

HB 1690 Modifies provisions relating to insurance guaranty associations

**INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION,  
DEPARTMENT OF**

SB 593 Enacts provisions relating to financial solvency of insurance companies  
SB 594 Exempts certain types of commercial insurance lines from filing requirements with respect to rates, rate plans, modifications, and manuals  
SB 951 Modifies provisions relating to health care  
SB 982 Enacts provisions relating to insurance  
HB 1388 Modifies provisions relating to certain sports contests  
HB 1500 Modifies provisions relating to certain occupations and professions  
HB 1690 Modifies provisions relating to insurance guaranty associations

**INTERNET AND E-MAIL**

HB 1456 Modifies provisions relating to communication services  
HB 1872 Establishes a grant program to expand broadband internet access in unserved and underserved areas of the state  
HB 1880 Modifies provisions relating to broadband communications services provided by rural electric cooperatives

**INTERSTATE COOPERATION**

SB 881 Modifies provisions of law relating to transportation  
HB 1809 Authorizes the addition of Franklin County to the interstate compact creating the Bi-State Metropolitan Development District

**JACKSON COUNTY**

SB 907 Authorizes the conveyance of certain state properties  
HB 1838 Authorizes the conveyance of certain state properties

**JUDGES**

SB 793 Modifies provisions relating to court proceedings  
SB 871 Modifies provisions relating to orders of protection for a child, circuit clerks being named a party in expungement proceedings, court reporter fees, service of process after the expiration of the statute of limitations, and judicial positions  
HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

**KANSAS CITY**

SB 892 Modifies provisions relating to various retirement plans for public employees  
SB 917 Modifies provisions relating to coal ash  
HB 1456 Modifies provisions relating to communication services

**LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT OF**

SB 1007 Modifies the merit system  
HB 1413 Creates new provisions relating to public sector collective bargaining  
HB 1729 Modifies provision relating to prevailing wage

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**LABOR AND MANAGEMENT**

- HB 1413 Creates new provisions relating to public sector collective bargaining  
HB 1729 Modifies provision relating to prevailing wage

**LAKES, RIVERS AND WATERWAYS**

- HB 2116 Modifies provisions of law relating to watercraft

**LANDLORDS AND TENANTS**

- SB 581 Repeals provisions requiring a landlord to keep security deposits in a trust and authorizes the right to a trial de novo in rent and possession actions

**LAW ENFORCEMENT OFFICERS AND AGENCIES**

- SB 652 Modifies provisions relating to county sheriffs  
SB 870 Modifies provisions of law relating to emergency medical services  
HB 1355 Modifies provisions relating to public safety  
HB 1413 Creates new provisions relating to public sector collective bargaining  
HB 1635 Modifies provisions relating to mandated abuse and neglect reporting in long-term care facilities  
HB 2034 Modifies provisions relating to industrial hemp

**LIABILITY**

- SB 608 Modifies provisions regarding the liability of property owners when criminal conduct occurs on the property  
SB 659 Modifies provisions relating to the Department of Natural Resources  
SB 743 Modifies provisions relating to elementary and secondary education  
HB 1517 Requires the Attorney General and the Commissioner of Administration to submit to the General Assembly a monthly report of all settlements paid from the State Legal Expense Fund  
HB 1531 Modifies provisions relating to contingency fee contracts entered into by the state and interpleader actions  
HB 1558 Creates the offense of nonconsensual dissemination of private sexual images and threatening the nonconsensual dissemination of private sexual images  
HB 1797 Establishes provisions relating to unlawful activity on nuclear power plant property  
HB 1880 Modifies provisions relating to broadband communications services provided by rural electric cooperatives  
HB 2034 Modifies provisions relating to industrial hemp  
HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

**LICENSES — DRIVER'S**

- SB 814 Modifies provisions relating to driver's licenses for persons who are deaf or hard of hearing

**LICENSES — MISCELLANEOUS**

- SB 655 Increases the minimum age for marriage from 15 to 16 years, modifies the sex offender registry system, and eliminates the statute of limitations for sexual offenses committed against minors  
SB 707 Modifies provisions relating to vehicle sales  
SB 884 Modifies provisions relating to taxation  
HB 1388 Modifies provisions relating to certain sports contests  
HB 2183 Modifies provisions relating to hospital regulations and certificate of need
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**LICENSES — MOTOR VEHICLE**

- SB 881 Modifies provisions of law relating to transportation  
 HB 1355 Modifies provisions relating to public safety  
 HB 1503 Modifies provisions regarding loans for veteran-owned small businesses, license plates for veterans, professional licensure for military spouses, and the Missouri reserve military force

**LIENS**

- SB 623 Modifies provisions relating to foreclosure proceeds

**MARRIAGE AND DIVORCE**

- SB 655 Increases the minimum age for marriage from 15 to 16 years, modifies the sex offender registry system, and eliminates the statute of limitations for sexual offenses committed against minors  
 HB 1250 Modifies provisions relating to trusts, powers of appointment, gifts in fraud of marital rights, and commercial receivership, and establishes the Missouri Fiduciary Access to Digital Assets Act  
 HB 1461 Modifies provisions relating to the Address Confidentiality Program

**MEDICAID/MO HEALTHNET**

- SB 660 Modifies the law relating to mental health  
 SB 775 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies the hospital reimbursement allowance tax  
 SB 806 Modifies provisions regarding when a deceased person owes money to the state and guardianship and conservatorship proceedings  
 SB 826 Modifies provisions relating to health care  
 SB 951 Modifies provisions relating to health care  
 HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers  
 HB 1516 Requires licensed chiropractors to be reimbursed for the provision of MO HealthNet services  
 HB 1617 Modifies provisions relating to telehealth  
 HB 1953 Establishes procedures for dissemination of information about the bone marrow registry and establishes an Advisory Council on Rare Diseases and Personalized Medicine  
 HB 2280 Modifies provisions relating to MO HealthNet benefits for pregnant women receiving substance abuse treatment

**MEDICAL PROCEDURES AND PERSONNEL**

- SCR 36 Designates the month of August as Shingles Awareness and Prevention Month  
 SB 718 Modifies provisions relating to health care  
 SB 870 Modifies provisions of law relating to emergency medical services  
 SB 951 Modifies provisions relating to health care  
 SB 982 Enacts provisions relating to insurance  
 HB 1252 Modifies an insurance mandate relating to low-dose mammography screening  
 HB 1617 Modifies provisions relating to telehealth  
 HB 1953 Establishes procedures for dissemination of information about the bone marrow registry and establishes an Advisory Council on Rare Diseases and Personalized Medicine

**MENTAL HEALTH**

- SB 660 Modifies the law relating to mental health  
 SB 718 Modifies provisions relating to health care  
 SB 807 Modifies provisions relating to higher education  
 SB 870 Modifies provisions of law relating to emergency medical services
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- SB 951 Modifies provisions relating to health care  
HB 1355 Modifies provisions relating to public safety  
HB 1719 Modifies provisions relating to professional registration  
HB 2280 Modifies provisions relating to MO HealthNet benefits for pregnant women receiving substance abuse treatment

#### **MENTAL HEALTH, DEPARTMENT OF**

- SB 655 Increases the minimum age for marriage from 15 to 16 years, modifies the sex offender registry system, and eliminates the statute of limitations for sexual offenses committed against minors  
SB 660 Modifies the law relating to mental health  
SB 951 Modifies provisions relating to health care  
SB 1007 Modifies the merit system  
HB 1355 Modifies provisions relating to public safety  
HB 2280 Modifies provisions relating to MO HealthNet benefits for pregnant women receiving substance abuse treatment

#### **MERCHANDISING PRACTICES**

- SB 627 Modifies provisions relating to agriculture  
SB 707 Modifies provisions relating to vehicle sales  
HB 1832 Modifies provisions relating to merchandising practices

#### **MERIT SYSTEM**

- SB 1007 Modifies the merit system

#### **MILITARY AFFAIRS**

- HB 1469 Renames the "Missouri reserve military force" the "Missouri state defense force"  
HB 1492 Modifies the law regarding the Show-Me Heroes program  
HB 1503 Modifies provisions regarding loans for veteran-owned small businesses, license plates for veterans, professional licensure for military spouses, and the Missouri reserve military force  
HB 1504 Allows certain counties to pass ordinances regulating land surrounding National Guard training centers

#### **MINING AND OIL AND GAS PRODUCTION**

- SB 782 Modifies provisions relating to the Department of Natural Resources  
HB 1286 Modifies the per ton fee that is paid to the Division of Fire Safety for the use of explosives under the Missouri Blasting Safety Act  
HB 1364 Modifies provisions relating to petroleum products

#### **MINORITIES**

- SB 802 Modifies provisions relating to women's and minority business enterprises  
HB 1832 Modifies provisions relating to merchandising practices

#### **MORTGAGES AND DEEDS**

- SB 623 Modifies provisions relating to foreclosure proceeds  
HB 1796 Modifies the process for the conveyance of real estate

#### **MOTOR FUEL**

- SB 627 Modifies provisions relating to agriculture  
SB 659 Modifies provisions relating to the Department of Natural Resources
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- HB 1364 Modifies provisions relating to petroleum products  
HB 1460 Modifies provisions relating to state revenue

#### **MOTOR VEHICLES**

- SB 683 Modifies provisions relating to the transportation of construction cranes  
SB 687 Modifies provisions relating to student transportation  
SB 707 Modifies provisions relating to vehicle sales  
SB 773 Modifies provisions relating to taxation  
SB 881 Modifies provisions of law relating to transportation  
HB 1355 Modifies provisions relating to public safety  
HB 1832 Modifies provisions relating to merchandising practices

#### **NATIONAL GUARD**

- SB 573 Modifies several provisions relating to the armed services  
HB 1504 Allows certain counties to pass ordinances regulating land surrounding National Guard training centers

#### **NATURAL RESOURCES, DEPARTMENT OF**

- SB 659 Modifies provisions relating to the Department of Natural Resources  
SB 782 Modifies provisions relating to the Department of Natural Resources  
SB 907 Authorizes the conveyance of certain state properties  
SB 917 Modifies provisions relating to coal ash  
SB 1007 Modifies the merit system  
HB 1355 Modifies provisions relating to public safety

#### **NURSES**

- SB 718 Modifies provisions relating to health care  
SB 826 Modifies provisions relating to health care  
HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers  
HB 1719 Modifies provisions relating to professional registration

#### **NURSING HOMES AND LONG-TERM CARE FACILITIES**

- SB 775 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies the hospital reimbursement allowance tax  
HB 1635 Modifies provisions relating to mandated abuse and neglect reporting in long-term care facilities  
HB 2183 Modifies provisions relating to hospital regulations and certificate of need

#### **OPTOMETRY**

- SB 826 Modifies provisions relating to health care  
HB 1719 Modifies provisions relating to professional registration  
HB 2171 Modifies Blind Pension Fund eligibility and payment

#### **PARKS AND RECREATION**

- SB 659 Modifies provisions relating to the Department of Natural Resources  
SB 782 Modifies provisions relating to the Department of Natural Resources  
SB 907 Authorizes the conveyance of certain state properties
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**PHARMACY**

- SB 718 Modifies provisions relating to health care  
SB 775 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies the hospital reimbursement allowance tax  
SB 826 Modifies provisions relating to health care

**PHYSICIANS**

- SB 718 Modifies provisions relating to health care  
SB 819 Modifies provisions of law relating to the protection of children  
SB 826 Modifies provisions relating to health care  
SB 951 Modifies provisions relating to health care  
HB 1617 Modifies provisions relating to telehealth  
HB 1719 Modifies provisions relating to professional registration  
HB 1953 Establishes procedures for dissemination of information about the bone marrow registry and establishes an Advisory Council on Rare Diseases and Personalized Medicine

**PLANNING AND ZONING**

- HB 1991 Establishes the Uniform Small Wireless Facility Deployment Act

**POLITICAL SUBDIVISIONS**

- SB 592 Modifies several provisions relating to elections  
SB 627 Modifies provisions relating to agriculture  
SB 629 Modifies provisions relating to tax increment financing  
SB 769 Modifies provisions relating to financial transactions by public entities  
SB 773 Modifies provisions relating to taxation  
SB 862 Modifies provisions relating to electrical contractors  
SB 1007 Modifies the merit system  
HB 1413 Creates new provisions relating to public sector collective bargaining  
HB 1446 Modifies provisions relating to elections  
HB 1456 Modifies provisions relating to communication services  
HB 1729 Modifies provision relating to prevailing wage  
HB 1809 Authorizes the addition of Franklin County to the interstate compact creating the Bi-State Metropolitan Development District  
HB 1872 Establishes a grant program to expand broadband internet access in unserved and underserved areas of the state  
HB 1879 Modifies provisions relating to financial transactions by public entities  
HB 1991 Establishes the Uniform Small Wireless Facility Deployment Act  
HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

**PROBATION AND PAROLE**

- SB 655 Increases the minimum age for marriage from 15 to 16 years, modifies the sex offender registry system, and eliminates the statute of limitations for sexual offenses committed against minors  
HB 1355 Modifies provisions relating to public safety

**PROFESSIONAL REGISTRATION AND LICENSING**

- SB 593 Enacts provisions relating to financial solvency of insurance companies  
SB 660 Modifies the law relating to mental health
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- SB 840 Modifies provisions relating to professional registration
- SB 843 Modifies the composition, duties or repeals outright certain administrative boards, commissions, and councils
- SB 862 Modifies provisions relating to electrical contractors
- HB 1268 Modifies provisions relating to the Missouri Dental Board
- HB 1388 Modifies provisions relating to certain sports contests
- HB 1500 Modifies provisions relating to certain occupations and professions
- HB 1503 Modifies provisions regarding loans for veteran-owned small businesses, license plates for veterans, professional licensure for military spouses, and the Missouri reserve military force
- HB 1719 Modifies provisions relating to professional registration

#### **PROPERTY, REAL AND PERSONAL**

- SB 581 Repeals provisions requiring a landlord to keep security deposits in a trust and authorizes the right to a trial de novo in rent and possession actions
- SB 608 Modifies provisions regarding the liability of property owners when criminal conduct occurs on the property
- SB 623 Modifies provisions relating to foreclosure proceeds
- SB 644 Creates new provisions relating to unclaimed property
- SB 659 Modifies provisions relating to the Department of Natural Resources
- SB 782 Modifies provisions relating to the Department of Natural Resources
- SB 907 Authorizes the conveyance of certain state properties
- HB 1250 Modifies provisions relating to trusts, powers of appointment, gifts in fraud of marital rights, and commercial receivership, and establishes the Missouri Fiduciary Access to Digital Assets Act
- HB 1646 Modifies provisions of law relating to brush control on roads in certain counties
- HB 1796 Modifies the process for the conveyance of real estate
- HB 1838 Authorizes the conveyance of certain state properties
- HB 1887 Prohibits a property owners' association from preventing a property owner from placing political signs on his or her property

#### **PSYCHOLOGISTS**

- SB 660 Modifies the law relating to mental health
- SB 718 Modifies provisions relating to health care
- SB 951 Modifies provisions relating to health care
- HB 1719 Modifies provisions relating to professional registration

#### **PUBLIC ASSISTANCE**

- SB 660 Modifies the law relating to mental health
  - SB 775 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies the hospital reimbursement allowance tax
  - SB 806 Modifies provisions regarding when a deceased person owes money to the state and guardianship and conservatorship proceedings
  - SB 826 Modifies provisions relating to health care
  - SB 951 Modifies provisions relating to health care
  - HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers
  - HB 1617 Modifies provisions relating to telehealth
  - HB 1625 Establishes the Missouri Senior Farmers' Market Nutrition Program
  - HB 1953 Establishes procedures for dissemination of information about the bone marrow registry and establishes an Advisory Council on Rare Diseases and Personalized Medicine
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- HB 2171 Modifies Blind Pension Fund eligibility and payment  
HB 2280 Modifies provisions relating to MO HealthNet benefits for pregnant women receiving substance abuse treatment

**PUBLIC BUILDINGS**

- SB 843 Modifies the composition, duties or repeals outright certain administrative boards, commissions, and councils

**PUBLIC OFFICERS**

- SB 769 Modifies provisions relating to financial transactions by public entities  
HB 1879 Modifies provisions relating to financial transactions by public entities

**PUBLIC RECORDS, PUBLIC MEETINGS**

- SB 954 Allows individuals found guilty of certain offenses of unlawful use of a weapon to expunge such record  
HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers  
HB 1991 Establishes the Uniform Small Wireless Facility Deployment Act

**PUBLIC SAFETY, DEPARTMENT OF**

- SB 1007 Modifies the merit system  
HB 1246 Requires certain locations and businesses to post information regarding human trafficking  
HB 1286 Modifies the per ton fee that is paid to the Division of Fire Safety for the use of explosives under the Missouri Blasting Safety Act  
HB 2116 Modifies provisions of law relating to watercraft

**PUBLIC SERVICE COMMISSION**

- SB 564 Modifies provisions relating to public utilities  
SB 705 Modifies provisions relating to rate adjustments outside of general rate proceedings for certain public utilities  
HB 1880 Modifies provisions relating to broadband communications services provided by rural electric cooperatives

**RETIREMENT — LOCAL GOVERNMENT**

- SB 892 Modifies provisions relating to various retirement plans for public employees

**RETIREMENT — SCHOOLS**

- SB 892 Modifies provisions relating to various retirement plans for public employees

**RETIREMENT SYSTEMS AND BENEFITS — GENERAL**

- SB 870 Modifies provisions of law relating to emergency medical services  
SB 892 Modifies provisions relating to various retirement plans for public employees

**REVENUE, DEPARTMENT OF**

- SB 707 Modifies provisions relating to vehicle sales  
SB 773 Modifies provisions relating to taxation  
SB 881 Modifies provisions of law relating to transportation  
HB 1355 Modifies provisions relating to public safety
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- HB 1503 Modifies provisions regarding loans for veteran-owned small businesses, license plates for veterans, professional licensure for military spouses, and the Missouri reserve military force
- HB 1858 Modifies provisions relating to the Department of Revenue
- HB 1991 Establishes the Uniform Small Wireless Facility Deployment Act

#### REVISION BILLS

- SRB 975 Repeals expired, ineffective, and obsolete statutory provisions

#### ROADS AND HIGHWAYS

- SB 592 Modifies several provisions relating to elections
- SB 598 Modifies provisions relating to the Department of Transportation utility corridor
- SB 683 Modifies provisions relating to the transportation of construction cranes
- SB 999 Designates certain memorial infrastructure
- HB 1291 Modifies provisions relating to political subdivisions
- HB 1446 Modifies provisions relating to elections
- HB 1646 Modifies provisions of law relating to brush control on roads in certain counties
- HB 2330 Designates a portion of State Highway 30 in St. Louis County as the "Officer Blake Snyder Memorial Highway"
- HB 2347 Designates memorial infrastructure

#### SAINT LOUIS CITY

- SB 652 Modifies provisions relating to county sheriffs
- SB 769 Modifies provisions relating to financial transactions by public entities
- SB 907 Authorizes the conveyance of certain state properties
- HB 1456 Modifies provisions relating to communication services
- HB 1838 Authorizes the conveyance of certain state properties
- HB 1879 Modifies provisions relating to financial transactions by public entities

#### SALARIES

- SB 568 Modifies provisions relating to salaries for certain county officials

#### SCIENCE AND TECHNOLOGY

- SB 894 Modifies provisions relating to education curriculum involving science and technology (VETOED)

#### SEARCH AND SEIZURE

- HB 1355 Modifies provisions relating to public safety

#### SECRETARY OF STATE

- SB 592 Modifies several provisions relating to elections
- HB 1246 Requires certain locations and businesses to post information regarding human trafficking
- HB 1446 Modifies provisions relating to elections
- HB 1461 Modifies provisions relating to the Address Confidentiality Program
- HB 1769 Creates the offense of filing false documents

#### SEWERS AND SEWER DISTRICTS

- SB 659 Modifies provisions relating to the Department of Natural Resources
- SB 705 Modifies provisions relating to rate adjustments outside of general rate proceedings for certain public utilities
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**SEXUAL OFFENSES**

- SB 655 Increases the minimum age for marriage from 15 to 16 years, modifies the sex offender registry system, and eliminates the statute of limitations for sexual offenses committed against minors
- SB 793 Modifies provisions relating to court proceedings
- HB 1558 Creates the offense of nonconsensual dissemination of private sexual images and threatening the nonconsensual dissemination of private sexual images
- HB 1635 Modifies provisions relating to mandated abuse and neglect reporting in long-term care facilities

**SOCIAL SERVICES, DEPARTMENT OF**

- SB 775 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies the hospital reimbursement allowance tax
- SB 800 Modifies provisions relating to juvenile court proceedings
- SB 819 Modifies provisions of law relating to the protection of children
- SB 826 Modifies provisions relating to health care
- SB 1007 Modifies the merit system
- HB 1350 Modifies provisions relating to criminal history records, including criminal record reviews and background checks for in-home service providers and child care providers
- HB 1516 Requires licensed chiropractors to be reimbursed for the provision of MO HealthNet services
- HB 1617 Modifies provisions relating to telehealth
- HB 1953 Establishes procedures for dissemination of information about the bone marrow registry and establishes an Advisory Council on Rare Diseases and Personalized Medicine
- HB 2171 Modifies Blind Pension Fund eligibility and payment
- HB 2280 Modifies provisions relating to MO HealthNet benefits for pregnant women receiving substance abuse treatment

**SOCIAL WORKERS**

- SB 819 Modifies provisions of law relating to the protection of children

**STATE DEPARTMENTS**

- SB 807 Modifies provisions relating to higher education
- HB 1413 Creates new provisions relating to public sector collective bargaining
- HB 2014 To appropriate money for supplemental purposes for the several departments and offices of state government

**STATE EMPLOYEES**

- SB 1007 Modifies the merit system
- HB 1413 Creates new provisions relating to public sector collective bargaining

**SURVEYORS**

- HB 1719 Modifies provisions relating to professional registration

**TAX CREDITS**

- SB 590 Modifies the Historic Preservation Tax Credit
- SB 773 Modifies provisions relating to taxation
- HB 1288 Modifies provisions relating to tax credits for contributions to certain benevolent organizations

**TAX INCENTIVES**

- SB 629 Modifies provisions relating to tax increment financing
- HB 1796 Modifies the process for the conveyance of real estate
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**TAXATION AND REVENUE — GENERAL**

- SB 627 Modifies provisions relating to agriculture
- SB 629 Modifies provisions relating to tax increment financing
- SB 743 Modifies provisions relating to elementary and secondary education
- SB 769 Modifies provisions relating to financial transactions by public entities
- SB 775 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies the hospital reimbursement allowance tax
- SB 870 Modifies provisions of law relating to emergency medical services
- HB 1291 Modifies provisions relating to political subdivisions
- HB 1456 Modifies provisions relating to communication services
- HB 1858 Modifies provisions relating to the Department of Revenue

**TAXATION AND REVENUE — INCOME**

- SB 573 Modifies several provisions relating to the armed services
- SB 773 Modifies provisions relating to taxation
- SB 884 Modifies provisions relating to taxation
- HB 1460 Modifies provisions relating to state revenue
- HB 1796 Modifies the process for the conveyance of real estate
- HB 2540 Modifies provisions relating to individual income taxes

**TAXATION AND REVENUE — PROPERTY**

- SB 627 Modifies provisions relating to agriculture
- SB 743 Modifies provisions relating to elementary and secondary education
- SB 768 Modifies several provisions relating to the taxation of telecommunications companies

**TAXATION AND REVENUE — SALES AND USE**

- SB 592 Modifies several provisions relating to elections
- SB 627 Modifies provisions relating to agriculture
- SB 768 Modifies several provisions relating to the taxation of telecommunications companies
- SB 773 Modifies provisions relating to taxation
- SB 884 Modifies provisions relating to taxation
- HB 1446 Modifies provisions relating to elections
- HB 1456 Modifies provisions relating to communication services
- HB 1831 Modifies provisions relating to sales taxes

**TEACHERS**

- SB 743 Modifies provisions relating to elementary and secondary education
- SB 894 Modifies provisions relating to education curriculum involving science and technology (VETOED)
- HB 1413 Creates new provisions relating to public sector collective bargaining
- HB 1415 Modifies provisions relating to workforce development
- HB 1665 Authorizes the granting of a visiting scholars certificate to teachers in public schools

**TELECOMMUNICATIONS**

- SB 982 Enacts provisions relating to insurance
  - HB 1456 Modifies provisions relating to communication services
  - HB 1558 Creates the offense of nonconsensual dissemination of private sexual images and threatening the nonconsensual dissemination of private sexual images
  - HB 1872 Establishes a grant program to expand broadband internet access in unserved and underserved areas of the state
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HB 1991 Establishes the Uniform Small Wireless Facility Deployment Act

**TOURISM**

HB 1388 Modifies provisions relating to certain sports contests

**TRANSPORTATION**

SB 592 Modifies several provisions relating to elections  
SB 598 Modifies provisions relating to the Department of Transportation utility corridor  
SB 683 Modifies provisions relating to the transportation of construction cranes  
SB 687 Modifies provisions relating to student transportation  
SB 708 Modifies provisions relating to motor vehicle financial responsibility  
SB 743 Modifies provisions relating to elementary and secondary education  
SB 814 Modifies provisions relating to driver's licenses for persons who are deaf or hard of hearing  
SB 881 Modifies provisions of law relating to transportation  
SB 999 Designates certain memorial infrastructure  
HB 1364 Modifies provisions relating to petroleum products  
HB 1446 Modifies provisions relating to elections  
HB 1646 Modifies provisions of law relating to brush control on roads in certain counties  
HB 2116 Modifies provisions of law relating to watercraft  
HB 2330 Designates a portion of State Highway 30 in St. Louis County as the "Officer Blake Snyder Memorial Highway"  
HB 2347 Designates memorial infrastructure

**TRANSPORTATION, DEPARTMENT OF**

SB 999 Designates certain memorial infrastructure  
HB 1517 Requires the Attorney General and the Commissioner of Administration to submit to the General Assembly a monthly report of all settlements paid from the State Legal Expense Fund  
HB 1991 Establishes the Uniform Small Wireless Facility Deployment Act  
HB 2330 Designates a portion of State Highway 30 in St. Louis County as the "Officer Blake Snyder Memorial Highway"  
HB 2347 Designates memorial infrastructure

**TREASURER, STATE**

SB 573 Modifies several provisions relating to the armed services  
SB 644 Creates new provisions relating to unclaimed property  
SB 769 Modifies provisions relating to financial transactions by public entities  
SB 793 Modifies provisions relating to court proceedings  
SB 882 Modifies provisions of the Missouri Higher Education Savings Program  
HB 1503 Modifies provisions regarding loans for veteran-owned small businesses, license plates for veterans, professional licensure for military spouses, and the Missouri reserve military force  
HB 1744 Modifies provisions relating to higher education  
HB 1879 Modifies provisions relating to financial transactions by public entities

**TREES AND OTHER PLANTS**

SB 627 Modifies provisions relating to agriculture  
HB 2034 Modifies provisions relating to industrial hemp

**UTILITIES**

SB 564 Modifies provisions relating to public utilities

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- SB 592 Modifies several provisions relating to elections  
SB 598 Modifies provisions relating to the Department of Transportation utility corridor  
SB 659 Modifies provisions relating to the Department of Natural Resources  
SB 705 Modifies provisions relating to rate adjustments outside of general rate proceedings for certain public utilities  
SB 768 Modifies several provisions relating to the taxation of telecommunications companies  
SB 782 Modifies provisions relating to the Department of Natural Resources  
SB 917 Modifies provisions relating to coal ash  
HB 1446 Modifies provisions relating to elections  
HB 1797 Establishes provisions relating to unlawful activity on nuclear power plant property  
HB 1880 Modifies provisions relating to broadband communications services provided by rural electric cooperatives  
HB 1991 Establishes the Uniform Small Wireless Facility Deployment Act

#### VETERANS

- SB 573 Modifies several provisions relating to the armed services  
SB 881 Modifies provisions of law relating to transportation  
HB 1492 Modifies the law regarding the Show-Me Heroes program  
HB 1503 Modifies provisions regarding loans for veteran-owned small businesses, license plates for veterans, professional licensure for military spouses, and the Missouri reserve military force  
HB 2562 Modifies provisions relating to municipal courts and ordinances, abandoned property, salaries of Kansas City police officers, treatment courts, court personnel and procedure, judicial retirement, service of process in certain cases, and private probation services (VETOED)

#### VICTIMS OF CRIME

- SB 655 Increases the minimum age for marriage from 15 to 16 years, modifies the sex offender registry system, and eliminates the statute of limitations for sexual offenses committed against minors  
HB 1355 Modifies provisions relating to public safety  
HB 1461 Modifies provisions relating to the Address Confidentiality Program

#### VITAL STATISTICS

- SB 819 Modifies provisions of law relating to the protection of children  
HB 1713 Modifies provisions relating to birth parent and adoptee access to original birth certificates

#### WASTE — HAZARDOUS

- SB 659 Modifies provisions relating to the Department of Natural Resources  
SB 782 Modifies provisions relating to the Department of Natural Resources

#### WASTE — RADIOACTIVE

- SB 659 Modifies provisions relating to the Department of Natural Resources  
SB 782 Modifies provisions relating to the Department of Natural Resources

#### WASTE — SOLID

- SB 659 Modifies provisions relating to the Department of Natural Resources  
SB 782 Modifies provisions relating to the Department of Natural Resources  
SB 917 Modifies provisions relating to coal ash

#### WATER PATROL

- HB 2116 Modifies provisions of law relating to watercraft
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**WATER RESOURCES AND WATER DISTRICTS**

- SB 659 Modifies provisions relating to the Department of Natural Resources
- SB 705 Modifies provisions relating to rate adjustments outside of general rate proceedings for certain public utilities
- SB 782 Modifies provisions relating to the Department of Natural Resources

**WEAPONS**

- SB 954 Allows individuals found guilty of certain offenses of unlawful use of a weapon to expunge such record

**WORKERS COMPENSATION**

- SB 981 Modifies provisions relating to methods of self-insurance for workers' compensation

**YOUTH SERVICES, DIVISION OF**

- SB 800 Modifies provisions relating to juvenile court proceedings
  - SB 819 Modifies provisions of law relating to the protection of children
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**SUBJECT INDEX**

**FOR**

**NINETY-NINTH**

**GENERAL ASSEMBLY,**

**FIRST**

**EXTRAORDINARY SESSION (2018)**

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**99TH GENERAL ASSEMBLY, FIRST EXTRAORDINARY SESSION (2018)**

**ALCOHOL**

- HB 2 Modifies provisions relating to specialty courts including DWI courts, drug courts, and veterans treatment courts

**COURTS**

- HB 2 Modifies provisions relating to specialty courts including DWI courts, drug courts, and veterans treatment courts

**COURTS, JUVENILE**

- HB 2 Modifies provisions relating to specialty courts including DWI courts, drug courts, and veterans treatment courts

**DRUGS AND CONTROLLED SUBSTANCES**

- HB 2 Modifies provisions relating to specialty courts including DWI courts, drug courts, and veterans treatment courts

**EDUCATION, ELEMENTARY AND SECONDARY**

- HB 3 Establishes a statewide STEM career awareness program and creates new provisions of law related to computer science

**EDUCATION, HIGHER**

- HB 3 Establishes a statewide STEM career awareness program and creates new provisions of law related to computer science

**ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF**

- HB 3 Establishes a statewide STEM career awareness program and creates new provisions of law related to computer science

**FAMILY LAW**

- HB 2 Modifies provisions relating to specialty courts including DWI courts, drug courts, and veterans treatment courts

**SCIENCE AND TECHNOLOGY**

- HB 3 Establishes a statewide STEM career awareness program and creates new provisions of law related to computer science

**TEACHERS**

- HB 3 Establishes a statewide STEM career awareness program and creates new provisions of law related to computer science

**VETERANS**

- HB 2 Modifies provisions relating to specialty courts including DWI courts, drug courts, and veterans treatment courts
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